

# Sexual Misconduct

## Procedures

<b>Quality Assurance Benchmarking</b>		
This policy and procedure maps to the following external quality assurance frameworks: Part B: Assuring and enhancing academic quality, Chapter 2: Recruitment, selection and admission to higher education		
<b>Document History</b>		
Originated by: Academic Registrar	Date: 28/04/25	Circulation: Academic Quality Committee, Principal Programme Tutors, Registry Office, Student Forum
Applicable from:	Date: 01/09/25	
Approved by:	Academic Quality Committee	
Date of next review	07/2026	



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## Summary

This document sets out how the College will respond to incidents of Sexual Misconduct, where the reporting person is a West Dean student. For the purposes of this Procedure, the College views sexual misconduct as sexual violence and harassment, which can include a range of unwanted physical and non-physical behaviours affecting members of the West Dean community.

This document is intended to provide guidance for West Dean college staff and students and should be read in conjunction with the Sexual Misconduct Policy and the Student Code of Conduct.

## Definitions

Sexual misconduct and violence - defined as any unwanted conduct of a sexual nature. It is an umbrella term used to represent a range of related behaviours which can include, but is not limited to, rape, sexual assault, sexual harassment, image-based sexual abuse, domestic abuse, stalking, and coercive and controlling behaviour. It does not necessarily have to occur in person (e.g. this can occur online) and is characterised by an absence of consent.

Consent - consent is an agreement to engage in a sexual act. For consent to exist, you must have the freedom and capacity to make your own decisions. This can be inhibited by consuming drugs or alcohol, or if consent is only given as a result of force or coercion. It cannot be assumed to exist, and it may be withdrawn at any time.

Reporting Party – the person who discloses and then formally reports an allegation of sexual misconduct perpetrated by another person.

Responding Party – the person who is the subject of a formal report alleging they have perpetrated sexual misconduct.

## Scope of Procedures

This procedure applies to all reported incidents of Sexual Misconduct between the college's students. In the event that the Reporting Party is a student, member of staff or contractor of West Dean College and the Responding Party is a student, this procedure will apply. In the event that the Responding party is a member of staff or contractor of the college, action will be taken by the HR department in accordance with the staff Disciplinary Policy.

## Support Available

Support is available to any member of the college who discloses an incident regardless of whether they make a formal report to the college or the police. Support is available to the Reporting Party, the Responding Party and any witnesses involved in alleged incidents, through specially trained staff in the Student Support Team. This may include signposting or referral to external services. Please refer to the [Sexual Misconduct Policy](#) for more detail on support offered.



## **Police Investigations**

This procedure is designed to support the Reporting Party to disclose incidents of Sexual Misconduct and Violence to the College, and to support them when they choose the course of action that is most appropriate for them.

Where a criminal investigation or judicial proceedings are ongoing or are likely to commence in respect of a Disclosure, the College can receive a Report of Sexual Misconduct. However, in the interest of not causing impediment to the criminal proceedings, West Dean will not commence an internal investigation or will suspend an ongoing investigation while the criminal investigation takes place. In all instances the college will undertake necessary precautionary action.

Reports under this procedure of alleged incidents of Sexual Misconduct will be considered at an Initial Review Meeting (IRM) including situations where the Reporting Party chooses not to report the matter to the Police. An IRM may also be called after the conclusion of a criminal investigation or judicial proceedings, where there are issues outstanding and pertinent to the students involved.

A decision by the Police or other law enforcement agency to take no further action in relation to a criminal matter, or an acquittal at a trial, does not preclude the College from taking action under this procedure.

In all cases, the college does not have the legal investigatory powers of the Police and cannot make a determination on criminal guilt. An internal investigation is focused exclusively on whether there has been a breach of the College's Sexual Misconduct Policy. The internal process cannot be regarded as a substitute for a Police investigation or criminal prosecution.

## **Initial disclosure**

At any point during their studies, a student may disclose an experience of sexual misconduct. Disclosure and reporting are separate actions that the Reporting Party may choose to take.

The process below will be initiated following receipt by the College of a Disclosure of an incident of Sexual Misconduct or policy breach. The Disclosure may be received in a variety of ways. A disclosure does not automatically result in a Report under the Sexual Misconduct Procedure.

A disclosure will be treated as a support matter and will not normally extend to a formal report against another person without the Reporting Party's agreement. In exceptional circumstances, the college may identify the need to take further action under this Procedure (for example, on the basis of risks to the wider community). Any decision such as this will be guided by safeguarding principles and a Risk Assessment will be completed.

In all cases, if the student requires immediate medical attention, the emergency services should be called on 999.

Staff who receive a disclosure that may amount to a breach of the Student Code of Conduct should report it promptly to the designated Safeguarding Lead – the Academic Registrar and refer the student to the Student Support team. The Student Support Team will contact the student and arrange for them to speak with Student Welfare as soon as possible, who will provide practical, emotional and confidential guidance on the next steps.



Members of the Student Support team have had specialist training to support and advise students who have experienced any form of sexual violence. This service is available to all students, regardless of when or where the incident took place.

Following a disclosure, the Reporting Party will be given the option and support to do **one or more** of the

following:

1. Report to the Police (appropriate contact details can be provided)
2. Report to a SARC (Sexual Assault & Rape Referral Centre)
3. Report to the College under the Student Code of Conduct
4. Make no report of the incident and/or receive advice on the support that is available

*For further information and advice on receiving a disclosure, please refer to the Guidance for Staff on receiving a disclosure of sexual misconduct or violence in Appendix A.*

If the Reporting Party does not report the incident to the police, this does not preclude the college from taking action under the Student Code of Conduct, and it will not impact the investigation process.

If the reporting parties confirm they wish to make a police report, they will be referred to the formal reporting channels via 101 or online using the Report a Crime link - [Contact us | Police.uk](#).

Regardless of the action taken, both the reporting and responding parties (if known) will be offered Support from the appropriate Student Support Service.

The Student Support team will provide the Reporting Party with clear information, both verbally and in writing, about the support and reporting options available, the College's processes and potential outcomes, and the limitations on information sharing. They will also manage expectations regarding timelines and confidentiality, and maintain regular communication with the Reporting Party throughout the process.

## **Reporting Process**

Following an initial disclosure, the Reporting Party may choose to make a formal Report to the College with the intention of the College initiating the investigation process under the [Student Code of Conduct](#).

- If the student confirms they wish to submit a formal report, they will be asked to attend an initial meeting with a member of the Student Support Team.
- During the meeting, the procedure will be explained including timescales. The Reporting Party can be accompanied for support by a member of the College community, including a Student Representative, a family member, friend, or member of a specialist external agency.



- To make a Report to the College, the Reporting Party should complete the Incident Reporting form including a written statement of the allegation, which is submitted to the Academic Registrar. They will then commence the investigation.
- If there are any witnesses to the event these should be identified, although a decision to proceed is not reliant on witnesses.

A Report cannot be investigated if the Responding Party is not identified, or if the Reporting Party does not wish the substance of the allegation to be made known to the Responding Party.

## **Risk Assessment and Next Steps**

Following the meeting with the Student Support Team, a Risk Assessment will be conducted to determine whether any precautionary measures are recommended. As per the Student Code of Conduct, recommended intervention measures may include one or more of the following:

- a. Imposing conditions on the Responding Party, including a “no-contact agreement”
- b. Suspending the Responding Party
- c. Ensure arrangements are in place to maintain confidentiality as appropriate

Once a confirmed Report is submitted for investigation and the Risk Assessment completed, the Student Support Team will discuss the case with the Academic Registrar who will present their recommended actions to the Head of School. The team will then confirm the relevant steps of the Student Code of Conduct to be implemented, and any agreed intervention measures implemented with final authorisation from the Vice Principal.

In exceptional circumstances, the Academic Registrar may authorise a temporary suspension relating to specific regulated activity under their Safeguarding responsibility. Any such actions will be reviewed by the Head of School at the earliest opportunity.

Where there are active criminal proceedings relating to the case, the college will normally be limited to taking intervention measures only, rather than being able to conduct its own investigation or take a case to a disciplinary panel. The University will liaise closely with the relevant police force where applicable.

Any agreed intervention measure or mitigating actions will be shared with relevant departments. The college will ensure there is a legal basis for any disclosure of information. Relevant information will be shared as necessary between college departments to facilitate support and risk mitigation, with appropriate data protection safeguards in place.

Where the Reporting Party or Responding Party is on a placement as part of their studies, the College will liaise with the placement provider to assess whether the student can safely continue on placement during the investigation. The College will conduct its own risk assessment, taking into account the placement provider's decision. Responsibilities and information sharing between the College and placement provider will be agreed upon in advance.

If a Reporting Party makes a disclosure of sexual misconduct that occurred on placement, the College will provide support and will work with the placement provider as appropriate to address any ongoing risks and support needs.



## Principles of Investigation

Where the decision has been made to commence an investigation under the Student Code of Conduct, the following guidance should be followed alongside the overarching policy.

- An Investigator will be appointed, and they will seek to gather evidence as to whether or not misconduct has occurred. Ideally this will be a person who has experience in managing/investigating sexual misconduct cases, but this may not be possible in all cases.
- The purpose of the investigation meetings is to provide each party with a fair opportunity to present their version of events.
- Reasonable adjustments will be made to any meeting format to support the Reporting and Responding parties, such as allowing breaks, using screens or video links, and adapting questioning styles. The Responding Party will be provided with evidence in advance and allowed to attend the panel meeting. The admissibility and weight of different types of evidence, including hearsay, will be considered. The decision will be made on the balance of probabilities, based on the evidence presented.
- Investigation meetings will be conducted sensitively and separately, following a trauma-informed approach.
- The approach must consider the traumatic impact of the sexual misconduct behaviour itself, as well as the potential traumatic impact of the disciplinary process.

Practical Trauma-Informed principles include:

Choice - Speak with the reporting party to offer options around the location of the process and the investigator themselves (e.g. the student may have a male/female preference depending on the nature of the incident).

Control - Empower the student to take an active role in the process (e.g. setting boundaries for the meeting, ensuring the student feels in control and able to indicate if feeling overwhelmed).

Trust - Be clear about what will happen and ensure you do what has been promised (e.g. meeting deadlines, clear communication etc).

All students involved in the process can be accompanied for support by a member of the College community, including a student representative, another student, family member, friend, or member of a specialist external agency. The accompanier is there to provide moral support and may not be a legal representative. The student is expected to speak on their own behalf. Requests for legal representation at investigation meetings or hearings will be considered on a case-by-case basis, taking into account the seriousness, complexity and potential consequences of the case. If legal representatives are permitted to attend, their role will be limited to advising their client and they will not be allowed to answer questions on the student's behalf.

## Appeals

Following the conclusion of the investigation, the Reporting Party and/or Responding Party may appeal against the outcome, following the process detailed in the [Student Code of Conduct](#).



## Appendix A

### GUIDANCE FOR STAFF ON TAKING A DISCLOSURE OF SEXUAL MISCONDUCT

At West Dean, the well-being and safety of our community is paramount. In the unfortunate event that a staff member receives a disclosure of sexual misconduct, it is crucial to approach the situation with care, sensitivity, and professionalism. This guidance outlines the key steps staff should take when receiving such a disclosure.

#### 1. LISTEN AND ACKNOWLEDGE

- **Be Receptive:** Create a safe and private space for the person to speak. Allow them to disclose information in their own time, and do not pressure them to share details. Let the conversation be guided by them.
- **Stay Calm:** The person may be experiencing a range of emotions. Stay calm, composed, and non-judgmental.
- **Acknowledge Their Courage:** Disclosing sexual violence is often difficult. Express gratitude for their courage in coming forward, acknowledging the difficulty and sensitivity of the situation.
- **Use the Person's Own Words:** Avoid paraphrasing or interpreting their account. Reflect their language back to them without altering meaning. Avoid questioning; only ask open-ended or clarifying questions if necessary – your role is to listen and support, not investigate.
- **Do Not Take Notes During the Disclosure:** Note-taking can be intimidating and may interrupt the person's disclosure. Instead, record factual details as soon as possible afterward.

#### 2. ENSURE IMMEDIATE SAFETY

- **Assess Immediate Risk:** Ask if they are safe at the moment and if they need any immediate support, including medical attention, a safe place to go, or assistance with contacting the authorities.
- **Respect Their Wishes:** Respect the individual's decision regarding immediate actions, including whether they want to involve law enforcement or seek medical care. Reassure them that it is their choice.
- **Take Action if There is Immediate Danger:** If there is an immediate risk of harm to the person or others, follow safeguarding procedures without delay.

#### 3. MAINTAIN CONFIDENTIALITY (WITHIN LIMITS)

- **Confidentiality:** Assure the person that their disclosure will be treated confidentially.





- **Explain the Limits of Confidentiality:** Clearly state that you may need to share information with the Designated Safeguarding Lead or another appropriate person if there is a serious risk to the individual or others.
- **Be Transparent About What Happens Next:** Let them know what you will do with the information and who will be told. Ensure they feel in control throughout.

#### 4. OFFER SUPPORT AND RESOURCES

- **Provide Information:** Offer information about local and national support services, including helplines, sexual assault referral centres (SARCs), and specialist organisations.
- **Ensure the Right Referrals:** Provide access to medical, psychological, and legal support as needed.
- **Refer to a Specialist Team Where Possible:** If available, refer the individual to a trained internal team or staff member, such as a safeguarding officer or designated gender-based violence contact. You might want to offer to accompany the person to any follow up meetings, for support.
- **Record the Disclosure Factually:** After the conversation, write a factual, time-stamped record using the person's words where possible. Include what was said, what actions were taken, and who was informed. Keep this record secure and confidential.

#### 5. RESPECT THEIR CHOICES

- **Non-judgmental Approach:** Understand that the person may need time to process the disclosure and decide on next steps. Your role is to support them in exploring their options and empowering them to decide what feels right for them.
- **Respect Their Right Not to Report:** They may choose not to report to police or take formal action. Respect this decision and focus on providing support.
- **Ensure Continued Support:** Reassure them that support is ongoing and they can change their mind about reporting at any time. Perhaps agree to check in with them within an agreed timeframe.

#### 6. FOLLOW COLLEGE REPORTING PROCEDURES

- **Safeguarding Protocols:** Ensure the disclosure is passed to the appropriate safeguarding lead in line with college policy.
- **Use Clear Internal Pathways:** Use agreed referral routes and flowcharts (if available) to ensure disclosures are handled consistently and swiftly.
- **Avoid Retelling:** Minimise how many times the individual must repeat their account by sharing information sensitively with relevant staff on their behalf.

#### 7. SELF-CARE FOR THE STAFF MEMBER



- **Seek Support for Yourself:** Disclosures of sexual violence can be emotionally challenging.
- **Use Support Systems:** Speak to a line manager, HR, or an internal wellbeing service for advice. You are not expected to manage this alone.
- **Understand Your Limits:** You are not a counsellor. Your role is to listen, believe, and refer to appropriate services.

#### KEY POINTS TO REMEMBER

- Always listen with empathy and respect.
- Offer practical and emotional support while respecting their autonomy.
- Maintain confidentiality while explaining its limits.
- Use the person's own words and avoid judgment.
- Refer the individual to specialist services.
- Take care of your own emotional wellbeing.

#### FURTHER RESOURCES

- Designated Safeguarding Lead: Ben de Witt
- Sussex Sexual Assault Referral Centre (SARC): The Saturn Centre - <https://saturncentre.org/>
- London Sexual Assault Referral Centre (SARC) - The Havens: <https://thehavens.org.uk/>
- National Support: Rape Crisis – [www.rapecrisis.org.uk](http://www.rapecrisis.org.uk) | 0808 802 9999
- College Wellbeing Services: [welfare@westdean.ac.uk](mailto:welfare@westdean.ac.uk)
- Staff Guidance Flowchart: Below

