



# Student Sexual Misconduct Policy

**Scope:** All students of City, University of London.

## **Senate Regulations**

[Senate Regulation 13: Student Discipline](#)

### **Summary**

This policy provides our principles for how we will enable students to report allegations of sexual misconduct and how we will respond to these. The policy provides our definitions relating to sexual misconduct. The policy sets out support for students reporting sexual misconduct, and sets out how the student disciplinary regulation will be applied to students responding to allegations of sexual misconduct.

### **Date approved/re-approved:**

Approved by Senate, October 2020

Re-approved May 2023

**Date for review:** To be reviewed at the end of 2025/26 Academic Year, with allowance for minor updates of roles and responsibilities by Senate, as required by changes in law or in operational practices.

**Effective from: 1 September 2023**

## **Equality and Diversity Statement**

We are committed to promoting equality, diversity and inclusion in all our activities, processes, and culture, under the Public Sector Equality duty and the Equality Act 2010. This includes promoting equality and diversity for all, irrespective of any protected characteristic, working pattern, family circumstance, socio-economic background, political belief or other irrelevant distinction.

We are committed to championing equality. This includes where applicable to this policy. In the coordination and make up of our decision-making Panels we are striving to fulfil our commitments to racial equality, gender balance, and actively consider representation of other protected groups.

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## Introduction and key principles

1. City works to provide an environment where all students are supported to feel safe, respected and able to challenge inappropriate behaviours whenever they occur. Our principles make it clear that sexual misconduct in all its forms will not be tolerated.
2. We are committed to preventing and eliminating all forms of sexual misconduct. This means working with the Students' Union, students and staff to raise awareness of harmful and abusive behaviour, aiming to changing the culture at the University.
3. We recognise the significant negative effects that sexual misconduct can have upon individuals, and we commit to supporting them. We also recognise that there are barriers to reporting incidents of sexual misconduct internally (and externally) and want to work with students to reduce these where we can.
4. Our policy and procedures provide a supportive and confidential way to allow individuals to feel confident and empowered to disclose their experiences. We will endeavour to respond appropriately and effectively to any breaches of the Student Sexual Misconduct Policy and [associated regulations](#).
5. City, University of London holds the following key principles to reflect the University's commitment to establishing a culture of support and respect where sexual misconduct is not tolerated. All members of City, University of London have a responsibility to uphold these principles:
  - a. We will always treat all members of our community with dignity and respect, and it is expected that all members of our community will share in this responsibility for fostering and sustaining a safe environment in which to study, learn and work.
  - b. We acknowledge that anyone can be subjected to sexual misconduct regardless of sex, gender, sexual orientation, relationship status, age, (dis)ability, faith/belief, ethnicity, race, nationality, and/or economic status
  - c. We recognise the significant impact of all experiences of sexual misconduct and acknowledge the bravery it takes for individuals to disclose their experiences.
  - d. We will respond to all disclosures of sexual misconduct, including those that may constitute a criminal offence, with care and will respect the choices of those who report as to what they want to happen as a result of the disclosure.
  - e. All University staff are informed of the Policy and will be trained in a way that is appropriate to their role.
  - f. The process for investigating and determining outcomes should be timely, fair and transparent and refer to other policies and regulations of the University where appropriate.
  - g. All parties involved in investigations will be provided with support for the duration of the case that is either internal or signposted to external specialist agencies.
  - h. We will seek to learn from experience, enabling the University to both shape and respond to national and international policy and practice, and to provide regular assurance to Council, Senate, the University Executive Committee and the wider University community, that specific incidents and broader cultural issues are appropriately captured and addressed.

## Definitions

6. There are many types of behaviour and actions that constitute sexual offences under the law in the UK. We understand that there are many reasons why people may not want to make a formal report to the police and pursue a criminal route of redress following a

disclosure. In the context of this policy, we can support students and investigate disclosures of incidents relating to students that may constitute a criminal act, but we will do so within the parameters of this policy and the available expertise of university staff. We are advised by sector guidance in this area (see Appendix 1).

7. The following paragraphs set out a list of potential offences with definitions.
8. **Sexual violence and misconduct** is any unwanted or non-consensual act of a sexual nature and includes sexual touching of another person without their consent and sexual harassment. It includes verbal, non-verbal, and physical behaviour, which violates the recipient's dignity or creates an intimidating, hostile, degrading or offensive environment.
9. **Gender-based violence** is violence directed against a person because of their gender.
10. **Online sexual misconduct** includes cyberstalking which is repeated and deliberate use of the internet and other electronic communication tools to engage in persistent, unwanted communication intended to frighten, intimidate or harass someone. Also included is image-based sexual abuse or what is known as 'revenge pornography' i.e., recording or sharing sexual or intimate photos or videos, without the consent of the person pictured.
11. **Up-skirting** is filming or photographing under a person's clothes without their consent to capture images of their body or underwear.
12. **Stalking** is persistent, unwanted communication or behaviour intending to frighten, intimidate or harass someone such as repeatedly following them.
13. **Relationship abuse** is any incident or pattern of incidents of controlling, coercive, threatening behaviour, violence or abuse between those who are, or have been, intimate partners; this may include psychological, physical, sexual, financial and/or emotional abuse.
14. **Group sexual misconduct** is where a group of people organise to plan and enact sexual abuse to one or more persons.
15. **Complicity** is any act that knowingly helps, promotes or encourages any form of sexual violence by another individual.
16. **Retaliation** is any adverse actions against another person, including but not limited to, harassment, threats, intimidation, or coercion, made in response to someone disclosing or reporting any form of sexual violence.

## Consent

17. A clear understanding of consent is fundamental to respectful relationships. Cases of sexual misconduct often include a determination of whether consent was sought and gained before and during a sexual act. The University is committed to promoting an understanding of consent as part of the commitment to a culture of respect and dignity.
18. Consent is the agreement by choice to a sexual act and having the *freedom* and *capacity* to make that choice. The person seeking consent should always take steps to ensure that consent is freely given, that it is informed and recognises that it can be withdrawn at any time. Consent cannot be assumed on the basis of a previous sexual act or

encounter or previously given consent. Consent may be withdrawn at any time throughout a sexual encounter or act.

19. **Freedom to consent:** A person is free to make a choice if they understand that there will be no negative consequences for them if they said no. For example, a person may *not* feel free to make a choice if:
  - a. they are being threatened with violence
  - b. they are being threatened with humiliation
  - c. they believe that the continuation or assessment of their studies, or progression or advancement of their career, will be at risk if they refused
  - d. they are being intimidated or coerced
  - e. there is a significant power imbalance in the relationship between the parties, and the party with less power, feels pressured to continue against their will.
  
20. **Capacity to consent:** Capacity is about whether someone is physically and/or mentally able to make a choice and to understand the consequences of that choice. For example, a person does not have the capacity to give consent if:
  - a. they are drunk or under the influence of drugs.
  - b. they are asleep or unconscious
  - c. a person may also not have capacity to give consent if they have, for example, a cognitive or learning difficulty, a disability which impairs their speech, or are experiencing a mental health crisis.
  
21. **Gaining consent:** Obtaining consent is not simply a matter of hearing 'yes' or 'no', it includes body language, actions and reciprocity. If there is any doubt as to the level of one's own or another's capacity, the safest approach is to not engage in the sexual act.
  
22. A misunderstanding of consent or a misjudgement can have traumatic consequences. It is important to be very clear and note:
  - a. Being intoxicated with alcohol or drugs is never a defence for committing an act of sexual misconduct, or for failing to obtain consent.
  - b. Consent needs to be negotiated every time you initiate sexual acts and also during sex acts as you start to do different things.
  - c. Any prior sexual activity or relationship does not constitute consent – never assume that previous consent applies at any other time.
  - d. Consent may be withdrawn at any time, including during sexual acts.
  - e. Consent can never be implied, assumed or coerced.
  - f. Consent means a very clear, knowing, enthusiastic, conscious, freely offered agreement to sex or a sexual act.

### **Policy overview and scope**

23. This policy clarifies the process the University will undertake when investigating allegations of sexual misconduct when the reporting and/or the responding party are/is a student (see paragraph 30 for clarification on definitions).
  
24. [Regulation 13: Student Discipline](#) sets out the specific detail of how an investigation will be conducted and provides the main source of information for a responding person to refer to. This policy however provides some additional clarification in relation to aspects of the process set out in Regulation 13 that are specifically relevant to investigations relating to sexual misconduct. The [Student Hub](#) provides further detail of the support available for students both reporting and responding to sexual misconduct allegations (see paragraph 48 for more detail).

25. This policy is relevant to all members of the City community whilst they are registered as a student or employed as a member of staff in their capacity either as the reporting person or responding person, where one or more of these is a student. It is also relevant for those staff investigating allegations.
26. All students and staff members who have experienced sexual misconduct will have equality of access to both internal and external specialist support (e.g. Sexual Assault Referral Centre and Rape Crisis), regardless of when the experiences occurred.
27. Cases involving a student can only be investigated by the University when the responding person is registered as a student with, or employed by, the University.
28. This policy relates to all incidents of sexual misconduct as defined in section 3 (offences) that occur on or off campus, in campus or private accommodation, happen in real life or online.

### Process for investigations

29. Other University regulations and procedures will determine the process of a disclosure or report, should a reporting person wish an investigation to take place. Key reference documents (a fuller list can be found in Appendix 1) are:
  - [Regulation 13: Student Discipline](#)
  - [Staff Disciplinary Procedure](#)
30. The person who makes a disclosure of an experience of sexual misconduct will be called the **reporting person** and the person who is named as the alleged perpetrator of the incident will be called the **responding person**.
31. **A disclosure** is when a person informs the University that they have experienced some kind of sexual misconduct.
32. **A report** is when that disclosure names an alleged perpetrator and is formally received and considered for investigation via this policy and procedure.
33. **Investigating Officer** is a member of University staff who has undertaken training to investigate sexual misconduct cases and is committed to ongoing training. External investigators may be appointed by the University. The Investigating Officer will determine the next steps in line with the relevant regulation or procedure.
34. **An anonymous report** is a notification to the University that an incident had happened when the reporting person does not want the University to follow up. We are unable to investigate anonymous reports but we can use them to gain a picture of incidents over time.
35. If a student makes a report of sexual misconduct where the responding party is a member of the public unrelated to the University, the University would usually advise the reporting student to report this to the police. Although the University will not be able to take action against the member of the public, University support services will be available to support the reporting student by signposting them to relevant support services internally and externally.

36. Any instance of sexual misconduct that has been reported to the police will not be investigated by the University until police and legal proceedings have concluded. The University will still seek to support the reporting person and the responding person and may implement temporary precautionary measures in doing so.
37. In sexual misconduct cases, **precautionary and/or intermediate action** may be required to protect the integrity of the investigation and to safeguard the welfare of both the reporting person and responding person, as well as protecting others from potential harm, while having the minimal possible impact on the responding person.
38. Precautionary/intermediate action will be decided following a risk assessment. Any precautionary action is intended to be a precaution to achieve the above aims and is not a penalty or sanction, and nor does it indicate a decision on the part of the University as to whether breaches of this Policy, or a criminal offence, has occurred.

## Procedure diagram

### Disclosure of an incident

Reporting student is advised on available support.

Reporting student decides whether to make a formal report to the University for consideration under a relevant procedure.

### Formal report to the University

Risk assessment and possible precautionary, interim support measures are implemented.

Investigating Officer is appointed. Case is referred to the appropriate procedure.

Responding party is informed of allegations against them and is advised on available support.

If the responding party is a student, the report is considered under Regulation 13: Student Discipline.

### Investigation meeting within 28 days of formal report

Reporting student meets investigator (can bring a supporting person). They provide information, evidence and witnesses.

Responding student meets with investigator (can bring a supporting person). They provide information, evidence and witnesses.

### Investigation report and recommendations sent to Academic Services

#### Stage 1

Recommendations and outcomes (where appropriate). A case of sexual misconduct will usually be considered at Stage 2. Reporting and responding students are notified.

#### Stage 2

Academic Services proceed to schedule Disciplinary Panel hearing. Panel members are provided with any evidence, information and witness statements that have been submitted. Reporting and responding students are notified.

### Stage 2 Panel hearing within 28 days of completed investigation report

Responding student is invited to attend the Panel (can bring supporting person). Panel may ask questions and will invite them to respond to the allegations.

Reporting student is a witness in the case. They are not obliged to participate but are invited to attend the Panel (can bring supporting person or join remotely).

### Panel Hearing outcome within 14 days of Panel meeting

Responding student is provided with the outcome and sanctions (where applied).

Reporting student is provided with a summary of the outcome and details of any sanctions that apply to them.

Responding student may appeal the outcome decision within 21 days, subject to specific grounds, and as outlined in Regulation 13.

Reporting student may not appeal the outcome but may be signposted to ongoing support and other relevant procedures such as the Complaints process.

Appeal is considered and a decision is reached. The outcome is shared with the responding student. An outcome summary (and details of any sanctions that apply to them) is shared with the reporting student.

Completion of University Procedures. Responding student may take case to the OIA if they remain dissatisfied.



## Sanctions table

39. The following **sanctions** are listed in Regulation 13 and apply to all incidents of discipline for students. The list is not exhaustive, and sanctions will depend on the offence and the impact on the person and the University community. Other sanctions will be decided for cases with the responding person is a member of staff.

Written warning	<i>This will stay on file for a specified period of time</i>
Appropriate compensatory action	<i>An apology, restitution of cost, property etc.</i>
Restriction of attendance / access to City	<i>To certain areas or campus(es)</i>
Fine	<i>Level to be decided in line with the offence</i>
Restriction of contact with named person (s)	<i>For a specified period of time</i>
Suspension from programme	<i>Total or partial (e.g. may be permitted to sit assessments)</i>
Expulsion from City	<i>Removal from the University without completing programme</i>
Retrospective withdrawal of City award	<i>Degree qualification can be removed</i>
Withdrawal of an offer of further study	<i>May not study for any further qualifications at City</i>

## Confidentiality and data sharing

40. When providing the reporting party with a resolution to their report, the University is bound by the requirements of the General Data Protection Regulation (GDPR) and its duty of care to all students and staff. The University will not share the full details of the outcome of an investigation with the reporting party. The University does, however, acknowledge the need for the reporting party to feel that their report has been heard and appropriately dealt with, and City will inform the reporting party when a resolution has been reached regarding their report. Further details of the outcome may be provided where specific actions are required of the reporting party. The reporting party will be notified in writing by the relevant Investigating Officer.
41. The University acknowledges the challenges of reporting sexual misconduct cases and sensitivity surrounding the information that may be disclosed. We encourage all forms of reporting and will do all we can to keep details confidential, in line with the University's Data Protection Policy.
42. Confidentiality will be maintained as far as is possible, except for in circumstances where there is considered to be a significant risk of harm to one or more individuals if sensitive information were not appropriately shared. If a member of staff feels that there is significant risk of harm, a risk assessment will be made. Agreement of relevant parties will be gained where possible.
43. The University may at times be required to provide information relating to a report or investigation to the police as part of a police investigation or criminal proceedings, and staff or students at the University may also be required to provide evidence as a witness in these proceedings. To enable this, staff should keep accurate and appropriate records in relation to investigations and should ensure the security of any records kept.

44. When the University has reached an outcome to a case of sexual misconduct and all stages of the procedure have been completed, the reporting student may be informed of the nature of the outcomes so that they are reassured that the case has been completed and they can focus on their recovery and wellbeing.

### **Responsibility for policy**

45. City, University of London recognises its responsibility to ensure the safety of all parties involved in cases. We will ensure that we are mindful of the rights and welfare of all involved throughout the investigation process and ensure that both parties have the opportunity to support and a fair hearing.
46. The role of the University is to undertake an investigation into a breach of this Policy, and not to attempt to be a substitute for a police investigation or criminal proceedings. In doing so, the Investigating Officer(s), on behalf of the University, will undertake an assessment of the evidence made available in order to determine whether, on the balance of probabilities, misconduct which would be considered a breach of this Policy occurred or not.
47. The Director of Academic Services is responsible for the application of the procedures associated with this Policy. The Head of Student Support and Wellbeing is responsible for risk assessments and support for students. The day-to-day management of the Sexual Misconduct Policy will be overseen by the Quality & Academic Development Office. The Director of HR has key responsibilities for the application of the Procedure for managing disclosures or reports involving allegations of staff sexual violence and misconduct.

### **Options for support**

48. Reporting persons will be offered support from a range of University staff and services. They will be able to make their own choices about the support they feel is best for them at the time or in the future.
49. In the first instance a student will be supported by a welfare officer in their School or centrally. Further detail about available support for students can be found on the [Student Hub](#). We recognise the challenges of reporting and will do everything we can to support throughout the process.
50. Support will be focussed on how the reporting person feels and their recovery. Any further steps to make a formal report internally or externally can also be explored. The following services are available for students:
- a. Local Safeguarding and Student Welfare Officer in Schools
  - b. Designated Safeguarding Officers
  - c. The University Harassment Advisers
  - d. The University Student Health and Wellbeing Counselling, Mental Health and Accessibility Services
  - e. The University Health Centre
  - f. The University Chaplaincy
  - g. The University Student Centre
  - h. City Students' Union.
51. The University will also signpost and refer students to specialist external support services where appropriate, such as one the following:
- a. The police

- b. Rape Crisis England & Wales
- c. Survivors UK
- d. A Sexual Assault Referral Centre (SARC).

**Request for review**

52. Possible next steps are outlined in Regulation 13 and/or other relevant process accessed, outlined in subsection 27.

## Appendix 1: Related University processes

This Policy relates to [Senate Regulation 13: Student Discipline](#). You may also wish to refer to the [Student Discipline Policy](#).

Other related policies include:

- [Bullying & Harassment Policy](#)
- [Safeguarding Policy](#)
- [Hands On Policy](#)
- [Transgender, Intersex and Gender Non-Conforming People: Policy](#)
- [Professional Relationships Policy](#)
- [Fitness to Practise Policy](#)

Other related regulations include:

- [Senate Regulation 26: Student Complaints](#)
- [Senate Regulation 10: Support for Study](#)

Where a staff member is the responding party, the following policies may be relevant:

- [Staff Grievance Procedure](#)
- [Staff Dismissal Procedure](#)
- [Staff Harassment and Dignity at Work Guidelines](#)

<b>Policy Title</b>	
Sexual Misconduct Policy	
<b>Policy Enabling Owner and Department</b>	<b>Responsible for Implementation and Department</b>
Academic Services	Quality and Academic Development
<b>Approving Body</b>	<b>Date of Approval</b>
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<b>Publication of Policy</b> ( <i>tick as appropriate</i> )	
<b>For public access online (internet)?</b> <input checked="" type="checkbox"/>	<b>For staff access only (intranet)?</b> <input type="checkbox"/>
<b>Website Link:</b> https://www.city.ac.uk/about/governance/policies/student-policies-and-regulations	<b>Intranet Link:</b> https://staffhub.city.ac.uk/academic-services/policies-and-guidance/quality-manual/student-support
<b>Storage of Policy</b> ( <i>Previous versions of the policy must be stored in the drive by the author</i> )	
<b>Drive Address:</b> reg-dev\QUAD\Quality Manual	
<b>Queries about this policy should be referred to</b>	
<a href="mailto:ace@city.ac.uk">ace@city.ac.uk</a>	