

Edge Hill University

SEXUAL VIOLENCE POLICY

2017

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Our Commitment

Edge Hill University is committed to ensuring a safe campus environment that is free from sexual violence, in which the rights and dignity of all members of the University community are valued and respected.

We recognise the devastating impact that sexual violence can have on individuals, their supporters and University communities. We firmly commit ourselves to the promotion of a culture in which any incident of sexual violence will not be tolerated, will be actively challenged and will be addressed to ensure a positive, safe environment for all members of our community.

Sexual violence jeopardises the mental, physical, and emotional wellbeing of members of our University and the safety of our community. It diminishes dignity and impedes access to educational, social, and employment opportunities. It can cause lasting physical and psychological harm.

Our community expects that all interpersonal relationships and interactions will be grounded upon mutual respect, open communication, and clear consent. Community members are expected to take an active role in upholding our collective commitment and in promoting the inherent dignity of all individuals.

We are clear in our commitment to ensure that we implement a zero-tolerance approach to sexual violence which is balanced with educating our community and encouraging active bystander intervention. This policy statement sets out our commitment as a community to these aims and we will work with relevant stakeholders to ensure their implementation.

Our Duty of Care

We take very seriously our duty of care to our community members. If a member of our community is a survivor of sexual violence we will take steps to ensure their physical safety and facilitate their access to appropriate specialist support, while respecting their feelings and decisions. We also have a responsibility to encourage and support individuals affected by sexual violence to come forward, disclose with confidence and seek help. As a responsible university, we recognise that such incidents may also constitute a direct infringement of the

law. As such, the University recognises that we have moral, ethical, and legal obligations to address all infringements of this Policy statement.

Unacceptable Behaviours

Sexual violence covers a broad range of inappropriate, unwanted, behaviour. It also extends to unwanted touching, stalking, abusive or degrading remarks and across the vast range of inappropriate behaviour in between.

Consent must always come first. It is the cornerstone of respectful and healthy intimate relationships. We strongly encourage members of our community to communicate – openly, honestly and clearly – about their actions, wishes, and intentions when it comes to sexual behaviour, and to do so before engaging in intimate conduct.

Consent is about clear and unambiguous agreement, expressed in mutually understandable words or actions, to engage in a particular activity. Consent can be withdrawn by either party at any point. Consent must be voluntarily given and may not be valid if a person is being subjected to actions or behaviours that elicit emotional or psychological pressure, intimidation, or fear.

Consent is defined as *‘where a person has the freedom and capacity to make the choice whether or not to consent to the sexual activity.* This can be considered in two stages:

- 1) whether a complainant had the capacity (i.e. the age and understanding) to make a choice about whether or not to take part in the sexual activity at the time in question;
- 2) whether he or she was in a position to make that choice freely, and was not constrained in any way (This is particularly relevant when a complainant is intoxicated by alcohol or affected by drugs.).

Assuming that the complainant had both the freedom and capacity to consent, the crucial question is whether the complainant agrees to the activity by choice.

Our Support

Members of our community who have experienced sexual violence are encouraged to make contact with the University’s Health and Wellbeing team which is based in the Student Information Centre. The team are in place to provide the following services:

Immediate and ongoing care and support: Referrals to counselling and medical services; safety planning; academic and workplace adjustments; self-care resources; advocacy; navigating resources;

Assistance with reporting and complaints: Assistance in making an informed decision about next steps should an individual choose to report to authorities within the university or to the police;

Provision of information: Provide up-to-date community resource information;

The team can provide information about the local Sexual Assault Referral Centre (SARC) and maintain support and contact as is required.

Risk Assessment

In all cases of reported sexual violence, including referral by a third party, the University will discharge its duty of care by establishing the extent of any reported and identified breaches of its misconduct policies and thereafter by entering into a process of formal Risk Assessment to reduce the risk of future harm. This will consider the potential risks to the individual, their peers and the organisation. The University will take affirmative action to mitigate risks where sexual violence may be involved. This process is separate from disciplinary action.

Disciplinary action

The University recognises that it is not placed to undertake a criminal investigation. It will, however, cooperate fully with any associated Police investigation and subsequent legal proceedings. The University may also establish separate disciplinary proceedings where such measures are indicated by the behaviours and circumstances. The University will not undertake any investigations or actions which may confound any police investigation. Hence, disciplinary action may run in parallel to risk assessment processes, but in the event of Police investigation, University disciplinary proceedings will normally be placed on hold. In that event, the process of risk assessment may continue despite the Police investigation because the University feels that this is a reasonable and proportionate way of discharging its duty of care to all concerned.

If a Police investigation is being undertaken then the University will normally place any disciplinary procedures on hold whilst it cooperates fully with the Police investigation and any subsequent legal proceedings. However, the process of risk assessment will continue during this period.

Actions under University Policy

Procedures: Where disciplinary procedures are invoked, they will follow the process laid out in the University's Student Disciplinary Procedure or if the allegation is against a member of staff the Staff Disciplinary Procedure. Students studying professional programmes in which Fitness to Practise is used should note that the Fitness to Practise procedure interacts with the Student Disciplinary Procedure and may be invoked when a student faces allegations of sexual violence.

Reporting to the University: Further information about how you can report an issue to the University is available at www.edgehill.ac.uk/studentsservices/critical-incident-support/sexual-assault/

Criminal Offences: The University will not normally report an incident of sexual violence to the police without the complainant's permission. However, in reference to the University's Duty of care, on occasion it may be required to notify the Police of behaviour/areas of concern especially where there is believed to be a risk to others. If a criminal investigation is undertaken, the University will facilitate the Police enquiry wherever possible.

Vexatious Complaints: The University treats reports of sexual violence seriously. However, the possibility of malicious or spurious complaints is recognised and any complaints identified as such will be dealt with under the University's Discipline Procedures.

Confidentiality: The University recognises the importance of privacy in cases where sexual violence is alleged. Confidentiality will be maintained as far as possible unless otherwise agreed; however, there may be circumstances – e.g. danger of physical assault – that mean the University will require to disclose certain information to additional University personnel or to third parties on a 'need to know' basis: this is consistent with meeting our Duty of Care obligation.

Data: Details of sexual violence are reported and held centrally, subject to the provisions of the Data Protection Act, by the Director of Student Services or Director of Human Resources.

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