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Student Sexual and Domestic Violence Policy

Policy Officer	Senior Responsible Officer	Approved By and Date
Student Equality and Diversity Officer	Director of Student Services	Equality and Diversity Task Group, April 2018

Bangor University

Student Sexual and Domestic Violence Policy

1. Definitions

Sexual Violence

Sexual Violence is defined in the UK by the Sexual Offences Act 2003¹ which lists 52 sexual offences.

It is a non-legal term which is used as an umbrella expression to refer to and include various different sexual offences. For the purpose of this policy, the term includes but is not limited to rape, sexual assault by penetration, sexual assault, sexual harassment, stalking, 'revenge porn' and domestic violence.

Domestic Violence

Domestic Violence is defined by the government as 'any incident or pattern of incidents of controlling coercive or threatening behaviour, violence or abuse between those aged 16 or over who are or have been intimate partners or family members, regardless of gender or sexuality'². The abuse can encompass but is not limited to, psychological, physical, financial or emotional abuse.

For further definitions of the above please refer to the appendix to this policy.

2. Policy Statement and Purpose

Bangor University is committed to promoting a zero tolerance approach to sexual violence and domestic violence, providing a safe and supportive environment in which all students are free to learn, work and live without fear of harm.

The purpose of this policy is to provide an accessible and coherent approach for reporting and responding to allegations/incidents of sexual violence and domestic violence. The aim of the policy is to ensure that the University meets its duty of care obligations to all students.

The University recognises that false allegations of sexual violence and domestic violence are no more common than they are for other crimes, however the perception that they are, harms survivors.

We will:

- Respond appropriately and effectively to all reported incidents.
- Work with staff, students, contractors and partners to create an understanding of acceptable and unacceptable behaviours and sanction disciplinary action where appropriate;
- Ensure an understanding amongst university members that incidents of sexual violence and domestic violence may constitute a criminal offence which may also result in arrest and imprisonment.

¹ Sexual Offences Act 2003 – www.legislation.gov.uk

² Home Office Circular 003/2013 - New government domestic violence and abuse definition, February 2013

- Recognise the link between responsible behaviour and an enjoyable learning experience, and challenge the negative behaviours associated with sexual violence such as gender stereotyping, the sexualisation and objectification of women, homophobia and transphobia.
- Take very seriously our legal responsibility for the health, safety and welfare of our students, staff and visitors and aim to provide a safe, healthy environment from which all may benefit;
- Support staff with pastoral care responsibilities and recognise that they have a responsibility to promote the zero tolerance approach to sexual violence and domestic violence and contribute effectively to appropriate responses to reports.
- Provide information to students to help on what actions they can take if they experience sexual violence or domestic violence, enable them to report it and provide appropriate support.
- Collect relevant data to enable the anonymous monitoring of allegations of sexual violence.

The University's General Regulations for all Students requires that students refrain from conduct which is in any way unlawful, dishonest, a nuisance behaviour or harassment of another person or persons (including another student or students of the University or any other institution, or members of the public). All students have a legal responsibility to take reasonable care of their own safety and that of others. As part of their contract with the University, which is concluded at the point at which they accept an offer to study at the University, all students are bound to abide by these regulations.

A Code of Conduct for students is included in the appendix to the General Regulations for all Students and can be found in the Student Handbook and here:

<https://www.bangor.ac.uk/regulations/regulations/documents/BUReg13-v201601.pdf>

3. Scope of the policy

This policy applies to all students currently registered at the University, who experience sexual violence or domestic violence, and the staff who are called up to respond to incidents. It applies whether students are on university premises or elsewhere; on university business or study activities, including premises managed on behalf of the University by a third party (such as Halls of Residence). If an alleged report involves a Bangor University student in any capacity, then the University will take action as appropriate.

The policy also applies to the Students' Union, which is an independent body that conducts and manages its own affairs in accordance with its own constitution.

4. Guidance for Students

4.1 Reporting an Incident of Sexual Violence or Domestic Violence to the University – Initial Steps

Students who experience or witness any act of sexual violence or domestic violence can report the incident to any member of staff which the student feels comfortable in approaching. In most cases this will be a Personal Tutor, Hall Warden or member of Student Services staff. If you have witnessed or been informed of an incident of sexual violence involving someone known to you, it is vital that the victim's permission is obtained before making a report.

Students can report an incident of sexual violence or domestic violence at any time, but it is important, if practicable, to report it as soon as possible. Where action may need to be taken to address an issue straightaway (for example, if a person is a risk to themselves or others) it should be reported to the most immediately available member of staff.

The student should initially outline to the member of staff to whom they are disclosing the incident, the nature of what they have experienced or witnessed but they do not necessarily need to go into detail at this stage if they do not wish to. The student can be advised to speak to a staff member within Student Support who has been specially trained in supporting students who have been affected by sexual violence.

Having dealt with any immediate risks to the reporting student or any other persons, the member of staff receiving the report will establish any immediate support needs and discuss with the student their initial feelings on how they wish the incident to be dealt with. They should, at this stage, provide the student with information on external specialist support, as well as clarifying that specialist staff within Student Support are available.

Information on referral pathways can be found in the appendix to this policy along with contact details for the Student Support Team and Student Equality and Diversity Officer.

4.2 The Different Reporting Options and how the University can respond

The University will at all times, listen carefully to the needs of the student reporting the incident of sexual violence or domestic violence and follow their lead in terms of what they want to happen next. At no point will the member of staff persuade or pressure the student into choosing one option over another but will make it as easy as possible for them to make their report. The following section lists a number of different reporting pathways and outlines the scope of the University's response. In responding to reports of sexual and domestic violence, the University will respect the wishes of the reporting students unless there are over-riding concerns about immediate risks of harm to the student or to others.

4.2.1 Option 1 - Reporting to the University and/or Reporting to the Police

If a student wishes to report the matter to the police, the University will support them fully. If the University is approached by the Police seeking information from a students' record, the student would need to contact the Head of Governance and Compliance to give their permission, so that they retain control over what information they wish to share with the Police. If a student does not wish to share any information held by the University then the University would await instructions about release of information via a court order.

During the course of a criminal enquiry, the University will not normally be able to take disciplinary action against the alleged perpetrator until a full and proper investigation and possible trial has been concluded. This is because the criminal process must take priority. During this time however, the University can take precautionary actions such as suspending alleged perpetrators or excluding them from certain buildings or activities.

The University can consider the matter under its Disciplinary Procedures once the criminal process has been concluded, regardless of the outcome, if it considers whether a breach of university rules and regulations has taken place. The Code of Conduct can be accessed here:

<https://www.bangor.ac.uk/regulations/regulations/documents/BUReg13-v201601.pdf>

It should be noted that the student can report the matter to the Police without making a report to the University.

4.2.2 Option 2 - Reporting to the University but not to the Police

A student may not wish to report to the Police but may wish to report an incident to the University for consideration under its Disciplinary Procedures. The nature and scope of an internal disciplinary process and a criminal process are however fundamentally different. In the criminal process an allegation must be proven beyond reasonable doubt and the most serious sanction is imprisonment. The University disciplinary process is a civil matter based upon an allegation that there has been a breach of the University's rules and regulations. The allegation will have to be proven on the balance of probabilities and the most serious sanction that can be taken is permanent expulsion from the University. The University cannot make a finding about whether or not a criminal offence has been committed as it is not empowered by law to do so. It can however make a finding about whether a student has breached its rules and regulations.

The University will however be limited in its investigatory powers and in some cases there may not be sufficient evidence to establish on the balance of probabilities that the reported incident has taken place. There may however be sufficient evidence to establish that another type of unacceptable behaviour has occurred. The Code of Conduct can be found here: <https://www.bangor.ac.uk/regulations/regulations/documents/BUReg13-v201601.pdf>

4.2.3 Reporting the Incident Anonymously

The student may wish for the incident to be reported anonymously for monitoring purposes only, without wishing for the University to investigate the matter further. Details of the matter will be kept on file and information will be monitored on a regular basis to identify any possible trends in reports.

5. Guidance for All Staff

All members of staff have a responsibility to respond as quickly as is reasonably practicable, to issues of sexual violence or domestic violence that they witness or receive reports of in accordance with the wishes of the victim. In some instances where there is a serious risk of harm to the student or others it may be necessary for the University to override the victim's wishes, but staff should consult the Head of Governance and Compliance before taking this step.

5.1 Promoting a Safe Environment

All members of staff have a responsibility to promote a safe environment and if they witness an act of sexual violence or domestic violence then they must take action as appropriate to address it.

This could include:

- Checking if a student needs support to remove themselves from a situation where sexual violence or domestic violence may be taking place or be about to take place;
- Intervening to stop an incident of sexual violence or domestic violence or make it clear that the witnessed behaviour is unacceptable. In the case of sexual harassment, for

example, it may be appropriate to tell the person to stop the behaviour, or ask them to leave the situation.

- Contacting a more senior member of staff, University Security and/or the Police where a member of staff does not feel safe to directly address the behaviour they witness.

5.2 Responding to Reports of Sexual Violence or Domestic Violence

5.2.1 General Principles

Any member of staff might be approached by a student who has concerns about sexual violence or domestic violence.

All staff should:

- Ensure that the conversation with the student can be conducted in private and without interruption. Listen carefully to, and acknowledge, what the student is saying, being careful not to make any judgements about the student's view of events.
- Establish whether there is an immediate risk to the student or others, and if so take appropriate action with any necessary support from a senior member of staff or University Security (Internal 333, External 01248 382795) and/or the Police (emergency calls: 999 non-emergency: 101 or 0300 330 0101) to ensure a safe environment for the student and others.
- Explain that the student is advised to speak to a member of staff who is trained to handle disclosures and if agreed, contact a trained member of staff as per the instruction in the appendix to this policy

In circumstances where a member of staff receives a disclosures of sexual or domestic violence, then the following procedure should be followed.

- Take care when repeating anything back to the student and make sure you use the same language which the student has used to report the issue. *Be mindful that any notes taken may be requested by the Police at a later time as part of a criminal enquiry.* Reassure the student that they have the right to feel safe and that the University will be supportive.
- Establish if the student has any immediate support needs and help the student access the support they need. Full details can be found in the Appendix to this policy. The student may also need medical treatment and depending on the nature of the report e.g. rape, vital evidence can be retrieved at this stage and if this is the case, the student can be made aware that they can make a report to Amethyst, an organisation which can facilitate the collection of physical evidence without any report being made to the police, therefore keeping all reporting options open and giving the student time to make a decision on whether to report to the police or not. Staff members can arrange an appointment, organise a taxi for the student and ensure that they have someone to accompany them should they wish it. Amethyst can be contacted at www.amethystnorthwales.org.uk or on 08081563658
- Establish with the student how they wish the incident to be dealt with, bearing in mind, that it may take some time for the student to make a decision on this and they may wish to speak to a member of staff trained in handling disclosures, or supporting students

before they make a decision. Be aware of the various reporting options which can be found in Section 4.3 of this policy. If the student wishes to go to the Police, which they should always be supported to do so, the member of staff receiving the disclosure should facilitate this by providing the relevant contact details as can be found in the appendix to this policy and access if necessary, to a phone.

- Clarify with the student that their immediate safety and support needs have been met, and that they understand who they can contact if/when they wish to access further support. Encourage them to attend/facilitate a meeting with a member of Student Services staff/a member of staff trained to handle disclosures or respond to incidents of sexual violence or domestic violence. If the student does not have a safe place to stay - contact the Halls Office (01248 382667) or the Student Housing Office (01248 382034). Out of hours, a Senior Warden can be contacted through calling University Security on 01248 382795.
- Following the disclosure, the member of staff should report the matter including whatever information the student wishes to share to the Head of Governance and Compliance, following the Reporting Procedure set out in Section 5.2.2.
- If the member of staff feels that the risk to the student or to others is such that the University may have to override the student's wishes not to report the incident to the Police then advice should be sought from the Head of Governance and Compliance to establish appropriate action.
- If the member of staff suspects that the accused student may also be employed by the University in any way, HR must be notified immediately for clarification and an appropriate response will be agreed mutually between the Head of Governance and Compliance and the Director of HR.
- The member of staff must not attempt to resolve the concerns by contacting the person against whom an allegation has been made. Such action could represent a breach of procedure that might invalidate any subsequent disciplinary action.
- Staff who may have received a report or disclosure of sexual violence can access support from Student Services staff including the Student Equality and Diversity Officer. Contact details can be found in the appendix to this policy.

5.2.2 Reporting to the University for action to be taken under its Disciplinary Procedures

When the student wishes to make a report of the incident to the University, this can be submitted in various formats either in writing (to a member of staff via letter or email) or in person (in a face to face meeting with a member of staff). The responding member of staff must then report the matter in writing (preferably in a report countersigned by the student and in all cases with the student's full permission) to the Head of Governance and Compliance who will then inform the appropriate departments/members of staff to enable an appropriate response.

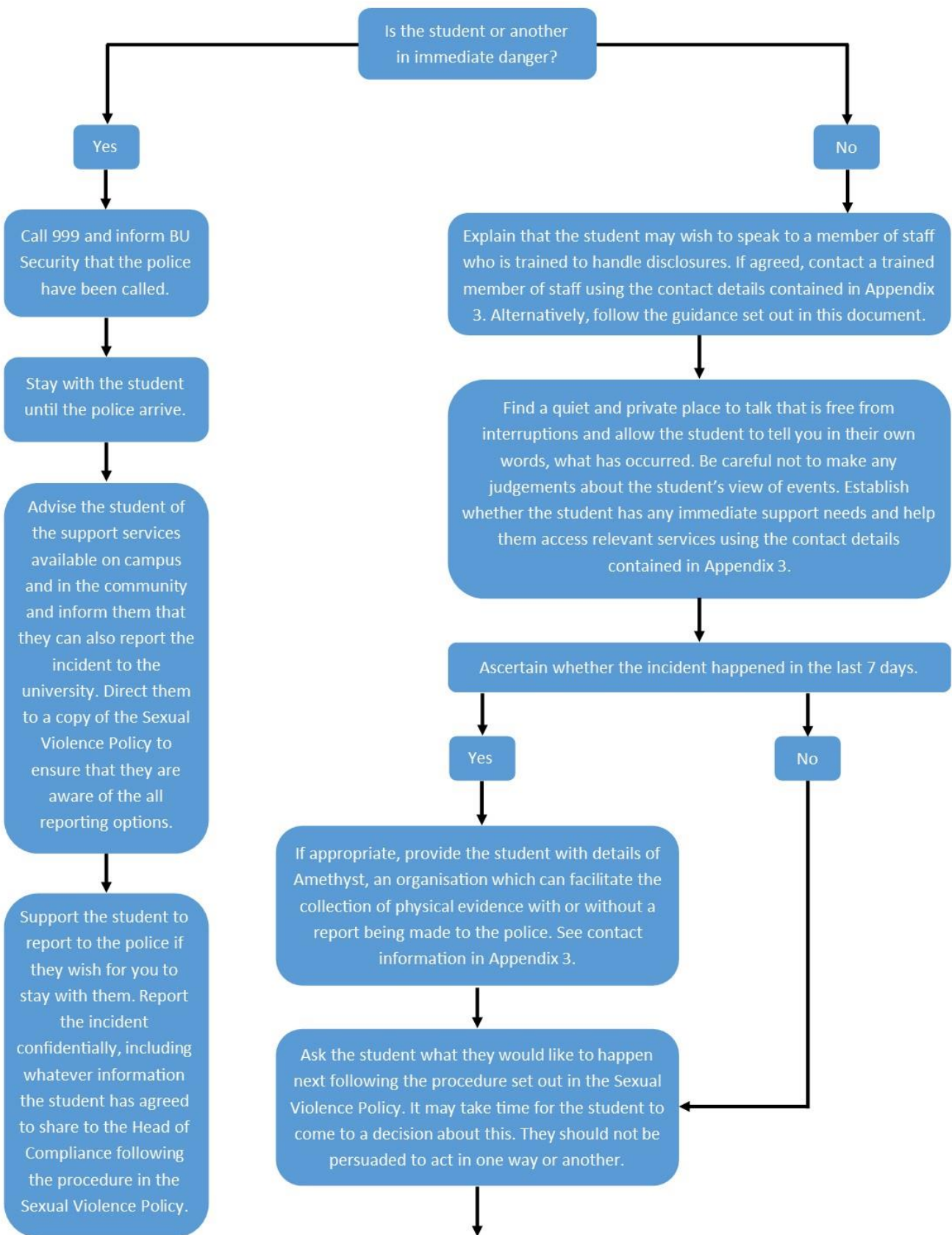
Incidents reported to the University where the student wishes the University to take action to address the matter under its Disciplinary Procedures will be considered under the Ordinance for Student Discipline.

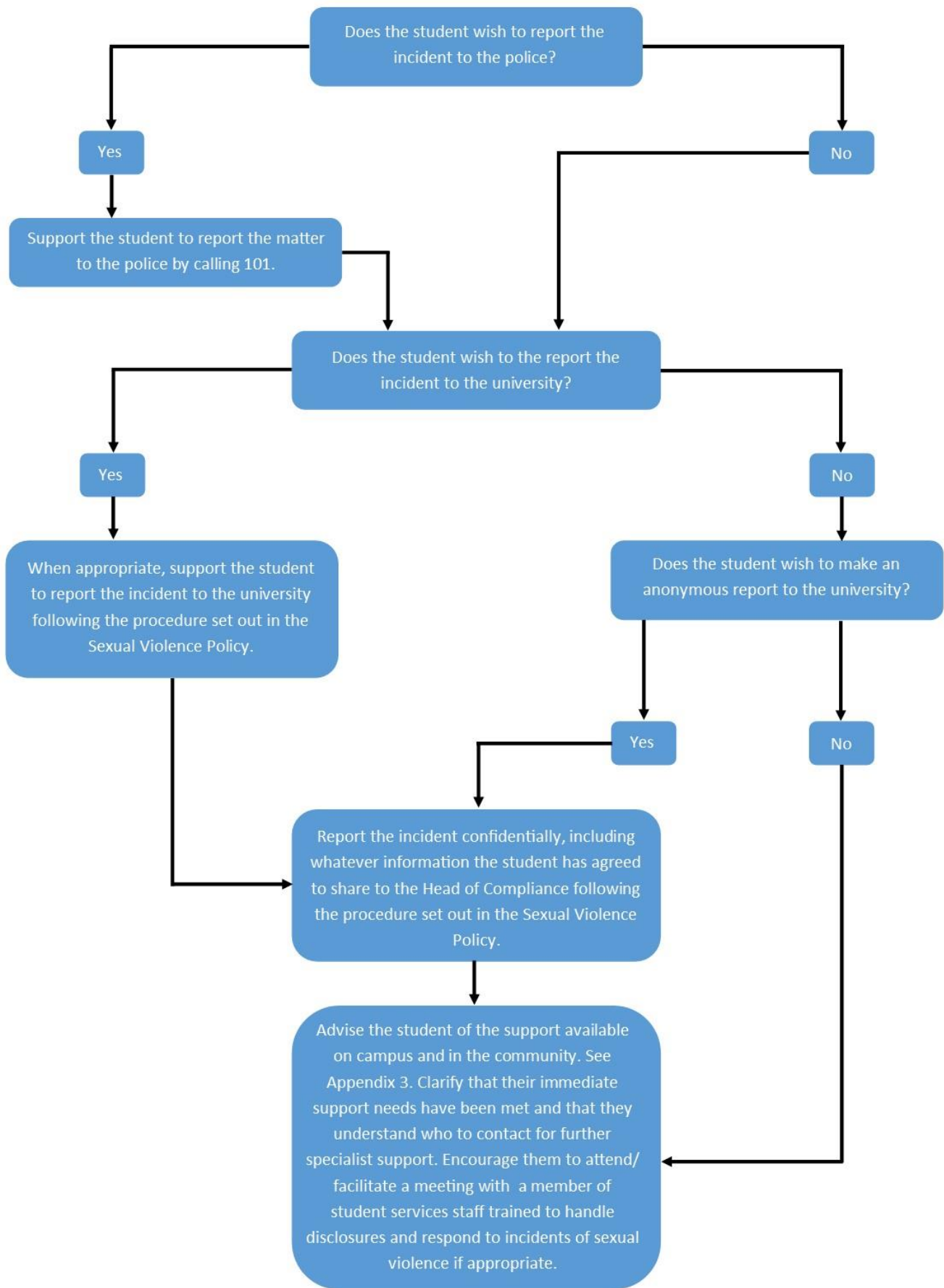
5.2.3 Monitoring Incidents/Reports of Sexual Violence

The Head of Governance and Compliance will maintain a record of all reports of sexual and domestic violence and will report regularly to the Gender Based Violence Group and subsequently to University Council. At the end of each semester, data will be examined to identify any trends in behaviour, for example any repetition in the individuals involved, locations where an incident may have taken place or the nature of the reports being made. Any trends should be discussed by a panel made up of representatives from Student Services, the Head of Governance and Compliance, the Head Warden or their nominees.

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Guidance for those Receiving a Disclosure of Sexual Violence





Appendix 2

Bangor University Sexual and Domestic Violence Policy

Sources of Support and Information for those Affected by Sexual and/or Domestic Violence

Bangor University Student Support

Some Student Services staff are specially trained to respond to disclosures of sexual violence. The Student Equality and Diversity Officer can advise students and staff on local and national support services and provide specialist support for those experiencing any kind of abuse or harassment.

Student Equality and Diversity Officer, Helen Munro

Tel: 01248 388021

Email: h.munro@bangor.ac.uk

Student Support Services

Tel: 01248 382024

Web: www.bangor.ac.uk/inclusive-community/our-safe-campus/index.php.en

Bangor University Student Counselling Service

Counselling is available to all students who are experiencing problems or difficulties. If you need to talk about an experience that is troubling you, you can talk to one of our trained counsellors in a safe and confidential environment.

Tel: 01248 388520

Email: counselling@bangor.ac.uk

www.bangor.ac.uk/student-services/counselling/index.php.en

Bangor University Out of Hours

Outside of office hours, staff can contact University Security who are able to contact the relevant personnel

North Wales Police

In an emergency: 999

For all other reports and enquiries: 101

NHS Direct Wales

Telephone: 0845 46 47

www.nhsdirect.wales.nhs.uk

Ysbyty Gwynedd

Main switchboard: 01248 384384

GUM Clinic, Menai Unit, Bangor: 01248 385385

Integrated Sexual Health/Contraception Clinic Appointment Line: 01248 384054

Amethyst (The North Wales Sexual Assault Referral Centre)

Amethyst gives help, support and information to individuals who have been raped or sexually assaulted, whether recently or in the past. Amethyst can provide services without any obligation to report a crime.

Helpline: 0808 156 3658 Email: bcu.amethyst@wales.nhs.uk
Web: www.north-wales.police.uk/amethyst_2012/english/index.html

RASA North Wales

The Rape and Sexual Abuse Support Centre (North Wales) is a recognised organisation providing independent specialist support to enable people to work through their experience of rape and/or sexual violence.

Helpline: 0808 80 10 800 Office: 01286 669267 Email: info@rasawales.org.uk
Web: www.rasawales.org.uk

The Survivor's Trust Cymru

The Survivor's Trust Cymru is the Wales office of The Survivor's Trust, a UK national umbrella organisation, for over 141 specialist rape, sexual violence and childhood sexual abuse support organisations throughout the UK and Ireland.

TST Cymru Sexual Abuse and Rape Support Line providing free and confidential support, information and advice to victims, survivors and their friends and family.

Support Line: 0808 801 0818
Support SMS: 07860 022956
Email: support@survivorstrustcymru.org
Web: www.survivorstrustcymru.org

Rape Crisis England and Wales

Find your nearest specialist Rape Crisis services.

National Rape Crisis helpline: 0808 802 9999 (Between 12 noon – 2.30pm and 7pm – 9.30pm any day of the year and also between 3pm and 5pm on weekdays for confidential support and/or information about your nearest services).

Welsh Women's Aid

WWA is the national umbrella organisation representing local Women's Aid Groups situated throughout Wales. Our member groups provide direct services for women and children who have experienced or are experiencing domestic abuse.

Live Fear Free Helpline: 0808 8010 800
Web: www.welshwomensaid.org

BAWSO

BAWSO is an all Wales, Welsh Government accredited support provider, delivering specialist services to people from Black and Ethnic Minority (BME) backgrounds who are affected by domestic abuse and all other forms of abuse.

Tel: 0800 731 8147

Web: www.bawso.org.uk/

Muslim Women's Helpline

The Muslim Women's Helpline provides specialist advice for Muslim women who have experienced sexual violence.

Tel: 0800 999 5786

Text: 07415 206 936

Email: info@mwnhelpline.co.uk

Web: www.mwnhelpline.co.uk

Bangor University Student Sexual Violence Policy

Definitions of Sexual Violence

(Taken from the Universities UK Taskforce Report: examining violence against women, harassment and hate crime affecting university students, October 2016.)

Sexual Violence

Sexual Violence is defined in the UK by the Sexual Offences Act 2003 which lists 52 sexual offences.

It is a non-legal term which is used as an umbrella expression to refer to and include various different sexual offences. For the purpose of this policy, the term includes but is not limited to rape, sexual assault by penetration, sexual assault, sexual harassment, stalking, 'revenge porn' and domestic violence.

Domestic Violence

Domestic Violence is defined by the government as 'any incident or pattern of incidents of controlling, coercive or threatening behaviour, violence or abuse between those aged 16 or over who are or have been intimate partners or family members, regardless of gender or sexuality'. The abuse can encompass, but is not limited to psychological, physical, sexual, financial and emotional factors. Women experience domestic violence disproportionately.

No specific offence of domestic violence or domestic abuse exists in English or Scots law. However, many behaviours which are manifested as part of an abusive relationship may in themselves be criminal law offences including sexual offences.

Controlling or Coercive Behaviour

Repeatedly or continuously engaging in controlling or coercive behaviour towards an intimate (or ex) partner or family member which has a serious effect on them is a criminal offence under section 76 of the Serious Crime Act 2015. 'Serious effect' means that it causes B to fear, on at least two occasions, that violence will be used against B, or it causes B serious alarm or distress, which has a substantial adverse effect on B's usual day-to-day activities (such as socialising, working patterns, mental or physical health deterioration). The penalty is indicative of how seriously these behaviours are viewed in law, with punishment of up to 5 years' imprisonment.

Rape

Rape is a criminal offence and defined under Section 1 of the Sexual Offences Act 2003. The offence requires the penetration of the vagina, anus or mouth, by a penis, without consent. The requirement of penile penetration means that in law, rape can only be committed by a man. Both men and women can be raped. If a woman forces a man to penetrate her this would not be rape, but charged as another sexual offence. A man can rape a woman by putting his penis in her mouth without consent. If a woman performs oral sex on a man without his consent, this would not be rape, but charged as another sexual offence. The maximum sentence for rape is life imprisonment indicating the seriousness of the offence in law.

Sexual Assault by Penetration

Sexual Assault by penetration is a criminal offence and defined under Section 2 of the Sexual Offences Act 2003. The offence can be committed by a man or a woman and requires the penetration of the vagina or anus by a body part (such as fingers or a tongue) or anything else (such as a bottle or vibrator) without consent. Thus, a woman who penetrates another woman's vagina with her fingers without consent would be charged with this offence. Note that unlike rape, this offence does not include penetration of the mouth. The maximum sentence for this offence is life imprisonment indicating the seriousness of this offence in law.

Sexual Assault

Sexual Assault is a criminal offence and defined under Section 3 of the Sexual Offences Act 2003. The offence can be committed by a man or a woman and requires touching without consent where the touching is sexual. For example, the unwanted touching of a woman's breasts or a person's genital area or buttocks, or unwanted kissing would be a sexual assault. The touching can be through clothing or anything else (such as a bedsheet) and includes touching done with any part of the body or anything else. The term Sexual Assault is sometimes wrongly used as a generic term to include or indicate other sexual offences. The maximum sentence for sexual assault is 10 years imprisonment.

Sexual Harassment

Under Section 26 (2) of the Equality Act 2010, sexual harassment is defined as unwanted conduct of a sexual nature which has the purpose or effect of violating the recipient's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment. It is a prohibited conduct under the Equality Act 2010, for which redress lies in the civil courts.

There is no specific criminal offence of sexual harassment in English and Welsh law. However, behaviour referred to as 'sexual harassment' can be criminal under various pieces of legislation, depending on the nature and severity of the incident. The types of behaviours or conducts which make up sexual harassment are varied and may include: verbal harassment such as whistling, catcalling, sexual comments, sexual innuendo, telling sexual jokes and stories, spreading rumour about a person's sex life; nonverbal harassment such as looking someone up and down, displaying pictures of a sexual nature, sending emails containing sexual content, making sexual gestures and asking for sexual favours. Sexual harassment will overlap with the criminal law on sexual offences once any touching of the other person is involved for example, physical unwanted sexual advances, kissing, touching, hugging, stroking, patting of someone's clothes, body, hair and rubbing up against someone, where the touching is sexual. Thus patting someone on the bottom may constitute both a sexual assault and sexual harassment and could be pursued in the criminal courts as a sexual assault. Some forms of sexual harassment may overlap with other criminal offences such as harassment and stalking and revenge porn.

Harassment and Stalking

Whilst there is no criminal offence of sexual harassment, the criminal law sets out offences regarding harassment and stalking and under the Protection from Harassment Act 1997 (amended by the Protection of Freedoms Act 2012). These offences require that a course of conduct, which means on at least two occasions (including speech and online harassment), amounting to harassment or stalking, has taken place. Harassment is prohibited, although not defined, but includes causing the other person alarm or distress. The Act gives examples of stalking behaviour, such as following, watching, spying,

monitoring use of electronic communications, interfering with another's property, publishing material relating to a person or purporting to originate from a person. The Act further provides the offences of putting people in fear of violence, and stalking which puts a person in fear of violence or causes serious alarm or distress which has a substantial adverse effect on his or her usual day-to-day activities.

Harassment under the Equality Act 2010

Under the Equality Act 2010, harassment is unwanted behaviour which makes a person feel offended, intimidated or humiliated. It is unlawful (in civil law) if it occurs because of, or connected to, one or more of the following protected characteristics: Age, Disability, Gender Reassignment, Race, Religion or Belief, Gender, Sexual Orientation, Marriage and Civil Partnership, Pregnancy and Maternity.

Revenge Porn

'Revenge Porn' is defined as disclosing private sexual photographs and films with the intent to cause distress, and it is a criminal offence under Section 33 of the Criminal Justice and Courts Act 2015. It is an offence to share private sexual photos or film of another without their consent and with the intention of causing that person distress.