

**POLICY ON
SEXUAL VIOLENCE,
SEXUAL HARASSMENT AND
SEXUAL MISCONDUCT**

*for Students
Staff
Visitors*

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1

Context

Sexual violence, sexual harassment and sexual misconduct are pervasive throughout society; similarly, within Higher Education institutions there are often complicit cultures that exist which have and continue to allow such abuses of power and/or trust to occur. This policy recognises the previous lack of formal documentation detailing the College's position on sexual violence, harassment and misconduct and seeks to redress this by committing the College to taking action as detailed in the associated procedures.

These experiences can happen to a person of any gender or sexuality and be perpetrated by a person or people of any gender or sexuality, however research shows that these experiences disproportionately affect women and trans people. This policy and its accompanying procedures are written in recognition that sexual violence, harassment and misconduct can and does happen at Goldsmiths. It sets out how the College defines such abuses, what the College expects of its staff, students and visitors and how the College will respond when these serious issues are experienced and perpetrated. This policy is part of a broader series of actions that have the ultimate aim of eradicating such abuse and helping to ensure all students, staff and visitors positively experience their time at Goldsmiths.

The College has a duty of care towards all its members to prevent and respond to these issues. In order to be the caring close-knit community we desire it is vital that the College is clear on what kinds of behaviours and cultures are unacceptable and what can be done if they are witnessed or experienced. Student, staff and visitor safety is paramount; through enacting this policy the College will seek to safeguard all, especially those who are most vulnerable. Intimate relationships between staff and students are strongly discouraged as detailed in the College's personal relationships policy.

Members of the College Community are expected to seek enthusiastic consent when interacting with others especially in relation to behaviour of a sexual nature. Consent is clearly and legally defined as someone agreeing by choice and having the freedom and capacity to make that choice.

Sexual violence, sexual harassment and sexual misconduct concern the entire College Community and everyone has a responsibility to act when they witness such abuses as long as it is safe to do so. Equally this policy commits the College to properly address prevention and encourage interventions through continued investment and training.

These issues are complex and may not always be obvious or follow an easily recognisable pattern, both in how they are seen and how they can be resolved. For example, the way these violations are experienced is not always as a lone person's behaviour towards another.

Members of the Sexual Harassment Advisory Board, which includes the Deputy Warden, Trade Unions, Students' Union, senior and expert staff (including external partner organisations), created and are responsible for reviewing this policy on a regular basis, informed by any data collected that is relevant to the policy. Minor changes to the policy such as updating formatting or hyperlinks can be authorised by the chair of the Sexual Harassment Advisory Board. Major changes to the policy must be approved by Academic Board and Council.

2

Definitions

Goldsmiths recognises that many of these terms are not always clearly legally, contractually or socially defined and that language can change over time. Where definitions do exist we are aiming to expand on, and not to limit them. There is often crossover between the definitions below as they can have multiple meanings.

Sexual violence

Sexual violence is any unwanted sexual act or activity. There are many different kinds of sexual violence that exist on a continuum, including but not restricted to: rape, sexual assault, child sexual abuse, sexual harassment, coercion, gaslighting, rape and assault within marriage / relationships, female genital mutilation, trafficking and sexual exploitation, forced marriage and so-called honour-based violence and ritual abuse, which can also be forms of domestic violence. Sexual violence can be psychological and/or physical.

Sexual harassment

Sexual harassment is unwanted and unwelcome words, conduct, or behaviour of a sexual nature that has the purpose or effect of creating an intimidating, embarrassing, hostile, degrading, humiliating or offensive environment for the recipient. It is a misuse of personal or institutional power and often based on a person's gender although it is rarely about sexual desire.

For the purpose of this policy whether or not the harasser intended to be offensive is irrelevant. The limit of acceptable behaviour as described by this policy is up to the recipient to decide. A single incident or persistent behaviour can amount to harassment.

Sexual harassment can range from behaviour that seems obvious to anyone or subtler behaviour less obvious to either the person responsible for the behaviour or to the recipient. Often the impact is not felt or witnessed immediately. The impact may go beyond the recipient to people who see or hear what happens or who try to offer support.

Sexual harassment can include but is not limited to catcalling, following, making unnecessary and unwanted physical contact, sexual jokes and comments, giving unwelcome personal gifts, wolf-whistling, leering, derogatory comments, unwelcome comments about a person's body or clothing, asking unwelcome questions about a person's sex life and/or sexuality, engaging in unwelcome sexual propositions, invitations and flirtation, making somebody feel uncomfortable through displaying or sharing sexual material. Sexual harassment does not necessarily occur face to face and can be in the form of emails, visual images (such as sexually explicit pictures on walls in a shared environment), social media, telephone, text messages and image-based sexual abuse such as revenge porn and upskirting.

Stalking

Stalking is unwanted, repeated, obsessive and/or controlling behaviours that make someone distressed or scared. There are many ways stalking can be perpetrated and it is most likely to be someone the recipient already know well such as an ex-partner.

Domestic violence

Domestic violence can be any incident or pattern of incidents of controlling, coercive, 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
- emotional

Controlling behaviour is a range of acts designed to make a person subordinate and/or dependent by isolating them from sources of support, exploiting their resources and capacities for personal gain, depriving them of the means needed for independence, resistance and escape and regulating their everyday behaviour.

Coercive behaviour is an act or a pattern of acts of assault, threats, humiliation and intimidation or other abuse that is used to harm, punish, frighten, isolate or create dependence.

There are links and overlap between domestic violence and the continuum of sexual violence.

Sexual misconduct

The term sexual misconduct describes misuses of power usually enacted by academic, professional, contracted, and temporary staff in their relations with students (on some occasions it can also occur in relations with other staff members and between students who have unequal institutional power). Sexual misconduct can include harassment, assault, grooming, bullying, sexual invitations, comments and non-verbal communication with sexual content or overtones, creation of atmospheres of discomfort, and promised resources in exchange for sexual access. The term 'sexual harassment' captures only some of the possible abuses of power that may occur. Sexual misconduct more specifically raises issues of unequal relationships, consent, and the prevention of equal access to education, opportunities and career progression. Intimate relationships between staff and students are strongly discouraged as detailed in the College's personal relationships policy.

Consent

The definition of consent as defined in the Sexual Offences Act 2003 is agreeing by choice and having the freedom and capacity to make that choice.

Freedom to consent:

A person is free to make a choice if nothing bad would happen to them if they said no. For example, a person is not free to choose if:

- they are being threatened with violence (both by the perpetrator and/or by someone else)
- they feared for the continuation or assessment of their studies if they refused
- they are being blackmailed using images or social sabotage

Similarly, someone may not feel free to make a choice if there is a power imbalance; this could be due to age, status/position and/or authority or some kind of dependency (e.g. drug/alcohol use, financial control).

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:

- they are drunk or under the influence of drugs - this means someone may still be physically able to have sex but they may not be able to consent
- they are asleep or unconscious
- a person may also not have capacity to give consent if they have a disability or impairment, including learning difficulty, physical disability or mental health condition.

Intersectionality

Experiences of sexual violence, harassment and/or misconduct may intersect with other forms of discrimination and harassment.

The implementation of this policy must be relevant to people with intersectional experiences by ensuring those who are most marginalised are supported and that unconscious bias is considered and challenged.

To find out more about the College's approach to equality, diversity and inclusion visit the [Equality and Diversity pages](#) on the website.

The College sets out its zero-tolerance approach to [Discrimination, Bullying and Harassment](#) in its Policy for Staff.

3

Expectations

of all staff, students and visitors

a

Do not perpetrate sexual violence, harassment and/or misconduct

Perpetrating sexual violence, harassment and misconduct as listed in the above definitions is never acceptable under any circumstances and may constitute a criminal offence. Perpetrating this behaviour is harmful to others' health and wellbeing.

The behaviour listed in this policy can be perpetrated in person or online. Members of the College Community are expected to adhere to this policy while using social media and any other form of online interaction including email communication.

All reports of sexual violence, harassment and misconduct will be taken seriously. Members of the College Community found to be behaving in this way will be dealt with under the appropriate internal disciplinary policy.

The Reporting Party, the Accused Party and any Witnesses will be treated fairly, with dignity and confidentiality throughout any process and may access relevant support services on campus as detailed in [section 4](#).

b

Seek consent

All members of the College Community are expected to seek enthusiastic consent when interacting with others especially in relation to behaviour of a sexual nature. Consent is agreeing by choice and having the freedom and capacity to make that choice.

Consent is not limited to a verbal "yes" or "no" - it involves paying attention and checking in with physical cues as well.

Consent is not ongoing; it needs to be negotiated every time you have sex and also during sex as you start to do different activities. You must stop if you are not absolutely sure that you have someone's consent. Any prior sexual activity or relationship, does not, in and of itself, constitute consent regardless of any previous sexual activity that has taken place on that occasion or at any other time. Consent may be withdrawn at any time (including during sex) and can never be implied, assumed or coerced.

c

Act appropriately in the work/study environment

There are many sexualised behaviours that are never appropriate in a work/study environment. Goldsmiths has a clearly defined personal relationships policy which discourages intimate relationships between staff and students. There are many possible power dynamics that people should be conscious of: gender, race, sexuality, gender identity, disability, age are some of the factors covered in the Equality Act 2010 that may intersect with how power is held by some people over others. Members of the College Community are expected to recognise this in their interpersonal work/study relationships. Other factors may include class and if a position of authority is held.

d

Be an active bystander

The bystander effect is a social psychological phenomenon that occurs when the presence of others discourages an individual from intervening in a situation. This compounds people's experiences by normalising and accepting inappropriate behaviour. All members of the College Community have a responsibility to do or say something if they witness sexual violence, harassment and/or misconduct and it is safe to intervene.

Respond in a thoughtful and supportive way to disclosures

If someone tells you they have experienced sexual violence, harassment and/or misconduct you should respond in good faith with the assumption that they are telling the truth. There are many myths within society that lead to victim blaming: it is advisable to familiarise yourself with the reasons why these myths are hurtful and unfounded. You can find out more about this on our *website*. There are support services both on and off campus available if someone experiences any form of violence, harassment or abuse. If you are not specially trained it is best to listen non-judgementally and direct someone to these services.

You can find out more information about support services by visiting reportandsupport.gold.ac.uk/support.

4

Support

The College is committed to providing support for those members of its community directly or indirectly affected by these issues. The College will provide information on support resources available and offer interim measures as appropriate to the Reporting Party, Accused Party, Witnesses and those supporting any of the aforementioned. Support resources are available to any member of the College who discloses an incident regardless of their choice to proceed to a report either to Goldsmiths or the Police. Support is available even if the perpetrator is not a member of the College Community. In cases where those involved are members of the College Community support for the Reporting Party and Accused Party will be separate; one member of staff will not provide support to both parties. In the case of recent sexual violence (within the last 7 days) and if appropriate the Reporting Party may be signposted to a Sexual Assault Referral Centre or other external independent support agencies. The College is committed to supporting survivors to remain in their employment and/or studies including making expectations to standard practices as detailed in Appendix 2.

Information about College and external support services can be found at reportandsupport.gold.ac.uk.

5

Disclosures and Reporting

The College encourages people to inform someone if they have experienced sexual violence, harassment and/or misconduct. The College understands the importance of minimising the number of times a Reporting Party has to disclose information. It is often not in the best interest of the person disclosing to have to recount potentially traumatic experiences. This process seeks to limit the burden on the Reporting Party and provide them with a number of options for seeking support and resolution.

This policy makes a distinction between a disclosure, a report and a complaint.

A disclosure

is when someone informs another that they have experienced sexual violence, harassment and/or misconduct. This may be the only step a Reporting Party takes and it may not be clear from the beginning of a conversation that a disclosure is about to occur. Disclosures should be recorded (this can be done anonymously or with details, depending on the wishes of the person disclosing). While action will not normally be taken as a result of disclosures there may be some cases where the College has a duty of care to act under our safeguarding policy. Anyone disclosing will be kept informed if it is felt that action needs to be taken. A report is when someone informs the College (via the online report and support system or directly to a member of staff working for the College) that they have experienced sexual violence, harassment and/or misconduct and would like the College to do something about it. A disclosure therefore becomes a report if the person wants action to be taken as a result of the disclosure. Reports may be in person or online.

A report

will generate a case. An appropriately trained and supported triage team Triage Team (as detailed in *Procedure 8.5*) will review cases and considering the wishes of the reporting party decide the most appropriate course of action for the case. It is rare for people to lie about sexual violence and it should be noted that there is a lot of misrepresentation due to widely held myths propagated by the media. Therefore, the College will take any report in good faith that the person reporting is telling the truth and on this basis will refer the Reporting Party onto the relevant support services. The Reporting Party may be asked to provide further information in order for the College take the most effective action.

A complaint

is rarely the suitable method for processing reports of sexual violence, harassment and/or misconduct. The College Complaints Process is for students to take issue with College matters such as module delivery or accommodation. Reports that arise through the complaints route will usually be referred to the Triage Team to assess what action the College will take based on the content of the report.

Vexatious reports

the College treats reports of sexual violence, harassment and or misconduct seriously. The possibility of malicious or spurious reports is recognised and any reporting party identified as doing so maliciously will be dealt with under the relevant disciplinary procedures.

It is important to note that if a criminal prosecution or internal investigation does not find the accused person guilty it does not mean the person(s) alleging was doing so vexatiously.

Retaliation

the College recognises the possibility of retaliation against individuals who report sexual violence, harassment and/or misconduct and/or against those who are involved in informal or formal stages of the relevant disciplinary procedures. Any retaliation will be dealt with in and of itself under the relevant disciplinary procedures.

6

Confidentiality and Information Sharing

- a
-
- b The College recognises the importance of privacy in cases where sexual violence, harassment and/or misconduct is alleged.
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- c Discretion will be maintained at all times and information will only be shared with relevant staff on a need to know basis. Confidentiality is not absolute secrecy.
-
- d Confidentiality for the person disclosing will be maintained as far as possible unless otherwise agreed; however, there may be circumstances - e.g. danger of physical assault or investigation - that means College staff are required to disclose certain information to additional personnel or to third parties on a 'need to know' basis: this is consistent with the College meeting its Duty of Care obligation.
-
- e In circumstances where confidentiality cannot be maintained College staff should always seek the permission of the person disclosing to share information provided and should document the decision to disclose without permission and the reasons for this as well as informing the individual of the decision to disclose without their permission.
-
- f Members of the College should not report to external authorities such as psychological services or the police without the permission from the person disclosing unless someone is at risk of serious harm to themselves or others. Normally this risk assessment will be made by the Triage Team.
-
- g Those receiving and processing the details of accusations are required to keep the names and details of such accusations confidential to protect the rights of those who have been accused. Information should only be shared on a 'need to know' basis.
-
- h If legal proceedings take place members of staff (including counselling staff) could be called to court as a witness, and/or obliged to provide evidence. Therefore, accurate and appropriate record-keeping is needed by all staff who receive disclosures. Training is being undertaken and learning shared to ensure all record-keeping limits the possibility of it being misused at any point in the future.
-
- i When the Accused Party is named or identifiable, the College will seek to take appropriate action on the report. This will normally include notifying the person as soon as is reasonably practical. There are exceptions to this approach, specifically where it may not be safe or appropriate to inform an Accused Party. These exceptions are detailed in *Procedure 8.5* of the procedure (Informing the Accused Party).
-
- j As detailed in the procedures for information sharing and retention the College will limit the amount of time information is held about an Accused Party.
-
- k If a witness reports on behalf of someone else in an identifiable way, the College will normally contact the identified person to offer support and seek their views before taking any further action.
-
- l Any sensitive information disclosed will be held by the College, subject to and held in accordance with the provisions of the Data Protection Act 1998.
-
- Monitoring data (with personal information removed) will be reported annually to the Senior Management Team, to College Council, its sub committees and any other bodies (such as the Students' Union, recognised campus Trade Unions) for improving the College's prevention and response to sexual violence, harassment and or misconduct.

7

Appendix

7.1

Terminology used within this policy

Staff member	a person who is contractually employed by Goldsmiths, University of London. This includes temporary, visiting or third party contracted staff.
Student	a person who is studying at Goldsmiths, University of London. Some students may also hold an employment contract with the College, such as PhD students and frontline staff.
Visitor	a person who is temporarily present within the campus or in spaces associated with the College but does not have an employment or study contract with the College. They may for example be visiting friends, attending events or using commercial facilities at the College.
College Community	Staff, Students and Visitors shall be referred to as the College Community.
Reporting party	for the purposes of this policy and the accompanying procedure, the person(s) who has been the subject of or has witnessed the alleged incident of Sexual Violence, Harassment and/or Misconduct.
Accused party	for the purposes of this policy and the accompanying procedure, the person(s) whose behaviour it is alleged amounted to an incident of Sexual Violence, Harassment and/or Misconduct.
Witness	for the purpose of this policy and the accompanying procedures, a person(s) who has seen behaviour occur that amounts to an incident of Sexual Violence, Harassment and/or Misconduct.
Work/study environment	includes but is not limited to campus spaces such lecture theatres, offices, eateries and the library, all College and third party provider student accommodation. This also includes locations attended as a result of activities organised by staff and students of Goldsmiths, University of London such as social activities, visits, field work, exhibitions and placements.
Complicit cultures	collective behaviours that contribute to an environment of acceptance, misunderstanding or disbelief that sexual violence, harassment and/or misconduct are either taking place and/or require action. e.g. victim blaming, inaction due to fear that the institution will lose research funding, lessening of someone's experiences etc.
Enthusiastic consent	being definitively sure that someone is agreeing by choice and has the freedom can capacity to make that choice.

7.2

How this Policy and Procedures Interacts with Other Policies

Policy	Interactions with this policy and procedures
<u>Personal Relationships Policy</u>	Specific overlap with this policy and mentioned in a number of locations
<u>Staff Disciplinary Policy, Statue 16 & Probation Policy</u>	Reports of sexual violence, harassment and/or misconduct may result in investigations under the relevant staff disciplinary procedures
<u>Student Regulations: Conduct</u>	Reports of sexual violence, harassment and/or misconduct may result in investigations under the student regulations
<u>Data Protection Policy/Retention Schedule</u>	Sensitive data will be disclosed, processed, stored and reported therefore our data protection practices are clearer stated in both the policy and the procedures
<u>Discrimination, Bullying & Harassment Policy for Staff</u>	Experiences of sexual violence, harassment and/or misconduct may intersect with other forms of discrimination and harassment
<u>Student Accommodation Regulations</u>	The outcome of any student conduct disciplinary would supersede the need for a separate accommodation investigation. In cases of sexual violence, harassment and or misconduct there is flexibility to provide exceptions to parts of the regulations such as the need to pay to move rooms
<u>HR Grievance Policy</u>	Grievances are rarely the suitable method for resolution relating to these issues. Staff are able to submit a grievance at any time and will be supported to do so.
<u>Student Complaints</u>	While rarely the most suitable method for reporting and resolving these issues formal complaints will allow for flexibility with the time limits set out in the Complaints procedure
<u>Safeguarding</u>	Student, staff and visitor safety is paramount; through enacting this policy the College will seek to safeguard all, especially those who are most vulnerable
<u>Fitness to Study</u>	This policy outlines the procedure and support available where a student's health and wellbeing is having a detrimental affect deteriorates to the point where they may not be fit to study. It is designed to ensure a consistent and sensitive approach to managing situations and seeks to safeguard our students. The policy may run concurrently or may signpost into this policy

Fitness to Practice

In relation to this policy the College may take action, up to and including removal from the College, against any student whose fitness to practise has been found to be impaired

Social Media Policy

We don't have a formal social media policy at Goldsmiths, but do have guidance for staff online.

Whistleblowing

Staff and students are encouraged not to make disclosures anonymously. Proper investigation may be more difficult or impossible if further information cannot be obtained from you. It is also more difficult to establish whether any allegations are credible. Information may be disclosed in relations appropriate measures can then be taken to preserve confidentiality

Conflict of Interest

Personal relationships should be disclosed to the College in line with the conflicts of interest policy and the personal relationships policy

8

College procedures

for responding to sexual violence,
harassment and/or misconduct

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8.1

What you can do if you experience sexual violence, harassment and/or misconduct

It is important to remember that what you have experienced is not your fault and what you do next is your choice.

There are a number of internal and external support services for students and staff which you can find on *Report and Support*.

You can access support irrespective of whether you choose to report what has happened to you.

You can report to the College anonymously or with your contact details (so you get a response) online through *Report and Support*.

You can also report in person to your department or any of the student and staff support services listed of *Report and Support*.

Information about how the College will respond and what action can be taken should you choose to make a report can be found in *Procedure 8.5*.

You can find out more about how the information you provide to the College will be used in *Procedure 8.8* on information management and privacy.

You can decide if you would like to contact the police or not. There is advice available on what that processes will involve should you choose to report to the police: rapecrisis.org.uk/reportingtothepolice_1.php

8.2

What to do when receiving a disclosure

People who experience sexual violence, harassment and/or misconduct are most likely to tell someone they are already close to and trust, if anyone at all. Therefore, it is important that all members of the College Community have an informed response to such disclosures. Here are some steps to follow when receiving a disclosure:

Listen non judgementally and do not try to be a saviour

When someone has experienced a violation that has removed their agency the best way to support them is to listen and empower them to make choices for themselves.

Remind yourself that the person has responded in the best way they can considering the resources they have. This means that we need to leave behind our own judgements about what we would have done in their position. Reflect back what is being disclosed and when responding avoid using the words like 'should', 'ought' or 'must' and instead use phrases such as 'did you know there are a, b, c support services, 'these resources may be helpful' or 'you have the options to do x or y'.

Documenting

The College is keen to build a better understanding of when and where people experience sexual violence, harassment and misconduct. In order to do this, the College ask that staff record disclosures and reports that they receive verbally within our online *Report and Support* system. Disclosures can be recorded without any personal details if the person disclosing does not feel comfortable with that and there is no risk of harm to anyone. If the subject of the incident is identifiable we will normally contact them to offer support and seek their views on taking any further action.

Signpost

Signpost to the appropriate reporting and support listed online at reportandsupport.gold.ac.uk/support. You should not take a full account of the situation nor should you seek to investigate the situation. If the disclosure is about sexual violence refer on to an appropriately trained person who can take an initial report.

What to do if someone who discloses to you is in crisis

If the person disclosing informs you that they or the person(s) they are disclosing information about is at risk of hurting themselves or others it may be appropriate to escalate the situation to:

- One of the on campus **Sexual Violence Liaison Officers**.
- **Campus Support Officers** (6pm - 6am) - gold.ac.uk/students/cso/
- Campus Security by dialling extension 6666 or 7105 on a Goldsmiths internal telephone or 020 7919 7105 from a mobile phone. This will transfer you to security control room staff (24 hour) who will take the appropriate action including contacting the emergency services if required.

8.3

What to do if you witness something taking place

If you are witnessing sexual violence or harassment taking place, it is an emergency (for example there is a risk of someone being hurt) and you are on campus, you should contact Campus Security by dialling extension 6666 or 7105 on a Goldsmiths internal telephone or 020 7919 7105 from a mobile phone. This will transfer you to security control room staff (24 hour) who will take the appropriate action including contacting the emergency services if required.

If you are not on campus you may consider directly calling the emergency services on 999.

If you are witnessing sexual harassment where you do not consider it to be an emergency, you can still delegate to Campus Security (as above) or any other outside authority such as TFL staff (if on London Transport). Or you can intervene if it is safe to do so.

Possible ways of intervening include:

- Direct Action - telling the perpetrator that their behaviour is unacceptable
- Distraction - distract either the perpetrator or the target to defuse the situation
- Delay - it is always worth checking in with the target of the behaviour after it has taken place; it is validating for them to know that another person believes what has happened is not acceptable

You may wish to report what you have witnessed after that incident has occurred. You can do this through our online [Report and Support](#) system or to any of the internal support services detailed on [Report and Support](#). If the subject of the incident is identifiable we will normally contact them to offer support and seek their views on taking any further action.

8.4

Reporting sexual violence, harassment and/or misconduct

Who can report

Any member of staff, student or visitor is able to report sexual violence, sexual harassment and/or sexual misconduct to the College. It can be about a member of the College Community or someone external. The College will offer support services and/or external referral to the Reporting Party irrespective of who the report is about.

Examples of possible reports include but are not limited to:



Reports can be made by multiple people about multiple people.

What methods of reporting are there?

Online

Reports can be made online through the College's *Report and Support* system. This is a secure and confidential method for informing the College either anonymously or with contact details about any experience of sexual violence, harassment and/or misconduct that may have happened to you.



In Person

If you would prefer to speak to someone in person you can contact:

For Staff

- Your HR Contact
- Your Head of Department/Service/Manager
- Staff Counsellor
- Trade Unions

For Students

- Student Wellbeing Team
- Campus Support Officers
- SU Advice Team
- Senior Tutor

For Visitors

- Campus Security
- Complaints Team

In person reports will be documented in our report and support system so as the College can respond appropriately as detailed in *Procedure 8.5*.

8.5

How the College Responds to Reports

As detailed in [section 3](#) of the policy the College will take any report in good faith while also recognising that this is not the determination of guilt and that therefore the Accused Party must be treated fairly up to and during any investigation that may take place. All people involved have a right to access support services and representation.

An appropriately trained and supported Triage Team will review all cases of sexual violence, harassment and or misconduct that have been reported to the College.

The Triage Team is made up of:

- A senior member of Human Resources or a suitable deputy
- A senior member of Student Experience or a suitable deputy
- A senior member of Governance and Legal Services or a suitable deputy
- The Chair of the Sexual Harassment Advisory Board or a suitable deputy

All members of the Triage Team and their deputies will receive specialist training and induction in order to undertake this role effectively. Members of the Sexual Harassment Advisory Board may also be training and inducted so they are able to replace one for roles on a temporary basis should there be a need to. The Triage Team will regularly review its membership to consider diversity.

Reports that require action beyond support and advice shall be reviewed by at least three members of the Triage Team who will make a decision about the appropriate next steps. This review may involve: consultation with the relevant manager such as a Head of Department/Director/Pro Warden or Warden, a risk assessment, specialist or legal advice. The outcome of the review will determine what action needs to be taken by the College. Action taken will be proportionate to the conduct reported and the impact of the behaviour. Action taken will depend on the circumstances of each case.

Precautionary action up to and including suspension prior to an investigation may be taken where it is considered necessary to protect the College, any of its members or visitors.

How investigations will take place is detailed in the policies listed in [Section 8.6](#) of these procedures.

The Triage Team will review cases and make a decision on the appropriate next steps within five working days of receiving the report.

Decisions that may be taken by the Triage Team include but are not limited to and in no particular order are:

If the Accused Party is a student(s):

- Refer to the student's academic department to deal with the issue locally and take appropriate action (for example a conversation about appropriate behaviour)
- Take appropriate action centrally (for example to move someone to another hall of residence)
- Refer to the Warden's Preliminary Enquiry for formal action to consider if the misconduct requires a disciplinary investigation

- If the Accused Party is a staff member(s):*
- Refer to the staff member's department or school to deal with the issue locally and take appropriate action (for example a conversation about appropriate behaviour)
 - Take appropriate action centrally (for example the staff member(s) is (are) required to attend training)
 - Refer to the Staff Disciplinary Policy for formal action which in turn may refer to Statute 16
 - Refer to the Probationary Policy for formal action

- If the Accused Party is a visitor(s):*
- Refer to the relevant department to deal with the issue locally and take appropriate action (for example a conversation about future attendance at events and appropriate behaviour)
 - Refer to the relevant third party employer
 - Take appropriate action centrally which may include banning the person from events/campus.

- If the report is about complicit or problematic cultures:*
- Refer to the department where the culture has been identified to deal with the issue locally and take appropriate action (for example discussions at departmental meetings)
 - Take appropriate action centrally (such as delivering training)
 - Refer to the above options if there is any student and/or staff misconduct

- Informing the Accused Party:*
- The Accused Party will be informed as soon as reasonably practical after consideration of the following:
- The general right for the accused party to know that information is held
 - The immediate safety of the reporting party, such as risk of violence or retaliation
 - The immediate safety of the accused party
 - Whether there is a substantial risk that the accused party would make efforts to interfere with or undermine an investigation, either criminal or internal
 - Whether a reasonable request has been received from the police or other authority with statutory or investigatory powers for the information to be withheld

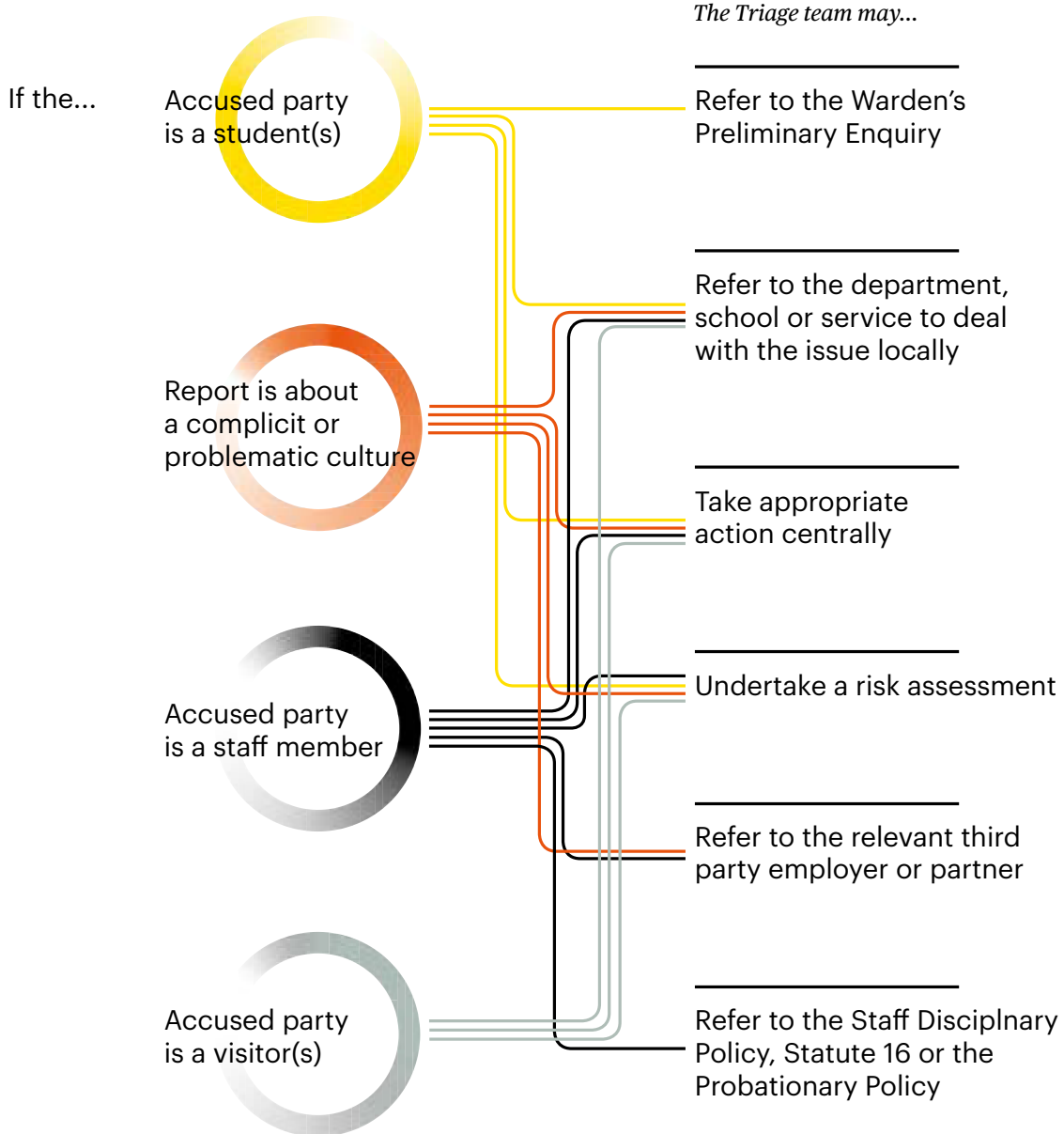
Any delay to informing the Accused Party will last only as long as is necessary to mitigate the risks which justified not informing them as soon as reasonably practical.

The Reporting Party, Accused Party or any Witnesses may be referred to relevant support services such as:

- The Student Wellbeing team
- The Students' Union Advice team
- UCU or Unison representatives if the individual is a member of one of Goldsmiths' recognised trade unions
- The staff counsellor
- The staff assistance programme (Workplace Options)
- Specialist external support services

Triage team

Receive a report and will make decisions based on the content of the report, their expert knowledge and the wishes of the report party about the appropriate course of action.



Where possible and appropriate the Reporting Party will be informed about what action that has been taken.

The Reporting Party, Accused Party or any Witnesses may also use one of the relevant complaint routes if they prefer it to the above process:

Student Complaints Process

HR Grievance Process

Verbal disclosures and reports

will be documented in the online reporting system. This can be done anonymously or with details and those options should be discussed with the person disclosing or reporting.

Anonymous reports

are intended to build a picture of issues where people do not feel able to reveal personal information but would like the College to be aware something has taken place. Therefore, it is unlikely that specific or formal action will be taken as a result on an anonymous report. However, trends will be monitored in order to understand what organisational work needs to take place to address such issues from occurring again.

8.6

Investigations

Reports may be escalated to the formal stages of disciplinary investigation as informal solutions are rarely appropriate for these cases. The processes followed during these investigations are detailed in the relevant policies:

Student Conduct Regulations

Probationary Policy

Staff Disciplinary Policy

In all cases, the College will advise the Reporting Party that it does not have legal investigatory powers, and cannot make a determination on criminal guilt. An internal investigation is focused exclusively on whether a breach of the College's policy has occurred based on the balance of probability. The internal process cannot therefore be regarded as a substitute for a police investigation or criminal prosecution which has a higher burden of proof, beyond reasonable doubt. However, an internal investigation can take place even if the Reporting Party has not disclosed to the police.

Where someone had been convicted of a criminal offence or accepts a police caution in relation to behaviour that falls within the scope of the policy, the conviction/caution will be taken as conclusive evidence that the behaviour took place and no further investigation shall be required by the College. However, a police decision of no further action, a CPS decision not to charge or an acquittal at trial will not exclude the possibility that an internal investigation will take place, based on the standards of behaviour the College expects as set out in this policy.

Where a criminal investigation or judicial proceedings are ongoing or are likely to commence in respect of a disclosure/report as per legal advice the College will not normally begin formal investigations and are likely to suspend any ongoing investigations into the same accusations until the criminal investigation has concluded. However the College can and will take any necessary precautionary action which may include action up to and including suspension. The College can take action under our disciplinary process at the same time as a criminal process is underway if the disciplinary case is based upon facts and matters which are different to those being dealt with under the criminal process.

The outcome of investigations initiated under this policy are dictated by the relevant findings of the investigations and the disciplinary policies that will be subsequently followed.

In some circumstances it may also be appropriate to alert outside authorities of the outcome of an investigation such as a professional body if the perpetrator belongs to one.

Acting on anonymous information

8.7

While it is usually not the case that the College will act upon anonymous disclosures there may be circumstances (including if the Accused Party has been named) where the organisation receives information that requires action as necessary to protect the College, any of its members or visitors.

About these procedures

Members of the Sexual Harassment Advisory Board created and are responsible for reviewing these procedures on a regular basis and no less frequently than once per annum. The Senior Management Team has overall responsibility for ensuring they are up to date and that they operationally guide the College's response to disclosures and reports. Changes to these procedures will involve consultation with the recognised campus Trade Unions and the Students' Union. The procedures will be subject to change to ensure they stay compliant and relevant to the needs of the College Community. Minor changes such as updating formatting or hyperlinks can be authorised by the chair of the Sexual Harassment Advisory Board. The Senior Management Team may authorise any major changes to the procedures as advised by the Sexual Harassment Advisory Board with immediate effect. All major changes to the procedures will require ratification by Academic Board and Council at the next available opportunity.

8.8

Procedures for information management and privacy

Information that may be recorded in the online reporting system

The online reporting system Report and Support is a secure externally provided website which allows the College to receive and document disclosures and reports about sexual violence, harassment and/or misconduct. The content of anonymous reports and reports containing personal information will be stored and processed within the online Report and Support system. Detail in these reports includes:

1. Who they are reporting on behalf of (options list)
2. What their connection to Goldsmiths (options list)
3. What situation their report related to (options list)
4. Details of the report, this could include: dates, times, names, locations (free text and optional)
5. Factors that they believe are relevant to their experience (options list)
6. Area of Goldsmiths they are connected to (options list)
7. Equality monitoring (options list)
8. Personal contact details (name, telephone number, email address, student/staff number) (free text)

Each report will have a submission date and a unique ID. No IP addresses are recorded.

Decisions, actions taken and support provided will be manually documented within the system within each report.

Protecting sensitive information

Full administrative access (the ability to see the detail of all reports) to the Report and Support system will be limited to the members of the Triage Team.

Staff members within Student Support Services, Human Resources and Governance and Legal Services and others as necessary may be allocated adviser access to specific reports in order to respond to any requests for advice, support or a formal action to take place. They cannot see the detail of any reports they have not been specifically assigned to by an administrator/member of the Triage Team.

Access is through an email address and secure password.

During development the system underwent comprehensive third party pen testing.

Information storage

The system resides on a cloud server hosted by DigitalOcean in a secure data centre in the UK. Direct access to the server will be possible only via SSH keys. Only Trust Brand Communications who own the Report & Support system will have direct access to the server. Only members of the Triage Team at Goldsmiths will have direct access to the database.

Retention, anonymisation And deletion

Information will be downloaded, manually anonymised and deleted in order to remove any identifiable factors in the content of the reports. This process will be undertaken by a member of the Triage Team or a suitable deputy.

The downloaded and anonymised summary report will be stored securely and used for the purpose of monitoring. Monitoring reports will be compiled annually and presented to Council and any other relevant College committees which may include the Students' Union and campus Trade Unions.

No data will be deleted automatically, but an administrator is able to delete reports. Reports will be deleted four months after a decision to take no further action has been made or thirteen months after the conclusion of any investigation. Reports will be retained in ongoing and extraordinary cases. Deleted records are permanently removed from backup servers within four weeks of being deleted.

When someone requests to delete a report they have made the College will respect that person's wishes and delete the report from the system unless there are exceptional circumstances for keeping it. A record will be kept of the email requesting the deletion.

Version Control

Policy and Procedure on Sexual Violence,
Sexual Harassment and Sexual Misconduct

Section A - Completed by Policy Author

Name of Policy Author	Vicki Baars
Policy version number	1
Date	December 2017
Summary of Changes	Newly created policy
Last policy version number	1
Date of last version	N/A
Date of last approval by SMT	28 November 2017
Date of last approval by Academic Board	6 December 2017
Date of last approval by Council	23 November 2017

Complete Section B – Completed by SMT

Due for next review	May 2018
Is this a major or minor change?	Minor or Major
Are cumulative minor changes significant enough that the policy needs broader approval i.e. HREC, Trade Unions, Students' Union, Student Experience Sub-Committee	Yes or No
SMT approval to reissue policy	Yes or No

Complete Section C – Completed by Policy Author

Date HREC last received	7 November 2017
Date Student Experience last received	18 October 2017

Complete Section D - Completed by Policy Author

Published Date	28 February 2018
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