

Guidance for students accused of Sexual Violence or Misconduct



UNIVERSITY OF
CHICHESTER

Student Support and Wellbeing



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Student Health Service

07739 983703 - studenthealth@chi.ac.uk

Wellbeing Service

wellbeing@chi.ac.uk - <https://wellbeing.chi.ac.uk/>

Privacy statement:

How will the information I give be shared and stored?

The information you share with university staff is kept confidential between the SVMLO, the Nurse Health Adviser team and the safeguarding lead. Any written notes will be held in confidential, secure electronic form on university premises and will only be accessible to the SVMLO / Nurse Health Adviser team and the safeguarding lead.

Only relevant information will be shared more widely to the extent that this is necessary and where we have a legal basis for doing so (or in the case of special category data that, in addition, we satisfy an appropriate special category condition) and wherever appropriate and/or possible we will discuss this with you. For instance, this might include making your academic lead aware, so that you can be supported to study safely or letting the SU / Accommodation team know so that they can manage contact between students.

It is important to note that if the person you are disclosing to believes that you or someone else is at risk of harm, they may need to report that information both within the university and to external agencies e.g. the Police. In these cases, if appropriate, a staff member will endeavour to talk to you first to make you aware that this is happening.

If an incident has been reported to the Police, the Police or the Crime Prosecution Service (CPS) may formally request information recorded by the university, which may be used as evidence. We will only share relevant data in accordance with university policies. (www.chi.ac.uk/about-us/policies-and-statements/academic-and-student-support/) and data protection legislation (www.chi.ac.uk/about-us/policies-and-statements/data-protection/).

The personal information we process about you in this context will only be retained for as long as is necessary to support you and to meet any statutory obligations, after which time it will be securely deleted.

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This booklet contains lots of links and can be downloaded in pdf form (with live links) from the university help pages on this QR code:



1. The aim of this guide

This guide aims to provide clear guidance and information to students who have been accused of sexual misconduct or violence. The university has a responsibility not only to those reporting sexual misconduct but also to the reported person.

The guide is best used in conjunction with assistance from an experienced member of university staff who can offer support and guidance.

That member of staff will:

- Listen and provide support, without being judgemental.
- Provide support if required as you navigate any formal processes either internal to the university or external (such as Police investigations and judicial processes).
- Provide you with clear guidance about expected behaviours to enable you, where possible, to continue your studies.
- Signpost you to external agencies and internal services to provide you with emotional support and information

Please do not feel you have to cope on your own.

2. Terminology used at the university in cases of sexual violence and misconduct

Reporter/reporting party - the person who tells a member of university staff about an incident of sexual misconduct for the purpose of initiating a formal investigation under the university's sexual assault procedure.

Responder/responding/reported party - the person who is alleged to have acted in breach of university policies and/or expectations, and is therefore required to respond to those allegations as part of our investigation.

Allegations - these refer to elements which have been reported as factual but which the university has not, or has not yet, been able to confirm. Until an allegation has been fully investigated, no action will be taken against the responding party, other than interim protective action where deemed necessary by the Director of Students, Support and Information Services.

SVMLO - the university's Sexual Violence and Misconduct Liaison Officer who has undergone specific, specialist training to support students who have experienced sexual violence or misconduct.

3. Definitions related to an allegation

Non-consensual sex - rape and sexual assault

- A rape is when a person uses their penis to penetrate the vagina, mouth or anus of another person without their consent.
- Sexual assault is where one person intentionally touches another person sexually without their consent. The touching can be done with any part of the body or with an object.

Other offences under the Sexual Offences Act 2003 are included in more detail in the links below:

- [Sexual offences | The Crown Prosecution Service](http://www.cps.gov.uk/crime-info/sexual-offences)
(www.cps.gov.uk/crime-info/sexual-offences)
- [Sexual Offences Act 2003](http://www.legislation.gov.uk/ukpga/2003/42/contents)
(www.legislation.gov.uk/ukpga/2003/42/contents)

Sussex Police have put together some helpful webpages: [Rape, sexual assault and other sexual offences](#) or QR:



4. Support available at university

It can help to speak to a trusted person. Please read the privacy statement at the front of this booklet to understand how data protection guidelines might apply to any disclosure you may make.

- The university will provide you with a named support person who will be able to guide you through university and external processes. They will help you navigate any issues which may arise due to an accusation against you such as problems related to your studies, living arrangements, or social tension.
- You may be eligible for counselling available through Wellbeing Services to help deal with feelings related to being accused, anxiety about decision-making, and concerns about relationships.
- We encourage you to disclose to Student Health and Wellbeing any pre-existing or emerging mental or physical health concerns that may put you at risk of harm so you can receive appropriate support for these.

- Student Support and Wellbeing services are confidential; however, if the person you are disclosing to believes that you or someone else is at risk of harm, they may need to report that information more widely within the university and/or to the Police. If appropriate a staff member will talk to you first to make you aware this is happening, and answer any questions you may have.
- You can book a triage appointment with a Wellbeing Adviser:
wellbeing.chi.ac.uk / wellbeing@chi.ac.uk
- You can speak to the Nurse Health Advisers,
studenthealth@chi.ac.uk / 07739 983703
- You can book an appointment with Vito Mastrolonardo, Deputy Director of Students, Support and Information Services:
V.Mastrolonardo@chi.ac.uk / 01243 816257
- The Students' Union (UCSU) offer advice and support services and one of their functions is to provide you with representation:
studentsunion@chi.ac.uk / supresident@chi.ac.uk
- You can speak to our Chaplain, Rev'd Dr. Alison Green: Alison.Green@chi.ac.uk / 01243 816041

5. Your thoughts and feelings

The allegation against you may leave you feeling distressed and isolated. You may be struggling with anxiety, become depressed or even feel suicidal. It is important that you look after your mental health.

- If you feel like harming yourself or have suicidal thoughts please call the Samaritans or talk to someone you can trust as soon as possible. You can call the Samaritans free anytime on: **116 123** or see their website www.samaritans.org
- See your GP and explain to them the situation you are dealing with. They may be able to offer medication to help you cope. Be aware that doctors owe a duty of confidentiality to their patients, but they also have a wider duty to protect and promote the health of patients and the public.
- Please talk to your named support person (see p.4) or consider other support available at the university (p.5)
- Download the Stay Alive app: www.stayalive.app which has some useful resources and a safety plan.



6. Understanding sexual consent

In order to make sense of the situation you are in, it is important to understand consent. Sexual consent is where a person has the ability and freedom to agree to sexual activity, and does so.

- Is the other person capable of giving consent? If they are on drugs or too drunk, asleep or unconscious they cannot consent.
- You can confirm if you have consent by checking the other person's body language and by asking them.
- Check with them each time you start a new type of sexual activity. Check with them on each occasion you start any sexual conduct.
- Look at their body language and facial expression to see if they are eager and comfortable. Ask them if they are okay. If they seem unhappy, or you are not sure they are consenting, **STOP**.
- Silence does not mean somebody is consenting. A clear freely-given "yes" indicates consenting.
- This site gives clear information on consent:

www.consentiseverything.com/#WhatIsSexualConsent

- The Sussex Police website is also very helpful: [Consent | Sussex Police](#) or follow the QR code:



7. Do's and don'ts if you have been accused

- **Don't** panic or take action that you may later regret regardless of whether you think you have acted rightly or wrongly, it is always best to take advice first and act second.
- **Do** consider how you communicate with others, posting negative or retaliatory comments will reflect badly and may breach bail conditions or the student contract.
- **Do** find out about the process that will take place if someone makes a complaint about you to the university. You should be fully aware of this process; asking questions will not be linked to an assumption of wrongdoing. See link below to access the Sexual Assault and Misconduct Policy. www.chi.ac.uk/about-us/policies-and-statements/academic-and-student-support/
- **Do** consider seeking legal advice, if you have been accused of something that could also be a criminal offence www.gov.uk/browse/justice/your-rights-legal-support
- **Do** consider getting support for your wellbeing. You can be negatively affected by keeping the investigation to yourself: wellbeing.chi.ac.uk
- **Do** consider letting supportive family members know what you're going through.

- **Do** keep your university link informed of developments in a police investigation. With your consent, they may be able to help to follow up with the Police.
- **Don't** feel that you need to tell your university support exactly what happened in order to access their support. You do not need to fully disclose unless there is a formal university investigation.
- **Do** keep your crime reference number and names of key Police officers. This will help you track what is happening.
- **Do** let us know if the investigation is impacting your ability to study; we may be able to support with a application for mitigating circumstances and/or intermission from your studies.
- **Do** take seriously and abide by any conditions that may be sent to you in a formal letter from the university which outlines expected behaviour. This is in place to protect both parties.
- **Do** let us know if the other party is breaching expected behaviour, they will have received a similar formal letter.

8. FAQs

- **Will my parents be told?**

No, neither the university or the Police will inform your parents, though this might be considered if it is deemed necessary due to safeguarding concerns.

- **Should I tell the university if I am being investigated by the Police for a sexual offence?**

Yes, in order to allow us to fulfil our responsibilities to the university community, we require students to provide us with information about certain criminal accusations, charges and convictions. This allows the university to manage contact, if relevant, which safeguards both parties. Where students have unspent criminal convictions or have been charged with some types of offences, the university needs to assess whether they pose an additional risk to other students or staff. All students are also required to notify the university of any relevant pending charges or relevant convictions which are imposed upon them during their studies.

- **What will the university do when they become aware of a Police investigation?**

If the university receives information relating to criminal accusations, investigations, charges or relevant convictions, we will contact the student to

ask for more information, to allow us to assess risk, and to inform the student of the process the university will follow.

- **When will the university investigate?**

The university will investigate an accusation of sexual misconduct if a formal report is made via the Sexual Assault and Misconduct Policy:

www.chi.ac.uk/about-us/policies-and-statements/academic-and-student-support/

The university process does not require a Police report to be made; the investigation is undertaken to determine whether a breach of our policies, or misconduct under our academic regulations, has taken place. The university investigation may be suspended if the Police are undertaking an investigation of the same incident. University policies and the academic regulations can be found on the university website: www.chi.ac.uk/about-us/policies-and-statements/

- **Will a Police investigation automatically trigger a university investigation?**

The university may take precautionary action in order to assess risk and/or to manage contact. It will not normally initiate an investigation into an accusation until the criminal process is concluded. The university may conduct an investigation at any time into breaches of policies and procedures.

- **Will I have to leave university if I'm being investigated by the Police?**

When possible the university will put measures in place to support all parties to complete their studies safely. We may decide in some cases, after assessing risk, that the nature of the accusation means that in order fulfil our responsibilities we need to restrict the ability of a student to take part in some activities. It may, in some cases, mean that a student is excluded from accessing the university.

- **If I'm convicted will I need to leave university?**

If you are convicted of a sexual offence whilst a student, your student contract may be terminated in accordance with our Academic Regulations. Under the "Academic Regulations procedures for disciplinary action against students" a student may be suspended or their registration terminated for conduct which constitutes a criminal offence where that conduct took place on university premises; or affected or concerned other members of the University community: www.chi.ac.uk/about-us/policies-and-statements/academic-quality-and-standards/#academic-regulations

This does not necessarily mean that you will not in future be able to study at another university.

- **What should I expect from the Police process?**

The Police will explain their procedures to you and give you advice and information about the next stages including any court process. If you have been charged it is likely that you will be released on bail: [Being charged with a crime](http://www.gov.uk/charged-crime) (www.gov.uk/charged-crime)

- **What are my rights, if I get arrested?**

If you're arrested, you'll usually be taken to a police station, held in custody in a cell and then questioned. The custody officer must explain your rights to you which include your right to free legal advice and your right to tell someone where you are: [Being arrested: your rights](http://www.gov.uk/arrested-your-rights) (www.gov.uk/arrested-your-rights)

- **What is Bail?**

If you are charged by the Police you may be given bail; this means you can be released from custody until the hearing or the trial. If you have been released on bail it is important that you engage with the university. If appropriate, we can support you so that you do not breach your bail conditions: [Being charged with a crime: Bail](http://www.gov.uk/charged-crime/bail) (www.gov.uk/charged-crime/bail)

- **How long will a Police investigation last?**
A Police investigation can last several months. The Police gather evidence then present that to the Crown Prosecution Service (CPS) who decide whether it is in the public interest to take the case to court.
- **What happens if I have to go to court?**
The link below has four documents to help you understand what you need to do if you are charged with a crime and told to go to a magistrates' or Crown Court:
 - * Before court: Going to a criminal court as a defendant
 - * Going to court as a defendant: Understanding the legal terms used in court
 - * At court: Being a defendant in a magistrates' court/Being a defendant the Crown Court

[Going to a criminal court - support for defendants](http://www.gov.uk/government/publications/going-to-a-criminal-court-support-for-defendants)
(www.gov.uk/government/publications/going-to-a-criminal-court-support-for-defendants)
- **How do I find legal advice and can I get legal aid?**
The following website gives advice about finding legal advice and eligibility for legal aid:
[Find legal advice and information](http://www.gov.uk/find-legal-advice/find-legal-adviser)
(www.gov.uk/find-legal-advice/find-legal-adviser)

- **How will the university manage contact between me and the reporting party if we both remain at university during the investigation?**

If you are both current students and both continue with your studies during the investigation, the university can implement measures to manage contact between you by using the “Sexual misconduct and sexual assault involving students: Procedure for reporting and investigation” which can be found on the university policy web pages www.chi.ac.uk/about-us/policies-and-statements/academic-and-student-support/. This potentially will involve liaison with your academic department to manage timetables if you are on the same course. If you are in shared halls the university may support you to find alternative accommodation. If you wish to use the SU or sports clubs, access may need to be negotiated. Following a discussion both parties will receive formal letters outlining expected behaviours (see help.chi.ac.uk/guidance-students-accused-sexual-violence-or-misconduct for a template letter). Any breach of these expected behaviours will be seen as a breach of the student contract and may lead to de-registration.

- **How should I deal with negative comments, social media abuse and/or exclusion by other students?**

If you are experiencing bullying or harassment, we can offer advice to help manage this situation and we will support you to report via the [Addressing bullying and harassment of students policy](#) if necessary. Please keep a written record of all incidents. You can download a copy of the policy from the university web pages: www.chi.ac.uk/about-us/policies-and-statements/academic-and-student-support/

9. University contacts - Mon to Fri 09.00 - 17.00

- **Nurse Health Advisers**
studenthealth@chi.ac.uk **07739 983703**
- **Sexual Violence and Misconduct Liaison Officer**
(SVMLO) Becky Potheary **07739 983703**
- **Wellbeing Team**
Drops-ins and self-bookable triage appointments
wellbeing@chi.ac.uk / wellbeing.chi.ac.uk
- **Vito Mastrolonardo**
Deputy Director of Students, Support and Information Services
01243 816257 V.Mastrolonardo@chi.ac.uk

- **International Advice**
Päivi Leivo and Gemma Williams
international@chi.ac.uk **01243 812194**
- **Students' Union** studentsunion@chi.ac.uk
..... supresident@chi.ac.uk

10. University contacts out of hours

- **University Emergency Phone Number**
(available 24/7) **01243 816363**
- **Accommodation 24/7 Phone Numbers**
Chichester campus **01243 793477**
Bognor Regis campus **01243 793488**
Stockbridge **01243 533356 / 07824 349543**
Fishbourne **01243 790279 / 07791 692966**
Westgate **01243 812931 / 07795 257068**
Villa Maria, Prince of Wales, Garth House
..... **01243 793488**
Millfield Close, Lewis Road, Spitalfield Lane
..... **01243 703477**

11. External contacts

- Police emergency 999
non-emergency..... 101
- NHS 111 111
- Sexual Health West Sussex 01903 285199
www.sexualhealthwestsussex.nhs.uk/
- Chichester Sexual Health Clinic
St Richards Hospital..... 0845 111 3456
- Cathedral Medical Group, Chichester
www.cathedralmedicalgroup.nhs.uk
..... 01234 813450
- Lavant Road Surgery, Chichester
www.lavantsurgery.co.uk..... 01243 527264
- Maywood Healthcare Centre, Bognor Regis
www.maywoodsurgery.com..... 01243 829141
- Bersted Green Surgery, Bognor Regis
www.berstedgreensurgery.nhs.uk01243 864843
- Bognor Regis War Memorial Hospital
..... 01243 865418
- Samaritans (FREE 24hr helpline)
www.samaritans.org..... 116 123



This booklet is available to download from the university help pages in pdf form with live links to all the websites and email addresses.