

St George's Assault and Sexual Assault Policy

SGUL approach to assault or sexual assault in the SGUL community

1. Introduction

- 1.1. SGUL is committed to developing and maintaining a thriving academic community, based on an atmosphere of mutual respect between students, between staff and between students and staff. The values and standards expected of those within the SGUL community are recorded in the General Regulations for Students and Programmes of Study.
- 1.2. On occasion, there are situations, where there are interactions between people which do not meet these standards.
- 1.3. This University has a Bullying and Harassment policy which deals with non-physical harassment.
- 1.4. This policy sets out the prevention, support and disciplinary framework with which allegations of sexual or physical assault within the student community, will be dealt with.

2. Definitions

Rape

- 2.1. A rape is when a person uses their penis without consent to penetrate the vagina, mouth, or anus of another person. Legally, a person without a penis cannot commit rape, but a female may be guilty of rape if they assist a male perpetrator in an attack.

Sexual Assault

- 2.2. Sexual assault is when a person is coerced or physically forced to engage against their will, or when a person, male or female, touches another person sexually without their consent. Touching can be done with any part of the body or with an object. Sexual penetration is when a person (male or female) penetrates the vagina or anus of another person with any part of their body or an object without that person's consent.' (Crime prosecution Service. <https://www.cps.gov.uk/sexual-offences>)

Sexual harassment

- 2.3. Under section 26 (2) of the Equality Act 2010, 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. (Changing the Culture. Universities UK 2016).

Assault

- 2.4. Inflicting intentional or reckless harm towards another individual is the general definition of assault, and can range from battery (offensive contact, poking or

pushing) or common assault (spitting pushing or shoving) to more serious premeditated assaults.

3. Sexual and Physical Assault in relation to Criminal Law

- 3.1. Sexual assault and assault are serious criminal offences, and if reported to the police are investigated, and may be prosecuted by the Crown Prosecution Service. The threshold for conviction is 'beyond reasonable' doubt.
- 3.2. The University is unable to undertake investigation of sexual assault, or assault, with the forensic and other evidential processes necessary for a criminal conviction. Students who report sexual assault, or physical assault, will be supported by the University, to directly report the assault to the police for an appropriate investigation of alleged criminal activity.
- 3.3. The University will consider whether it is necessary to suspend a student against whom allegations of assault have been made, whilst the alleged assailant is being investigated by the police or any subsequent court processes, in order to maintain the safety of the St George's University academic community; or staff and patients at clinical placement sites.

4. Sexual and Physical Assault in relation to University Regulations

- 4.1. The University's disciplinary procedures are separate, and different, from criminal law processes. The University misconduct offences, relate to breaches of the University General Regulations, not the UK law. The University uses the balance of probabilities as its standard of proof, and is unable to use the same evidential processes, as are available to police.
- 4.2. Sexual assault and assault are in breach of SGUL Regulations, and if an allegation of sexual assault or assault is made against a student, then the student may undergo a University disciplinary investigation, on completion of any police investigation and prosecution.
- 4.3. If a student is affected by sexual assault or assault, allegedly by another SGUL student, and the affected student decides not to report the assault to the police; the affected student may decide to discuss the assault with the University. The University will advise about how the incident would be dealt with if a University investigation of the allegation, as a potential breach of regulations under the disciplinary procedures, were carried out. Considerations for the student could include the nature of events, and how the investigative boundaries of the University contrast with those of a criminal investigation.
- 4.4. The outcome of a University investigation into the alleged assault will determine whether any disciplinary penalty for the alleged assailant should occur.

5. Sexual and Physical Assault: promoting a respectful community

- 5.1. It is known that there is a significant prevalence of sexual assault in Higher Education Communities.
- 5.2. Sexual assault, in particular, is under reported. This is for many reasons which include privacy; victim shame; stigma; underestimating the severity or significance of the assault; ignorance of the process or procedures which occur and their consequences; distrusting of formal processes; unconscious bias with respect to the alleged perpetrator not fitting usual stereotypes; academic pressures or other issues.
- 5.3. SGUL is committed to promoting the highest community standards of mutual respect within the community. SGUL is also committed to creating a community where students feel it is safe and valuable to access help from the University.

- 5.4. These commitments include developing resources available to all students, about how they can contribute to a respectful, thriving, SGUL community; and how to act in situations where these standards have been breached through supporting victims and directing them to help, and challenging assailants when it is safe to do so.
- 5.5. SGUL will also make available information about sources of help within and outside the University, for victims of assault.
- 5.6. SGUL is committed to facilitating students who have been assaulted to make timely informed choices about reporting the assault and seeking help.
- 5.7. SGUL is also committed to supporting students who have had allegations of assaulting another made against them.

6. Sexual and Physical Assault: support for survivors

- 6.1. For students who disclose a sexual or physical assault, SGUL will assess support needs and provide support for students, ideally with continuity of staff contact. This may be by directing them to appropriate emergency services, and thereafter with respect to accessing physical, social and psychological help. The supporting staff member will be separate to any staff involved in any subsequent disciplinary investigation.
- 6.2. If there is an allegation of assault by one student against another, then SGUL will provide continuity of pastoral support, by different staff members for each student. The supporting staff member will be separate to any staff involved in any subsequent disciplinary investigation.

Disclosure:

- 6.3. Students may choose to disclose assault or sexual assault to any SGUL staff; academic staff, administrative staff, personal tutors, counselling service, or to Student Union staff.
- 6.4. SGUL will ensure all staff to whom students may disclose, are aware of how to refer to staff with expertise.
- 6.5. Advice can be sought from the Dean of Students (or Deputy) or specially trained staff to support victims of assault (see resources).
- 6.6. Students should contact directly or be directed to initial support by staff with expertise in managing assault or sexual assault (see resources) and ideally, continuity of advice and support should be offered. Student preferences for support will be considered.
- 6.7. SGUL will aim to provide continuity of staff contact for students, to minimise having to repeatedly retell events, and in view of the protracted time frame some investigations may take.

Support: Students who are victims of assault or sexual assault

- 6.8. Support for students who disclose assault or sexual assault will comprise support for: health; signposting for psychological support; academic support; and support for reporting assault to the police or the University.

Support: physical health

- 6.9. In an emergency, victims will be directed to emergency health services.
- 6.10. If an assault occurs on Campus, or at Halls, security and the police should be contacted.
- 6.11. Treatment for physical injury: services include A+E, GP.

- 6.12. Preservation of forensic *samples (for sexual assault)*: Forensic samples should be taken as soon as possible from the time of the assault. According to context, advice should be sought from the Police, and or Haven (sexual assault) – see resources.
- 6.13. Prevention of pregnancy; testing of, and treatment for, sexually transmitted infections (for sexual assault): Students should be referred to the local Haven, GP, or Genito-urinary medicine clinics

Support: psychological health

- 6.14. SGUL will aim to provide continuity of, and co-ordination of, support for students from the Dean or Deputy for Students, Student Services, or a nominated member of staff.
- 6.15. All normal SGUL student support is available: personal tutor; student services; Counselling; SGUL Estates (where relevant); SGUL Security (where relevant); Occupational Health; Dean or Deputy Dean for Students; Vice president Welfare and Education (Student's Union); Chaplaincy.
- 6.16. Other relevant support services, such as NHS (GP, talking therapies), or Charitable agency (e.g. Victim Support); contact details will be available from the SGUL website.
- 6.17. The Counselling service is a confidential service and will not share information with the University or any other Body.
- 6.18. The SG Student's Union is an alternative confidential source of support for students (Vice President for Education and Welfare as point of contact).

Support: social wellbeing

- 6.19. SGUL estates, security and financial advice through student services may be useful in particular contexts in relation to assault.

Support: Academic consequences of assault

- 6.20. Students who are affected by sexual assault or assault, can discuss with their Programme team, how the assault has affected academic work, and if necessary, can fill in a 'mitigating circumstances' form. Any affordances to the programmatic requirements of the Course, can be considered and then discussed with the student.

Support: Reporting assault or sexual assault to the police

- 6.21. Students who disclose a sexual or physical assault will be supported, and encouraged, to report the assault to the police at the time of disclosure or at a later time of the student's choice.
- 6.22. SGUL specialist staff will facilitate the disclosing student to consider the choices/he has, with respect to reporting to the police, reporting to the University, or not reporting.
- 6.23. SGUL staff will support students in making initial contact with the police, and potentially attending interviews where it is feasible.

7. Support: Students alleged to have assaulted or sexually assaulted another

Assault: disclosure to University of external investigations

- 7.1. Students who are on a health care vocational course are required to inform the University of any investigation (and it's resolution) by the Police, a Professional regulatory body, or any Health or Social care provider.
- 7.2. SGUL will maintain confidential records of the incident, separate from academic records. The records of the incident, or any subsequent disciplinary process, will be

shared in alignment with the SGUL information sharing policy; or as a requirement for information by a Professional Regulatory Body.

- 7.3. The University will consider whether it is necessary to suspend a student against whom allegations of assault have been made, whilst the assailant is being investigated by the police or any subsequent court processes, in order to maintain the safety of the St George's University academic community; or staff and patients at clinical placement sites.
- 7.4. On the completion of any external investigation, the University will consider whether to invoke any relevant internal disciplinary procedure.

Assault: Support for students alleged to have assaulted or sexually assaulted another.

- 7.5. Being under any kind of investigation is a very stressful process.
 - 7.6. Regardless of alleged circumstance, SGUL seeks to provide support and advice to all students who may find themselves under investigation for a breach of Law, SGUL or External Policies or Procedures, for the duration of the investigation.
 - 7.7. For students against whom an allegation of assault or sexual assault has been made, SGUL will support, ideally with continuity of staff contact, through the process of an investigation. The supporting staff member will be separate to any staff involved in any subsequent disciplinary investigation.
 - 7.8. In some situations, a student may find themselves under investigation for an alleged breach of the Law, or by another external institution e.g. hospital trust, **and** potentially or actually, under investigation by SGUL for breach of SGUL regulations. In this situation, SGUL will clearly **separate** support/welfare functions for the student, from any SGUL investigative or disciplinary process.
 - 7.9. All SGUL student support is available to all students under investigation: personal tutor; student services; Counselling; SGUL Estates (where relevant); SGUL Security (where relevant); Occupational Health; Dean and Deputy Dean for Students; Vice president Welfare and Education (Student Union); Chaplaincy.
 - 7.10. Other relevant support services, such as NHS (GP, talking therapies), or Charitable agency contact details will be available from the SGUL website.
 - 7.11. The Counselling service is a confidential service and will not share information with the University or any other Body.
 - 7.12. The SG Student's Union is an alternative confidential source of support for students (Vice President for Education and Welfare as point of contact).
 - 7.13. Students against whom an allegation of assault has been made, can discuss with the Programme team, how the investigation and allegation has affected their academic work, and if necessary, can fill in a 'mitigating circumstances' form. Any affordances to the programmatic requirements of the Course, can be considered and discussed with the student by the Course Team.
- 8. Sexual or Physical Assault: two or more SGUL students are involved in the same incident**
- 8.1. Both students will be offered support by different individuals who are not involved in supporting others involved in the incident.
 - 8.2. The support offered to each student, will be separate from their individual contact with the SGUL officer who is investigating the disciplinary offence involved.
 - 8.3. The University will put in place, if feasible, practical arrangements (teaching or estate) necessary to reduce contact between the students, if required.

- 8.4. The University may request voluntary agreement from students with respect to a restriction of movement on Campus or Halls, if appropriate.
- 8.5. The University may consider penalties for misconduct issued under the Student Disciplinary Procedure, during the investigation, to ensure the safety of SGUL students.

9. Assault: legal advice

- 9.1. SGUL is unable to provide legal advice for students.
- 9.2. Students are urged to seek legal advice for any potential criminal charges.
- 9.3. Students are urged to seek legal advice prior to accepting a 'caution' as an alternative to prosecution, particularly if they are on a health care vocational course, or have a visa.
- 9.4. Medical students may contact their medical defence societies, or the British Medical Association, for support in any investigation (internal or external) which may have implications for a future career in medicine or healthcare.

10. Sexual or Physical Assault: record keeping

- 10.1. SGUL will maintain confidential records of any reported incident, student files containing sensitive information are held in a reserve collection which can only be accessed with permission.
- 10.2. The confidential records may be used if a University investigation takes place. The records will be shared externally with the student's consent only unless there is a Court Order for their submission via the Institutional information sharing policy.
- 10.3. SGUL may be required to disclose information under the requirements of the St George's, University of London, Student Privacy Notice.

11. Other relevant St George's policies

- General Regulations for Students and Programmes of Study
- SGUL Information Sharing Policy
- Student concerns and Complaints Procedure

Dean of Students
July 2018

Sources of help for victims of sexual assault

Emergency Police / Ambulance Police – non-urgent	999 101
St Georges University Security	0909
Staff trained to support students who have been sexually assaulted:	Dean for Students Deputy Dean for Students Deputy Registrar – Gavin Taylor Senior Lecturer in Diversity – Margot Turner Vice President Education and Welfare (St George’s Students Union)
What should I do immediately after a sexual assault or rape?	NHS choices: find help and information here, including on services and collection of forensic evidence http://www.nhs.uk/Livewell/Sexualhealth/Pages/Sexualassault.aspx
St George’s Counselling SGUL	(020) 8725 3628 [ext 3628] or counselling@sgul.ac.uk https://portal.sgul.ac.uk/services/counsellors There are open sessions every week which do not require booking in advance.
The Havens	020 3299 6900 https://www.thehavens.org.uk/ <i>We are here to help you if you’ve been raped or sexually assaulted in the past 12 months. You can call us 24 hours a day, seven days a week, for an initial assessment. When we need to see you urgently, such as for a forensic medical examination (FME), we aim to see you within 90 minutes. We also offer follow-up care, including counselling, tests and treatments. Our medical and emotional support services are confidential. That means we won’t tell anyone you’ve contacted us or come to see us unless you want us to. And you can use any of our services without involving the police.</i>
Victim Support	08 08 16 89 111 https://www.victimsupport.org.uk/ Information leaflets, for men and women, can be found here: https://www.victimsupport.org.uk/help-and-support/information-leaflets <i>If you’ve been affected by crime, we can give you the support you need to move forward. Our services are free, confidential and available to anyone in England and Wales, regardless of whether the crime has been reported or how long ago it happened. Choose from a number of ways to contact us.</i>
Rape crisis	0808 802 9999 www.rapecrisis.org.uk <i>National Helpline open every day of the year: 12noon to 2.30pm and 7pm to 9.30pm incl. weekends and bank holidays. Also 3pm to 5.30pm Mondays to Fridays. Confidential, safe, specialist support. Number will not show up on bills.</i>

Survivors UK	<p>020 3598 3898 https://www.survivorsuk.org</p> <p>Leaflet: https://www.survivorsuk.org/wp-content/uploads/2016/10/SUK-Guide-to-Services-October-2016.pdf</p> <p>Chat services: SMS: 0203 322 1860 Mon/Fri 10.30-9pm Sat/Sun 10-6pm</p> <p><i>Survivors UK helps men who have been sexually abused and raises awareness of their needs</i> Note: Sexual violation includes both childhood sexual abuse and adult sexual assault/rape</p>
Local Authority: Wandsworth Safety Net	<p>020 7801 1777</p> <p><i>An independent and confidential advocacy service for all victims (any gender) of domestic abuse in the borough. The crime does not have to be reported and an incident does not have to have recently taken place to access the service</i></p>
Local Authority: Wandsworth One Stop Shop St. Mark's, Battersea Rise, SW11 1EJ	<p>Every Monday (except Bank Holidays) 10am to 12.30pm</p> <p><i>Come to our One Stop Shop for: free information; legal advice, and support for people experiencing domestic violence and abuse in Wandsworth.</i></p>
Improving Access to Psychological Therapies (IAPT) – all local authorities Wandsworth	<p>Wandsworth Talking Therapies and Wellbeing Service</p> <p>020 3513 6264</p>
Samaritans UK –	<p>https://www.samaritans.org/ Call 116 123 or email jo@samaritans.org</p> <p><i>Support line for people who are depressed or suicidal</i></p>