

STUDENT SEXUAL MISCONDUCT POLICY

This document sets out the policy which ensures a safe, respectful, and supportive environment at Falmouth University free from sexual misconduct, regardless of study type. It promotes dignity, respect, and mutual consent, encourages reporting and challenging inappropriate behaviour, and commits to addressing incidents with seriousness and fairness. The policy provides resources for reporting and support, emphasising community responsibility.

ORGANISATION: Falmouth University

APPLIES TO: Students

POLICY OWNED BY: Quality Assurance & Enhancement and Student Support (FXPlus)

REQUIRED CONSULTEES: Quality Assurance & Enhancement, Student Support (FXPlus), Falmouth Online, Academy for Continuing Education and Legal & Compliance

APPROVED BY: Academic Board

DATE APPROVED: WEDNESDAY, 07 MAY 2025

REVIEW DATE: MONDAY, 31 AUGUST 2026

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1 Purpose

- 1.1 The purpose of this policy is to create and maintain a safe, respectful, and supportive environment at Falmouth University (the “University”), free from sexual misconduct, regardless of study mode.
- 1.2 It aims to foster a culture of dignity, respect, and mutual consent among all members in line with our values, where individuals feel empowered to speak out and challenge inappropriate behaviour.
- 1.3 The University does not tolerate incidents of sexual misconduct, and this policy emphasises the University’s commitment to investigating and addressing incidents of sexual misconduct with seriousness, sensitivity, impartiality and fairness under its proper procedures and ensuring support for all of those affected. It also highlights the responsibility of all members of the University’s community in upholding these values and provides clear, accessible procedures for reporting and support related to sexual misconduct.
- 1.4 The University will ensure that anyone making a complaint in good faith or supporting anyone else in making such a complaint in good faith about any alleged incident of sexual misconduct will not experience any victimisation or any other detriment as a result of reporting their concerns to it or any of its academic partners or franchise providers.

2 Scope

- 2.1 This policy applies to all students at the University.
- 2.2 The University is jointly responsible with franchise delivery partners for ensuring that students are protected from harassment and sexual misconduct. For students studying with franchise partners, their teaching institution will have a policy which mirrors the University provision and other than in exceptional cases they should refer any complaints under this policy to them for investigation under their applicable policies and procedures.
- 2.3 This policy is intended to be used by the University’s students to report incidents of sexual misconduct involving other students, members of staff and the University’s contractors and is not limited to incidents only occurring on Falmouth University or partner institution premises but also covers incidents that happen both off campus and online where its staff, students or contractors are involved.

- 2.4** Conduct which amounts to sexual misconduct as defined by this policy may also constitute a potential criminal offence. In such circumstances, and where a complaint has been reported to the Police or another external authority, priority over internal processes may need to be given to the relevant external authority investigation into the matter. Regardless of the fact of an external investigation or the outcome of any criminal investigation or criminal proceedings the University has discretion to proceed with an internal investigation under its own policies and procedures in parallel if it considers it reasonable and appropriate to do so.
- 2.5** Where a student's conduct comes under investigation by the police, the University's own investigations into alleged misconduct or proceedings under this policy may be deferred until such time as the police and/or courts have completed their investigations and proceedings. The University may also, as appropriate to the circumstances, at any time, suspend a process already underway under this policy. In determining whether to commence or proceed with any action or process under this policy, the University is not bound by the outcome of any police or criminal investigation or prosecution. However, where a finding of misconduct is made and the student has also been sentenced by a criminal court in respect of the same facts, the court's penalty shall be taken into consideration in determining any penalty under this policy.
- 2.6** The University has a separate student policy on bullying and harassment which outlines the steps that the University will take to address incidents of alleged bullying and harassment experienced by its students. Students who have suffered sexual misconduct in the form of sexual harassment may wish to refer to that policy. In addition, the University reserves the right to refer matters involving sexual harassment to be dealt with under the most appropriate policy and procedure taking account of the facts and circumstances of the individual case.

3 Policy statements

- 3.1** The University is dedicated to providing a safe and supportive environment where sexual misconduct is not tolerated, and individuals are supported in reporting incidents to it or its academic partners and/or franchise partners in good faith or in supporting individuals making such reports.
- 3.2** The University offers an inclusive and positive cultural environment where all members of its community can flourish, be equally valued and respected, and where bystanders are empowered to challenge problematic behaviour.
- 3.3** The University expects all members to treat each other with respect, in line with our values, fostering a culture where sexual misconduct is not tolerated.
- 3.4** The University advocates for healthy, positive relationships based on mutual respect and clear consent and strives to ensure that everyone feels confident speaking out against sexual misconduct, knowing they will be supported and taken seriously.
- 3.5** The University recognises that sexual misconduct can cause significant harm and violate human dignity. Reports of such behaviour will be taken seriously.

- 3.6** The University is committed to effective prevention and response to incidents of sexual misconduct, acknowledging that unintentional harm can still constitute a breach of this policy and/or the Student Code of Conduct.
- 3.7** The University will provide guidance and support to students who experience sexual misconduct as well training to staff who may be responsible for receiving disclosures and reports from students or implementing this policy, ensuring reports about alleged sexual misconduct are handled sensitively, fairly, impartially and effectively.
- 3.8** The University will provide a single comprehensive source of information available on its website dedicated specifically to sexual misconduct with clear signposting to: support both internally and from external agencies; pathways to reporting; its policies and procedures; details of accessible counselling services; guidance relating to consent and defining sexual misconduct; and details of work being undertaken in this area. Equivalent facility will be provided to academic franchise partnership students as appropriate.
- 3.9** Reports of sexual misconduct can be made in the following ways:
- **Anonymous or informal report via the University's Support and Report tool:** students who have witnessed or been affected by sexual misconduct, on our campuses or in the wider community, can use this online reporting tool to make an informal report or disclosure. Any student using the service who has informally reported (by providing their contact details) will be contacted by the Student Support team about what they would like to do next and how the University can provide support. A student can also choose to remain anonymous; while sharing their experience so the University can protect the wider community, but the University may not be in a position to take any formal action under this policy unless a complaint report is made.
 - **Report to the Police:** In parallel to the University's own internal procedures students may also have the right to report conduct which may also constitute a criminal offence to the Police. The University's Student Support team can advise and support a student in making a report to the Police about an alleged incident of sexual misconduct. Under its Disciplinary Procedures, the University can put precautionary measures in place, which can include a requirement for a student not to contact another student, and/or a suspension, while a Police investigation is in progress as well as pausing any internal process pending the outcome of any external investigation that may need to take precedence.
 - **Formal complaint to the University:** If a student would like the University or a franchise provider (as appropriate) to take action under this policy and their proper procedures, they can make a formal complaint. A student can take this step even if the alleged incident of sexual misconduct may constitute a criminal offence and they do not want to report the matter to the Police or in parallel to any report to the Police. The Student Support team can support them through the process, and the Students' Union can also provide impartial advice. As above, the University can put precautionary measures in place, which can include a requirement for a student not

to contact another student, and/or a suspension, while an internal investigation is in progress as well as pausing any internal process pending the outcome of any external investigation that may need to take precedence. The University can also take steps under its own procedures even after the completion of any criminal process where appropriate.

- More information on reporting can be found on the University's reporting guidance pages here: <https://www.falmouth.ac.uk/experience/support/harassment-and-sexual-misconduct>.

- 3.10** Complaints about the conduct of another student covered by this policy will be considered under the University's Student Disciplinary Policy and Procedure. Complaints about the conduct of a member of staff covered by this policy (including, but not limited to, all employees and contractors of the University) will be referred to the University's People and Culture team to determine whether any action is required under the University's Disciplinary Policy for staff. The civil standard of proof (ie on the balance of probabilities) will be used to determine whether misconduct has occurred in accordance with the terms of the appropriate procedure.
- 3.11** The University recognises that students may disclose an incident of sexual misconduct to any member of staff that they trust. As a disclosure is not a report a student must be provided with information about the support available and their options for reporting. This must be provided without the student having to disclose their identity (a no name consultation). With consent a staff member can refer a student for formal support.
- 3.12** If a student decides not to make a report, the member of staff should agree with the student the details of the disclosure and any records kept regarding the same. Any notes taken should be brief and factual and the staff member should notify the student that they will have to notify QAE that a disclosure has been made to them subject to agreeing the detail with the student.
- 3.13** The University treats disclosures and reports of sexual misconduct with sensitivity and confidentiality, and information will only be disclosed to staff as necessary in order to provide support, make decisions, undertake risk assessment, and where appropriate, to investigate a case, in accordance with applicable policies and procedures. In exceptional circumstances where there are safeguarding concerns, or it is believed that a student or other individual is in immediate risk of harm then the University may notify the Police or other external agency in line with the University's Safeguarding Policy. In situations where the University has to take this step it will provide the student or students with a full explanation of its reasons.
- 3.14** Close personal relationships between staff and enrolled students are not permitted, as stated in the relevant People and Culture staff-facing policy ([Relationships at Work Policy](#)). Students can report harassment or sexual misconduct within staff-student relationships, regardless of the policy's stance on such relationships, and will not be penalised for participating in such relationships. If a student wishes to report harassment or sexual misconduct within a staff-student relationship in good faith they will be protected from retaliation or victimisation.

- 3.15** Reporting will be student-led, however where a serious allegation against a student or a member of staff is made, or where the University has grounds to suspect that sexual misconduct has taken place or is taking place, it may have a duty to investigate a case, regardless of whether you wish to formalise a report or complaint. In some cases, the University may also have a duty to notify the Police.
- 3.16** All members of the University's community are expected to take responsibility for maintaining a safe, respectful and supportive environment and will be held accountable for their actions.
- 3.17** This policy should be read in conjunction with the following [related policies and procedures](#):
- Student Disciplinary Policy and Procedure
 - Bullying and Harassment Policy
 - Student Code of Conduct
 - Complaints Policy and Complaints Procedure
 - Suspension Policy
 - Safeguarding Policy

4 Key definitions

- 4.1** The University uses the Office for Students' definition of sexual misconduct: '*Sexual misconduct*' means any unwanted or attempted unwanted conduct of a sexual nature and includes, but is not limited to:
- i. Sexual harassment;
 - ii. Sexual assault;
 - iii. Rape.
- 4.2** Examples of sexual misconduct include, but are not limited to, the following:
- a) Unwanted behaviour or conduct of a sexual nature, which has the purpose or effect of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for the other person, even if this was unintended
 - b) Intentionally touching another person in a sexual way without their consent (sexual assault)
 - c) Intentionally penetrating another's vagina, anus or mouth with a penis, without the other person's consent and rape;
 - d) Giving another person alcohol and/or drugs (spiking) without their consent in order to commit rape, sexual assault or other sexual misconduct
 - e) Recording or sharing images (photographs or videos) of a sexual nature without the consent of the person pictured, including use of AI generation or other forms of manipulation
 - f) Unwanted obsessive or controlling behaviour, including social media posts
 - g) Taking images (photographs or videos) under a person's clothes without their consent
 - h) Controlling, coercive, threatening behaviour, violence or abuse by a current or previous intimate partner
 - i) Any adverse action against another person which is made in response to a disclosure or report of sexual misconduct

- j) Showing sexual organs to another person without their consent
- k) Being complicit in any behaviour which knowingly helps, promotes or encourages any form of sexual misconduct by another person

5 Related information

5.1 The University aims to provide sensitive, impartial and confidential support to all students affected by issues of sexual misconduct. The University's priority is to empower students; providing them with the information and time to consider their options and make decisions for themselves. If a student discloses experiencing sexual misconduct or is the subject of an accusation of such acts or a witness, they will have equal access to support regardless of when or where the events occurred. In relation to students disclosing an incident the University will support them in deciding whether or not they wish to make a formal report. Information about support can be found here:

- <https://www.falmouth.ac.uk/experience/support/harassment-and-sexual-misconduct>
- <https://fxplus.ac.uk/mental-health-and-wellbeing-support/>

5.2 If a student is studying at one of Falmouth University's franchise collaborative partner institutions, they will be supported by the appropriate team at that institution.

6 Responsibilities

6.1 The Vice-Chancellor and CEO, Pro-Vice Chancellor (Academic Services) and Chief People Officer are the strategic leads who hold institutional responsibility for our approach to addressing harassment and sexual misconduct.

6.2 Quality Assurance & Enhancement, People & Culture, Student Support (FXPlus) and Legal & Compliance are responsible for the application of this and related regulations, policies and procedures.

6.3 This policy will be reviewed annually accompanied by a monitoring schedule linked to cases and reporting for audit and compliance purposes.

7 Contact for further information

7.1 Quality Assurance & Enhancement: QAE@falmouth.ac.uk and/or Student Support: Student.Services@fxplus.ac.uk.

VERSION CONTROL

PURPOSE/CHANGE	AUTHOR/OWNER	DATE
Original document approved at Academic Board	QAE & Student Support	7 May 2025