SPIRIT STUDIOS.

Procedure for Reporting and Responding to Incidents of Harassment, Sexual Misconduct and Domestic Abuse

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1. Introduction

1.1 Spirit Studios is committed to creating a safe and inclusive environment, where all members of our diverse community can feel a sense of belonging, and where everyone can feel safe and supported and can flourish in education, at work and for life.

1.2 Spirit Studios will not tolerate any form of inappropriate or harmful behaviour. As an academic partner of the University of Lancashire, Spirit Studios adopts the **University's Policies on Harassment, Sexual Misconduct and Domestic Abuse** which set out the University's expectations in terms of maintaining healthy and respectful relationships and what is defined as unacceptable interpersonal behaviours.

1.3 This **Procedure** is designed to support the implementation of those Policies and should be read alongside them. It sets out the **pathways** for a student to share or report their experience of unacceptable behaviour (harassment, sexual misconduct or domestic abuse) and the **process** that will be followed.

1.4 Spirit Studios will adopt a trauma-informed approach so that students feel able to trust the Spirit Studios, its staff and processes. Spirit Studios recognises that for students to share their experience and access support, there must be safety, trust, choice, collaboration and empowerment

2. Terminology

The following terminology is used throughout this Procedure:

Sharing – is where a student shares their experience of inappropriate behaviour with a member of Spirit Studios staff. This is an informal step and is different from 'Reporting' because it does not automatically lead to an investigation or a disciplinary process, but it would lead to support being offered.

Reporting– is where a student submits a formal report to the Student Casework Team with the aim of initiating an investigation by Spirit Studios in line with the process set out in this Procedure. This is a formal step and is different from 'Sharing' because it will normally result in an investigation.

Reporting person or student – is the student(s) who has made a formal report about their experience of unacceptable interpersonal behaviour.

Responding person -- is the person(s) whose behaviour is alleged to have been an act of unacceptable interpersonal behaviour as defined by the relevant Spirit Studios Policy.

3. Scope

3.1 This Procedure applies to students registered on any Spirit Studios programme of study including taught courses, postgraduate research degrees, apprenticeships, short courses, continuous professional development activities and distance learning courses, who have experienced unacceptable interpersonal behaviour in the form of harassment, sexual misconduct, domestic abuse. It applies to all current or former students and apprentices at any stage of study.

3.2 This Procedure may be invoked wherever the experience occurred, whether it was on the Spirit Studios premises or elsewhere including any workplace, field trip or sporting activity and private halls of residence. It is recognised that harassment, sexual misconduct and domestic abuse can also occur online and through social media.

3.3 This Procedure forms part of the Spirit Studios suite of regulations, policies and procedures. It is designed to implement the Spirit Studios Policies on Harassment, Sexual Misconduct and Domestic Abuse and may lead to action under the Student Disciplinary Procedure, the Fitness to Practise Procedure, the Student Complaints Procedure or the Staff Disciplinary Procedure.

3.4 Where the responding person is a Spirit Studios student, the matter will normally be progressed in line with the Student Disciplinary Procedure as set out in the Student Flow Chart.

3.5 Where the responding person is a student registered on a professionally regulated course at Spirit Studios, the Head of Education will be consulted to determine whether and when the Fitness to Practise Procedure should be initiated.

3.6 Where the responding person is a member of Spirit Studios staff, a member of staff at a placement organisation, a person whose services have been contracted by or a visitor to Spirit Studios, the report will be progressed in line with the Student Complaints Procedure in consultation with the Senior Management Team, as set out the Flow Chart for Student Complaints.

3.7 Students enrolled for a University award at a partner institution who wish to share or report the behaviour of a student or member of staff at that institution, should pursue the matter in line with the partner institution's procedure in the first instance

3.8 Learners who are enrolled on degree apprenticeships at Spirit Studios who have experienced unacceptable behaviour in the workplace can share their experience with Student Wellbeing Services for the purposes of receiving support and advice.

3.9 If there is an overlap between this Procedure and other Spirit Studios procedures, for example, if the responding person is both a student and a member of staff, the Deputy Registrar will consult with the Senior Management Team, Student Services and/or the the Head of Education as appropriate, to determine which procedure will apply.

3.10 In the event of any conflict between this Procedure and another Spirit Studios procedure, this Procedure will take precedence.

3.11 This Procedure is supplemented by guidance notes, FAQs and flow charts developed with the Students' Union at the University of Lancashire to make it easy to understand and navigate for students, and guidance notes for staff involved in the process.

4. Responsibilities

4.1 Any member of staff may be approached by a student who wishes to share their experience of unacceptable interpersonal behaviour. Spirit Studios will provide guidance for all staff which is relevant to their role, to support them to respond in a professional and sensitive manner and ensure the student is referred to Student Wellbeing Services.

4.2 Where a student shares their experience of unacceptable interpersonal behaviour, they will be referred to Student Wellbeing Services who will provide information and advice on the reporting pathways. Student Wellbeing Services is responsible for providing effective, timely and tailored support for all students involved in the process.

4.3 The Student Casework Team is responsible for ensuring that formal reports of unacceptable interpersonal behaviour are processed in a timely and fair manner in line with the relevant Spirit Studios procedure, including the risk assessment, investigation and any disciplinary or appeal process.

4.4 The Senior Management Team, along with the Head of HR, will be involved where the responding person is a member of Spirit Studios staff to ensure that the

relevant student and staffing procedures are followed in a coherent manner and that all parties are treated fairly.

4.5 The Sexual Violence, Domestic Abuse and Harassment Steering Group is chaired by the Head of Education and has oversight of this Procedure and the associated policies. Day-to-day responsibility for the management of the process is delegated to the Welfare Manager and Safeguarding.

5. Initial Steps

5.1 A student may choose to share their experience of unacceptable interpersonal behaviour with Spirit Studios at any time. Spirit Studios appreciates that this takes courage and will aim to make this as straightforward and supportive as possible. There are many ways in which students can share their experience, including:

- with any member of Spirit Studios staff, for example a trusted academic or placement tutor, student coach or security officer
- with Student Wellbeing Services, by telephone or e-mail, during a drop-in session or using an online self-referral form
- with the Students' Union Advice and Representation Centre at the University of Lancashire
- through the Wellfare Hub
- through an application for Mitigating Circumstances or an Academic Appeal

5.2 Wherever a student **shares** their experience, they will be referred to Student Wellbeing Services at the earliest opportunity. Specially trained staff will give the student the information, time and support to decide how they wish to proceed. This will normally involve one or more of the following options:

- to inform Spirit Studios on an **anonymous** basis for information only
- to **share** their experience for the purposes of receiving **support**
- to refer the matter to the police, with **support** from Student Wellbeing Services, if requested
- to make a **report** to Spirit Studios about the behaviour of a Spirit Studios student, staff member, contractor or placement employee, with **support** from Student Wellbeing Services, if requested

5.3 '**Sharing**' and '**reporting**' are two different options available to the student. If a student **shares** information about their experience of inappropriate behaviour, this will not automatically initiate an investigation, which is a separate process. Spirit Studios will respect the wishes of the reporting student, unless there are

overriding concerns about a risk of harm to the student or others. These will be explained to the student in line with the Spirit Studios Privacy Notice.

5.4 Spirit Studios understands that it is important to minimise the number of times that the reporting student is asked to repeat details of their experience to different members of staff. If a student **shares** their experience with Student Wellbeing Services and then chooses to make a **report** to Spirit Studios, they will be asked for their permission for any meeting notes to be passed to the Student Casework Team who will progress the report.

6. Anonymous Reporting

6.1 Spirit Studios is committed to dealing with all reports of unacceptable interpersonal behaviour in a supportive and fair manner. It is understood that making a report is not something that every student may wish to do, as it takes time and emotional energy and may involve sharing very sensitive personal information. 'Report and Support' enables a student to make an anonymous report if they wish.

6.2 Where a student chooses not to provide their name or contact details, this may limit Spirit Studios ability to take action in response to the report. This is because the principles of natural justice mean that the responding person has the right to know what they are accused of, and knowing the identity of the reporting person is usually a necessary part of that.

6.3 Anonymous reports are, however, still a valuable source of information. Spirit Studios will collate and analyse the information provided in anonymous reports to monitor the prevalence of incidents, and will consider, in consultation with the Students' Union, what targeted preventative actions might be needed to support and protect the Spirit Studios community.

6.4 Where an anonymous report is made about the behaviour of a Spirit Studios staff member or student, Spirit Studios may initiate enquiries if it considers that there is a serious and compelling case which can be corroborated by other sources of evidence. This may involve an informal discussion with the responding person.

7. Support

7.1 Spirit Studios is committed to providing effective, timely and targeted support for all members of our community affected by these issues. This will include support for their wellbeing and to enable them to participate fairly in the process. In

addition, Spirit Studios will undertake initiatives such as preventative campaigns with a view to creating cultural change.is committed to providing effective, timely and targeted support for all members of our community affected by these issues. This will include support for their wellbeing and to enable them to participate fairly in the process. In addition, Spirit Studios will undertake initiatives such as preventative campaigns with a view to creating cultural change.

7.2 Spirit Studios may put precautionary measures in place following a report of inappropriate behaviour, to protect the interests of all parties throughout the investigation and any criminal or disciplinary proceedings (see section 13).

7.3 Support will be non-judgmental and tailored to the individual, regardless of whether the matter is being dealt with by the police or by Spirit Studios, and whatever the outcome of the investigation, criminal or disciplinary proceedings.

7.4 Students will be referred to Student Wellbeing Services who will provide information and specialist support in terms of their personal wellbeing, safety and academic studies.

7.5 The Student Wellbeing Team will assist students to access relevant internal and external specialist support as appropriate. This may include:

- a referral to counselling or mental health support on campus
- a referral to the Sexual Assault Referral Centre (SARC)
- a referral to specialist support in the local area e.g. Lancashire Victim Services
- a referral to a national organisation e.g. the National Stalking Advocacy Service (Paladin)

7.6 Students will also be offered support to address any impact on their academic studies, including support in applying for Mitigating Circumstances and providing letters of supporting evidence, alternative forms of assessment or applying for an interruption of studies.

7.7 Details of all the support available for students is set out on the Welfare Hub

7.8 Both the reporting and the responding student and any other students involved will be provided with welfare and academic support. A different Student Wellbeing Advisor will be assigned to support each student to ensure impartiality, and will support each student throughout the process, whether these are internal Spirit Studios proceedings or external police proceedings.

7.9 As a student of the University of Lancashire, as well as Spirit Studios, the Students' Union Advice and Representation Centre can provide confidential and independent advice on the options, the procedure, and sources of support. This includes support with preparing reports and attending meetings. The Advice and Representation Centre is also a third-party Hate Crime reporting centre, see: Hate Crime Reporting (uclansu.co.uk)

7.10 The Safeguarding Lead can provide information on the procedure including what to expect, timescales, possible outcomes and the types of evidence that might be relevant.

7.11 Both the reporting and responding student and any other students involved may be accompanied at any stage of the process by a person of their choosing for support, who is not involved as a witness in the case. This may be an advisor from Student Wellbeing Services or the Students' Union or an external support worker, such as an Independent Sexual Violence or Domestic Abuse Advisor

7.12 Where a member of Spirit Studios staff has been affected by an incident of unacceptable behaviour, they will be offered support by the Senior Management Team, along with the Head of HR, as set out in the Prevention of Bullying, Harassment and Sexual Misconduct Policy. Any member of staff involved may be accompanied at any stage of this process by a colleague or Trade Union representative. It is expected that all parties will respect the nature of Spirit Studios internal processes which are intended to be fair and just, and there is no need for anyone to adopt an adversarial or legalistic stance.

8. Reporting Pathways

8.1 A student may choose to refer an incident of unacceptable interpersonal behaviour to the police or to **report** it to Spirit Studios for consideration under its internal procedures. The student will be given advice about the advantages and disadvantages of these options to help them decide on the right course of action for them and will be supported whichever pathway they choose.

8.2 The nature and scope of an internal disciplinary process and an external criminal process are fundamentally different. Spirit Studios cannot make a finding about whether a criminal offence has been committed because it is not empowered to do so. Rather, an internal investigation will aim to establish whether there has been a breach of Spirit Studios internal policies and regulations.

8.3 Although some allegations under consideration may also amount to criminal offences, Spirit Studios disciplinary procedures do not operate as a court of law and do not make findings of criminality.

8.4 Whilst it does not have the same legal or forensic investigatory powers as the police, Spirit Studios can gather statements from the parties involved and other relevant evidence such as screenshots or CCTV footage.

8.5 In the criminal process, an allegation must be proven 'beyond reasonable doubt' and the most severe sanction is imprisonment. Spirit Studios internal process will apply the civil standard of proof which means that on the 'balance of probabilities' an incident is more likely than not to have happened, and the most severe sanction is expulsion (students) or dismissal (staff) from Spirit Studios.

8.6 If a report is considered through the criminal justice system, this does not prevent Spirit Studios from taking action under its internal procedures, whatever the outcome of the criminal proceedings.

9. Referring to the Police

9.1 If a student wishes to refer an incident of unacceptable interpersonal behaviour to the police, Spirit Studios will support them fully.

9.2 Where a Spirit Studios student or staff member is being investigated by the police or other external authority, Spirit Studios will normally put any internal investigation 'on hold', because the criminal process must take priority.

9.3 Spirit Studios can, however, put precautionary measures in place to protect and support all parties whilst the police investigation is underway. This may involve restricting the responding person from having any contact with the other parties or from accessing specified buildings or activities.

9.4 Precautionary measures will be kept under review in the light of any developments in the police investigation. Spirit Studios will liaise with the police where appropriate, for the purposes of supporting and safeguarding all parties, in line with information sharing protocols and data protection legislation.

9.5 Spirit Studios will review the matter when the criminal process has been concluded, regardless of the outcome, to determine whether a breach of Spirit Studios internal policies and regulations has taken place and whether any of the parties involved require support.

9.6 If the police decide to take no further action or there is an acquittal at a trial, this does not prevent Spirit Studios from taking action under its internal disciplinary procedures and it does not suggest that a vexatious or malicious report has been made.

9.7 If a member of the Spirit Studios community is convicted of a criminal offence or accepts a police caution, this will be taken as evidence that the behaviour is proven. The case will be referred to the Head of Education in the case of a student, or to the Senior Management Team in the case of a staff member, to be considered under the Student or Staff Disciplinary Procedure.

10. Reporting to Spirit Studios

10.1 A student may choose to make a report to Spirit Studios about the behaviour of a Spirit Studios student, a member of staff at Spirit Studios or on placement or

someone whose services are contracted by Spirit Studios. The Student Casework Team will then initiate the investigation process set out in this Procedure.

10.2 Spirit Studios understands that this takes courage and will aim to make the process as straightforward and supportive as possible. A formal report can be made by any of the following methods:

- asking the Student Wellbeing Team for support or to submit a report on their behalf (e-mail: studentwelfare@spiritstudios.ac.uk)
- submitting a report about the conduct of another student to the the Student Casework Team and/or Head of Education at: rachel.emms@spiritstudios.ac.uk
- submitting a complaint about the conduct of member of staff to the the Student Casework Team and/or Head of Education at: rachel.emms@spiritstudios.ac.uk
- Submitting an anonymous report to the Welfare Hub

10.3 Alternative reporting options may be used, for example, a student may ask an external third party to submit a report on their behalf, such as an Independent Sexual Violence or Domestic Abuse Advisor. In these circumstances, the Student Casework Team will ask the student to confirm that they wish to proceed with the report and for their consent to share information with the third party

10.4 Spirit Studios will wish to hear directly from the student about their experience. However, alternative arrangements may be considered in exceptional circumstances, for example, where the student is deeply affected by trauma, although this may mean that it is difficult to obtain evidence.

Are there timeframes for reporting?

10.5 Students are encouraged to report matters at the earliest opportunity and normally within three months, so that support can be put in place and an investigation carried out whilst evidence is available and matters are fresh in people's minds.

10.6 Spirit Studios recognises that there are circumstances which may prevent a student from initially reporting their experience, for example, they may not recognise at the time that the behaviour was inappropriate and/or there may have been an emotional impact for them. Spirit Studios will exercise discretion in these circumstances to consider reports or complaints received outside the timeframes in the Student Complaints Procedure.

10.7 Incidents which have not occurred recently may be considered by Spirit Studios, although it should be recognised that it may be difficult to properly investigate

matters which occurred a long time ago, because the passage of time may lead to difficulties in obtaining evidence.

What information is required?

10.8 The Student Casework Team will require an initial statement from the reporting student, including: what happened, when and where; who was involved; the impact of the reported behaviour; and details of any witnesses or other evidence such as screenshots.The Student Casework Team will require an initial statement from the reporting student, including: what happened, when and where; who was involved; the impact of the reported behaviour; and details of any witnesses or other evidence such as screenshots.

10.9 Spirit Studios will aim to make this as straightforward as possible by providing a standard reporting form or offering the student a meeting either in person or via Google Meet to provide the information. Spirit Studios will minimise the number of times a student is asked to recount their experience, so as not to cause further distress. If a statement has already been given to the Student Wellbeing Team, the student will be asked for their permission for this to be shared with the Student Casework Team.

The reporting student will be invited to a meeting with a member of the Student Casework Team. A member of the Senior Management Team may also be present if the responding person is a member of Spirit Studios staff. The purpose of the meeting will be:

A. to confirm the details of the report with the student
B. to inform the student what to expect from the formal process, which will normally involve a risk assessment and an investigation which may lead to a disciplinary process
C. to check whether the student has immediate concerns which need to be considered at the risk assessment, for example, if the parties are on the same course or in the same accommodation
D. to check whether the police have been involved at any stage and, if so, what action has been taken
E. to discuss the informal resolution process, if this is something the student wishes to consider and if it is appropriate given the nature of the case
F. to explore what the reporting student would wish to see as an outcome of the process and whether that can reasonably be achieved
G. to ensure that the student is aware of all the support that is available for them in Spirit Studios

H. to discuss the anticipated timescale and how and when the student will be updated on progress.

10.10 **Reports about a Spirit Studios student** - If the report is about the behaviour of a student, the matter will normally be progressed in line with the Student Disciplinary Procedure. If the responding student is registered on a professionally regulated course, the Head of Education will be consulted to decide whether the student's fitness and suitability to practise in a particular profession is called into question and, if so, when the Fitness to Practise Procedure should be invoked.

10.11 **Reports about a Spirit Studios member of staff** -If the report is about the behaviour of a Spirit Studios member of staff, the investigation will normally be progressed through the Student Complaints Procedure. The head of HR will be consulted to determine whether and when the Staff Disciplinary Procedure should be invoked.

10.12 The meeting will be conducted in a supportive and sensitive manner either in person or via Google Meet. The reporting student may be accompanied by a friend or an advisor for support. Breaks will be offered, and reasonable adjustments will be made in the light of any inclusivity needs, where required to enable the student to participate fully in the meeting.

10.13 Spirit Studios will respect the reporting student's right to choose how they wish to take the matter forward and reports will be treated confidentially as far as possible. If, however, the incident is very serious and, for example, the student or someone else is at risk, Spirit Studios may have a duty to take further action. If this is the case, it will be explained to the student.

10.14 A copy of the notes of the meeting and a summary of the alleged behaviour will be shared with the reporting student following the meeting, and they will have the opportunity to make any adjustments. They will be asked for permission to share the summary of the alleged incident with the responding person, to ensure a full and fair enquiry. If the reporting student does not give permission for this to be shared, it may not be possible to proceed with an investigation and this will be explained to the student.

10.15 Spirit Studios will conduct the formal process in a timely manner, and will aim to complete the risk assessment, investigation, any disciplinary hearing and communication of the outcome within a maximum of 60 calendar days. Where this timescale cannot be met for good reason, both parties will be informed of the reason and the revised timescale for completion

10.16 The Student Caseworker will maintain communication with all parties throughout the handling of a case. An update on progress will normally be given every two

weeks or in the event of any significant development in the case. This may involve sharing information where it is appropriate to do so.

11. Informal Resolution

11.1 The reporting student may choose to report their experience of unacceptable behaviour of another member of the Spirit Studios community with the intention of facilitating an agreement between them to limit all future contact. Informal resolution can only go ahead with the mutual agreement of both parties

11.2 The Student Caseworker will review the case and will consult with colleagues from the Student Wellbeing Team, the Senior Management Team and the School as necessary, to determine whether informal resolution is appropriate and practicable in all the circumstances of the case.

11.3 The Student Caseworker will facilitate separate meetings with both parties to discuss measures to limit contact between them. These measures will be set out in a No Contact Agreement which both parties will be asked to sign. In these circumstances, no formal finding will be made, although the responding person may also agree to write an apology or participate in an educational activity.

11.4 The case may be referred for a formal investigation where one or both parties do not agree on the proposed informal measures, or in the event of a breach of the No Contact Agreement.

12. Risk Assessment

12.1 A Risk Assessment will normally be conducted where a student has made a report to Spirit Studios of unacceptable behaviour by a Spirit Studios student or staff member, or where Spirit Studios has been informed that the police are undertaking an investigation.

12.2 The purpose of the Risk Assessment will be to protect the interests of all parties whilst an investigation is carried out either by Spirit Studios or by the police

12.3 The Student Caseworker will arrange for the Risk Assessment to be carried out within a suitable timeframe. Serious cases will be dealt with as a matter of urgency, whilst other cases will normally be assessed within 5 working days.

12.4 The membership of the Risk Assessment Panel will be determined by the Student Caseworker, depending on the nature of the report and the parties involved. The membership will normally include as a minimum:

A. The Head of Education who will normally act as Chair

B. A senior representative from the School or Service of each of the person(s) named in the report
C. A representative from Student Wellbeing Services
D. A representative from the Senior Management Team
E. A manager from the People Team, where the responding person is a member of Spirit Studios staff

12.5 The Risk Assessment Panel may co-opt additional members if required, including external stakeholders, for example, from a sexual assault referral centre or the police. All members of the Risk Assessment Panel will have received appropriate training and Spirit Studios will aim as far as possible, to ensure the diversity of members. The Risk Assessment Panel may co-opt additional members if required, including external stakeholders, for example, from a sexual assault referral centre or the police. All members of the Risk Assessment Panel will have received appropriate training and Spirit Studios will aim as far as possible, to ensure the diversity of members.

12.6 The Risk Assessment Panel will convene in private session to consider:

A. potential risks and any appropriate and proportionate precautionary measures to mitigate those risks and secure the situation, until the process has been brought to a conclusion;
B. any support needs for the reporting and responding persons and any other members of Spirit Studios involved, from a safety, wellbeing and academic perspective;
C. whether the circumstances of the case require a referral to an external agency e.g. the police, the DBS, the LADO or PIPOT.

12.7 If the matter is to be dealt with under Spirit Studios internal procedures, the Panel will identify which internal procedure should be invoked. This may be the Student Disciplinary Procedure, the Fitness to Practise Procedure, the Student Complaints Procedure or the Staff Disciplinary Procedure.

13. Precautionary Measures

13.1 Spirit Studios may take precautionary measures, which are intended to secure the safety, wellbeing and academic integrity of all parties involved, whilst the internal or external investigation is carried out.

13.2 The Risk Assessment Panel will act fairly in seeking to balance the rights of all parties and to minimise the impact for those involved on their University life, work and studies, during this period. Precautionary measures are not intended

to be punitive and do not indicate that Spirit Studios has made a finding of wrongdoing.

Reports about a Spirit Studios student

13.3 Where the responding person is a Spirit Studios student, precautionary measures may include, but are not limited to:

A. that the responding student has no contact with the reporting student, either directly or indirectly via any means including social media
B. restrictions from accessing specified parts of Spirit Studios e.g. studio spaces
C. that the responding student can only access buildings or facilities e.g. the Library at specified times
D. relocation to alternative accommodation, where possible
E. a temporary exclusion from engaging in a Spirit Studios activity e.g. acting as a student ambassador
F. temporary exclusion from a club or society
G. restrictions on engaging with learning activities e.g. that the student can only participate online or via recordings etc.
H. an interim suspension from campus
I. a full suspension which prohibits the student from entering Spirit Studios premises or engaging with any Spirit Studios activity.

Reports about a Spirit Studios staff member

13.4 Where the responding person is a member of Spirit Studios staff, precautionary measures will be decided in consultation with the relevant Senior Management Team, Head of HR and Line Manager. The Panel will take steps to protect students from harm and will support them to continue with their studies, whilst treating the member of staff fairly and in accordance with Spirit Studios staffing procedures and employment law. Precautionary measures may include, but are not limited to:

A. that the staff member is not involved in the marking of the student's work
B. that the staff member does not act as the student's Academic Advisor, Personal Tutor or Supervisor
C. that the staff member has no contact with the reporting student either directly or indirectly via any means
D. that the staff member transfers to an alternative role within Spirit Studios

E. that the member of staff is suspended in line with the relevant Spirit Studios staff procedure
F. any other measures that are appropriate and proportionate e.g. withdrawal of access to the student's record.

13.5 The outcome of the Risk Assessment including any precautionary measures will be reviewed regularly and updated as necessary. A review will take place every 4 weeks or in the light of any developments in the internal or external investigation if this occurs sooner.

13.6 The Panel will re-convene for a case review meeting when the internal or external investigation has been concluded to 'close the loop' and agree on the next steps. Where an external police investigation has concluded, the Panel will consider whether to invoke an internal disciplinary process. Where an internal disciplinary process has been concluded, the Panel will agree what information on the outcome will be given to the reporting student.

14. Actions Arising from the Risk Assessment Meeting

14.1 The responding person will normally be invited to a meeting with the Head of Education in the case of a student, or a Head of HR in the case of a staff member. If the matter is being investigated by the police, the Student Caseworker and / or Head of Education will consult with the police regarding contacting the responding person, so as not to compromise the police investigation.

14.2 The responding person will be given:

A. a written summary of the allegation, which has been confirmed by the reporting student
B. details of the precautionary measures that have been agreed as a result of the Risk Assessment
C. information about the process and the potential outcomes and what will happen next
D. information about pastoral support for their wellbeing and procedural support to enable them to participate fairly in the process.

14.3 There will be an opportunity for the responding person to ask questions about the process and to make representations about the precautionary measures if they consider that these might have a disproportionate impact on their student life, work or studies. The measures will be reviewed in the light of any such representations. It will not be appropriate to discuss the report at this meeting, as there will be an opportunity for this during the investigation.

14.4 The Student Caseworker and / or the Head of Education will contact the reporting student to inform them of any precautionary measures and any support arrangements that have been put in place to protect and support them, whilst the investigation is carried out.

14.5 The Student Wellbeing Team will make direct contact with any other students affected by the incident to make them aware of support services, as agreed at the Risk Assessment.

15. Investigation Principles

15.1 Spirit Studios will appoint one or more Investigating Officers, depending on the nature and complexity of the case. They will normally be designated member(s) of Spirit Studios staff who have not been involved with the parties or the alleged incident, and who have received training in conducting a trauma-informed investigation. Spirit Studios may, exceptionally, appoint an external investigating officer where the Risk Assessment Panel determines that this would be appropriate in the circumstances of the case.

15.2 The Student Casework Team and/or Head of Education will support the investigation to advise on the process and ensure that a record is taken. Where the responding person is a staff member, the Head of HR may be consulted and may attend the meetings with the staff member.

15.3 The investigation is an evidence-based process and decisions will be made on the balance of probabilities. The purpose of the investigation will be: a. to provide each party with a full and fair opportunity to explain their version of events; and b. to establish the facts about the circumstances giving rise to the report. The investigation will not consider whether the report is justified, but whether there is evidence that it is more likely than not that a disciplinary offence has occurred. The Investigating Officer(s) will act fairly and gather evidence that supports either side of the matter.

15.4 All students involved in an investigation will be entitled to be accompanied for support by a friend or advisor who is not involved as a witness in the case. Staff may be accompanied by a colleague or Trade Union representative. The role of the accompanying person will be to provide support. The parties will normally be required to give their own account of events and to respond to questions.

15.5 The Investigating Officer will normally:

A. meet with the reporting student first to hear their account of events and to identify any witnesses or other evidence which may be relevant to the case

B. meet with the responding person who will be asked to give their version of events and comment on the evidence and to identify any witnesses or other evidence which may be relevant to the case
C. invite any witness(es) to attend an interview or to provide a written statement. Key witnesses may be required to attend any subsequent disciplinary hearing

15.6 All those interviewed will be reminded of the need to maintain confidentiality and will be informed that any evidence they give will normally be shared with both the reporting and the responding persons, in the interest of fairness and natural justice.

15.7 The Investigating Officer(s) will determine the scope of the investigation which will be proportionate to the seriousness and complexity of the case. It is likely to explore sensitive issues, including in cases of alleged sexual misconduct, whether consent was given, and the impact on those involved from both a mental and physical health perspective.

15.8 The Investigating Officer(s) will provide a safe, comfortable and supportive environment for the reporting and responding persons and any witnesses to discuss their version of events, with opportunities for breaks if required. A welfare check will be conducted at each meeting to ensure that all parties are aware of the support services available for them in Spirit Studios. Where the Investigating Officer identifies any risk to the health, safety or wellbeing of any party, this will be addressed in line with Spirit Studios safeguarding policies and procedures. Reasonable adjustments will be made where appropriate in the light of any inclusivity needs, to ensure that all parties can participate in the investigation.

15.9 The Investigating Officer(s) may consult with external parties to obtain specialist advice as required, whilst maintaining confidentiality.

15.10 If the responding person makes counter allegations, the Investigating Officer(s) will confirm whether they wish for these to be considered formally, in which case they must be submitted in writing with supporting evidence within a reasonable timescale. The Investigating Officer(s) will review any counter allegations and decide whether they can be addressed within the investigation, or whether they are of a serious and/or discreet nature and should be considered under a separate process.

15.11 Spirit Studios will aim to conduct the investigation in a timely manner and normally within 4 weeks, although this period may be adjusted depending on the complexity of the case. The Investigating Officer(s) will draw up a timeline and will inform both the reporting and responding persons of the proposed timescale for the investigation, and any changes will be communicated to both parties, taking due account of confidentiality.

15.12 The notes of meetings will be sent to the interviewees within 5 working days of the interview who will have the opportunity to make any comments. Any comments will be incorporated or held alongside the notes.

16. Investigation Report

16.1 The Investigating Officer(s) will prepare a report of their findings. This will normally include: an overview of the alleged behaviour; a chronology of events; a summary of the case including those facts which have been established and any points which remain in dispute; any mitigating factors, for example, any health condition which may have affected the behaviour; any aggravating factors, for example, if the responding person has failed to adhere to an undertaking of good conduct; and extracts from the relevant policies or regulations in question.

16.2 Copies of all interview summaries, statements and other evidence, such as e-mails, screenshots or security reports should be cross-referenced and included as appendices. Any information that is not relevant to the case will be redacted.

16.3 The Investigating Officer(s) will conclude whether, on the balance of probabilities, there has been a breach of Spirit Studios policies and regulations relating to harassment, sexual misconduct or domestic abuse or any other regulations. The Investigating Officer(s) may conclude that:

A. the evidence does not support a breach, therefore, no further action is required. The case will be dismissed and no disciplinary action will be taken, but continued support will be offered to all parties;
B. the evidence does indicate a breach of Spirit Studios policies and procedures and disciplinary action is required.

16.4 Where the responding person is a student, the Head of Education will decide on the next steps in line with the Student Disciplinary Procedure. A copy of the report will be shared with both the responding and reporting student.

16.5 Where the responding person is a member of staff, the Head of HR will decide on the next steps in line with the relevant staffing procedures.

17. Disciplinary Hearing

17.1 The disciplinary hearing will be conducted in line with the process set out in the Student Disciplinary Procedure where the responding person is a student, or the Staff Disciplinary Procedure where the responding person is a member of staff.

Members of the disciplinary committee will be selected on the basis that they have had no previous involvement in the case and have received appropriate training in conducting a trauma informed hearing. Spirit Studios will aim as far as possible, to ensure the diversity of members.

17.2 The disciplinary committee may seek specialist advice where required, including from external parties, whilst maintaining confidentiality.

17.3 Where the allegation relates to a breach of Spirit Studios Policies relating to Harassment, Sexual Misconduct or Domestic Abuse, the reporting student may be given the option to attend the disciplinary hearing. Whilst their attendance is encouraged, it is not mandatory if this would have a detrimental impact on their health and wellbeing. If the reporting student agrees to attend, arrangements can be made for them to give evidence in a safe place and for any questions by or on behalf of the responding person to be filtered through the Chair

17.4 The reporting student may submit an **impact statement** to be considered by the disciplinary committee. This will be read out by a member of the Student Casework Team or the People Team at the end of the hearing after a decision has been made on the merits of the allegation and will be taken into account by the committee in deciding on the sanction.

18. Outcomes

18.1 Spirit Studios is committed to creating a positive culture where students and staff understand that any form of unacceptable behaviour will not be tolerated, and where they feel confident to make a report in the knowledge thatSpirit Studios will take appropriate action.

18.2 The reporting student will be informed of the outcome including whether the alleged behaviour has been proven on the balance of probabilities, the reasons for the decision and any remedies or actions that directly affect them. This will include any measures to support them from an academic and wellbeing perspective or to alleviate concerns about their safety on campus. Spirit Studios will also state where any action will be taken as a result of learning from the report. The outcome letter will set out the reporting student's right to request a review in line with Stage 3 of the Student Complaints Procedure.

18.3 Spirit Studios will not normally disclose the details of any sanctions imposed as a result of disciplinary action, as these are personal to the responding person. However, information about a sanction may be shared where it directly affects the reporting student and their feelings of safety on campus, for example, where conditions have been imposed on the future conduct of the responding person.

18.4 The responding person will receive an outcome including whether the alleged behaviour has been proven on the balance of probabilities, the reasons for the decision and, where relevant, any sanction which has been imposed a result of any disciplinary process. Any sanction will be intended to address the seriousness of the offence, the interests of the reporting student and the wider Spirit Studios community. The outcome letter will set out the responding person's right of appeal in line with the Student or Staff Disciplinary Procedure.

18.5 Spirit Studios may share limited information about outcomes with witnesses where there are concerns about retribution or victimisation.

18.6 If the responding person leaves Spirit Studios before an investigation has been completed, Spirit Studios will normally continue with the investigation and make a finding on the balance of probabilities. Although it is unlikely that a sanction would be imposed, it is important for the reporting student to receive an outcome and to have a clear record of events.

18.7 If one or other party interrupts their studies before the process has been completed, Spirit Studios will normally resume the process upon their return, unless both parties give permission for it to continue.

18.8 Spirit Studios will not use non-disclosure agreements or confidentiality clauses to prevent reporting students from speaking out in cases of sexual misconduct, harassment and domestic abuse. It is important that all our students and staff feel safe and supported and the use of such clauses would be considered to be wholly unacceptable.

19. Review

19.1 Both the reporting and responding persons will have the right to request a review of the outcome of Spirit Studios internal process in line with the relevant procedure.

19.2 Where the reporting student has received the outcome of their report about the behaviour of a Spirit Studios student or member of staff, they will have the right to request a review of the outcome in line with Stage 3 of the Student Complaints Procedure.

19.3 Where the responding person is a student and has incurred a disciplinary sanction, they will have the right to submit an appeal in line with the Student Disciplinary Procedure

19.4 The grounds to request a review will be the same for both the responding and the reporting student as follows:

A. that relevant new evidence or circumstances have become known, which the student could not have reasonably made known at the time of the investigation or hearing
B. that there was an irregularity or unfairness in the conduct of the procedure, and this materially affected the outcome
C. that the decision and outcome were unreasonable in the light of the evidence provided.

19.5 Where a reporting student submits a request for review based on ground (c) above, the review will be limited to considering whether the outcome was reasonable in terms of providing safety and support for the student in their future studies.

19.6 A request for review should be submitted in writing to the Student Casework Team at: rachel.emms@spiritstudios.ac.uk within 10 working days from the date of the outcome letter.

19.7 Independent advice and support regarding the process and grounds for review are available from the Students' Union Advice and Representation Centre at the University of Lancashire. Advice and information are also available from Student Wellbeing Services and the Student Casework Team at Spirit Studios.

19.8 Where the responding person is a member of staff, they will be entitled to submit an appeal against a disciplinary outcome in line with the Staff Disciplinary Procedure.

20. Office of the Independent Adjudicator for Higher Education

When the Spirit Studios internal procedures have been completed, a student may submit a complaint to the Office of the Independent Adjudicator for Higher Education (OIA), if they are dissatisfied with the University's decision. Further information is available on the OIA website at: www.oiahe.org.uk.

21. Monitoring and Review

21.1 Spirit Studios will adopt a systematic approach to collecting, retaining and reporting data where incidents of unacceptable behaviour are shared or formally reported, for evaluation and institutional learning.

21.2 The prevalence of unacceptable behaviour will be monitored across all Spirit Stuidos activities, for the purposes of: ensuring a safe and inclusive environment;

improving the provision of guidance for students and staff about respectful behaviour; and creating cultural change.

21.3 An annual report will be submitted to the relevant sub-committees of the Academic Board and University Board at the University of Lancashire. The report will include data from Student Wellbeing Services, the Student Casework Team and the People Team relating to the number and outcome of disclosures and reports of unacceptable behaviour across all Spirit Studios activities. The data will be anonymised so that individuals cannot be identified.

21.4 The report will include an analysis of equality issues and protected characteristics, to consider the impact on student groups and whether any groups are less likely to come forward, so that strategies can be developed to address this. It will identify themes, trends and lessons and recommend actions, including targeted campaigns with a view to creating cultural change.

21.5 Spirit Studios will collaborate with the University of Lancashire and the Students' Union to publish anonymised data on the number and outcomes of reports of unacceptable behaviour, for the purposes of demonstrating institutional accountability, and assuring all current and prospective members of our community that this is an area the University takes seriously.

22. Equality and Diversity

22.1 Spirit Studios recognises that any individual can experience unacceptable interpersonal behaviour (including harassment, sexual misconduct and domestic abuse), regardless of their sex, gender, sexual orientation, relationship status, age, disability, faith, ethnicity, nationality and economic status. It also understood that incidents of unacceptable interpersonal behaviour may occur alongside other forms of harassment and discrimination.

22.2 Spirit Studios is committed to providing individualised support to any member of our community however they choose to identify, both within Spirit Studios and in terms of signposting to appropriate external agencies. All formal reports will be dealt with in a supportive, professional and respectful manner

22.3 Spirit Studios will consider the need for diversity when appointing Investigating Officers and panel members and, where appropriate and possible, will take protected characteristics into account, for example, gender matching with the reporting student.

22.4 All staff involved in the process will have received equality, diversity and inclusivity training and will be reminded of the need to adopt an anti-racist approach and take steps to avoid any unconscious bias or other stereotypical and false beliefs around unacceptable behaviours.

23. Confidentiality and Information Sharing

23.1 Spirit Studios understands the need for discretion, sensitivity and privacy where students have shared their experience or reported an incident of unacceptable interpersonal behaviour, including harassment, sexual misconduct or domestic abuse. Information will be shared on a confidential, need-to-know basis in line with the Spirit Studios Privacy Notice.

23.2 This will include:

A. sharing details of the allegation with the responding person so that they are able to respond in line with the principles of natural justice; and
B. sharing details of the outcome with reporting student in the interests of their safety, health and wellbeing.

23.3 Where information is shared, this will be limited to what is necessary and proportionate for the purposes of conducting a proper investigation and disciplinary process, and information that the responding person does not need to be made aware of will be redacted, including information about the reporting student's past or personal wellbeing

23.4 All individuals involved in this process should respect the sensitive nature of the process and not discuss or share details of the case outside of the investigation or disciplinary meetings. This is because sharing information could make an already difficult situation worse for everyone involved, and in some cases may undermine the disciplinary process. This does not mean that those involved cannot seek appropriate advice and support.

23.5 Spirit Studios will not normally report details of an incident to the police or any other external authority without the reporting student's permission. However, in exceptional circumstances, Spirit Studios may pass information to the relevant external authority, where there is believed to be a risk to the reporting student or to others, or in order to safeguard members of the Spirit Studios community or to comply with the law.

23.6 All personal information collected during this process will be processed in line with data protection legislation and kept securely and out of harm's way of unauthorised access or processing.

24. Continuous Improvement

24.1 This Procedure and the related Policies on Harassment, Sexual Misconduct and Domestic Abuse will be kept under review in the light of sector guidance and lessons learned from casework as part of a culture of continuous improvement

and to ensure they remain fit for purpose for all parties who are engaged in them.

24.2 Spirit Studios will seek feedback from students and staff with lived experience of inappropriate behaviour and who have used this Procedure. Feedback will be gathered in a sensitive and supportive manner for the purposes of ensuring continuous improvement.