

Handbook for Staff
SOAS Sexual and Gender-Based Violence Policy
November 2020
Approved by the Executive Board

This handbook is for SOAS staff who act in support of survivors of Sexual and Gender-Based Violence (henceforth referred to in this document as SGBV). This handbook provides guidance on all parts of the response process, including; receiving disclosures, the reporting process, investigations and review. There is an additional handbook for survivors that can be found <https://www.soas.ac.uk/admin/governance/policies/file151216.pdf>. This handbook accompanies SOAS's Sexual and Gender Based Violence Policy <https://www.soas.ac.uk/admin/governance/policies/file151215.pdf> which sets out expectations of staff, students and visitors to the School and how SOAS will respond and prevent incidents of reports of SGBV.

1. Disclosures

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

When someone informs another that they have experience sexual violence, sexual harassment, stalking, domestic violence and/or sexual misconduct. This may be the only step a Reporting Party takes.

2. Receiving a disclosure

If you receive a disclosure

When someone discloses SGBV to you, it can be a daunting and emotional process. It is important to remember that being disclosed to is a privilege, it means that the survivor trusts you and you must respond in an empathetic and responsible way. It can be hard to know how to offer support or what to say. But the most important thing to do is *listen, believe* and *empower* the person to make choices that are right for them.

You may be able to sense that a disclosure of some kind of some kind is forthcoming. However, this may not always be the case. If you are in a position that you can expect a disclosure, please be clear about the restrictions on confidentiality. This will not always be possible, but efforts should be made to be clear about this in the most sensitive and appropriate manner possible. Please see definitions on 'Confidentiality' for more information.

2.1 If the person is in crisis

If the employee appears to be in great distress you may need to offer them support as a matter of emergency. Please see the 'Safeguarding and Confidentiality' stance in the definitions to see what should be escalated and how.

If an assault took place less than a week ago, there may still be forensic evidence that can be gathered and stored. This evidence needs to be collected as a matter of urgency if the survivor so wishes. The evidence can be collected now, and a decision on whether to use it can come much later.

2.2 The conversation

1. Inform a colleague if you are alone with a student or colleague
2. Assist the person in contacting a friend if this is what they want
3. Make sure you are in a private, calm environment and that the person is comfortable talking to you (especially if you are of a different gender)
4. Remember, first impressions are not always what they seem so be prepared to accept the possibility of harassment or violence even when you don't expect it.
5. The survivor may have gone through someone totally rejecting their consent and autonomy. It is vital that this does not happen again. You must act in a way that the survivor/ victims have consented to. This includes things like going at their own pace or being able to stop the conversation at any time.
6. Stay calm. Don't panic. Respond with sensitivity, empathy and compassion. Offer that the conversation/ meeting can stop at any time, but you are there and ready to support them fully.
7. Do not comment, be judgmental, make assumptions, criticize, blame, offer your personal opinion or vent your anger against either the individual disclosing or the perpetrator(s). Accept what is being said and state that you believe them. It's very common for survivors of sexual misconduct to feel shame and guilt; be aware of this and be mindful not to add to these feelings. It is essential to not ask why the survivor did or did not do certain things that will suggest that you think the survivor is in some way to blame. It is also essential that we do not minimize what has happened to them in any way.
8. Do not push the individual for details. Unless necessary (for example, during an investigation) avoid asking questions like 'who, what, where and when'. Instead, let the survivor share at their own pace.
9. Set boundaries. Tell them that they have done the right thing in telling you but that you cannot promise not to share the information (please see section 11, Confidentiality and Safeguarding). Reassure the survivor/victim that no one will be told who doesn't need to know and that you will work with them to get help and support.
10. Respect the survivor / victim's wishes in terms of physical touch, they may not want to be hugged or touched right now.

Remember, sexual harassment, violence and misconduct are incredibly common. This experience should not define the individual, your help and support at this stage will assist on their road to recovery.

Hearing a disclosure can be emotional and triggering. SOAS is committed to supporting all individuals who are involved in this process in a way that is most beneficial to them as individuals.

When disclosed to, it's important to be honest about the limits of confidentiality. Information will have to be shared with specialist staff if you believe children are involved or that someone is in risk of harm (please see section 11, Confidentiality and Safeguarding).

2.3 Guidance on Note Taking

In taking a disclosure of sexual assault, observe the following guidance:

- Allow the person to talk, make brief notes including date and time, tell them that is what you're doing and why
- Remember that you are not conducting an investigation, do not question or make any assumptions about what you are being told
- Show the person what you have written and ask them to confirm that it is correct.
- Retain your notes with strict adherence to SOAS standards of confidentiality
- Stop taking notes and immediately contact the police if the person states that they would like to report to the police
- If the person decides not to refer the incident to the police, you should provide them with a list of alternative agencies that can offer them support (see below).

It is essential that any person providing support after an assault respects the confidentiality of the individual and information provided. Any notes made, and records taken must be locked in a safe and secure place and in accordance with the SOAS Data Protection Policy:

<https://www.soas.ac.uk/infocomp/dpa/policy/>

2.3 After hearing a disclosure

Disclosures should be recorded, and this can be done anonymously or with details, depending on the wishes of the person disclosing. While action may not normally be taken as a result of disclosures there may be some cases where the School has a duty of care to act, usually in cases where someone is at immediate risk of harm or under our Safeguarding policy. Anyone disclosing will be kept informed if it is felt that any action needs to be taken.

After facilitating an empathetic disclosure, it's important to signpost the appropriate reporting and support listed online on SOAS Report and Support tool

<https://dashboard.reportandsupport.co.uk/reports>. If the disclosure is about sexual violence, refer on to an appropriately trained person who can provide specialist support and/or care.

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

- the emergency services by calling 999;
- Campus Security by calling 4900;

- [Student Advice and Wellbeing team.](#)
- SOAS HR Team

3. Providing support

3.1 Providing Support After a Recent Attack

It's essential to provide advice on the preservation of forensic evidence and any other further possible evidence (e.g. photos, text messages or email trails). Any clothes that have been removed, or bed sheets or used condoms should be placed in separate clean paper bags with a note of when this was done. If this is traumatic for the survivor, with their consent make arrangements for this to be done on their behalf. Explain to the survivor that collecting evidence now can support their criminal case should *they choose to launch one in the future*

If the person is still at risk from the attacker, or if they have an injury that requires medical attention you should consider the situation to be an emergency and contact security staff and call 999 for an ambulance and the police. Although you should seek it, you do not need the person's consent in these circumstances.

3.2 Supporting Students from Different Backgrounds

Given the diversity of its student body, SOAS recognizes the need to support international students who are more likely to be away from support networks. Some students will have particular cultural or faith-based customs that are important to them. Therefore, it is particularly important in such circumstances to avoid making assumptions and to listen to what the student wants to happen.

3.3 *The Impact of Reporting*

Students should also be reassured that complaints of sexual violence will not undermine their academic career, nor risk their visa being withdrawn. Alleged perpetrators will also not have their visas withdrawn as part of an internal investigation by SOAS.

3.4 Reporting to the Police

If the person wishes to report to the police, they or you can call campus security on 555 (internal phone) or phone the police directly on 999 in an emergency or 101 (non-emergency).

Advise the person that if they contact the police, they should be assigned a Sexual Offences Investigative Trained Officer (SOIT), who will support and guide them through every stage, including the investigation and going to court. Explain that the process will involve taking an initial statement. If the assault has just taken place or has taken place within three days, a forensic medical examination will be offered to gather evidence. Advise the person that they can opt out of the reporting process at any point. This [guide to reporting to the police](#) provides helpful further information.

The Havens in Paddington, Whitechapel or Camberwell offer support with initial assessments, forensic medical examination and follow-up care such as counselling, tests and treatments, and people may expect to be referred hereafter reporting to the police. Advise them that they can access these services directly up to 12 months after a sexual assault, with or without police involvement, by calling 0203 299 6900 (24hrs emergency) or 020 3299 1599 Monday to Friday (not emergency).

International students should be made aware that they can access emergency services at the nearest A&E Department and that Camden Safety Net can provide an interpreter if required.

4. Reports of SGBV

When someone informs the School, via online Report and Support system or directly to a member of staff working for the School that they have SGBV and would like the School to do something about it. A disclosure then becomes a report because the person wants action to be taken as a result of the disclosure. A report will generate a case and an appropriately trained member of staff will review cases, considering the wishes of the Reporting Party and decide the most appropriate course of action for the case.

The School will take any disclosure or report in good faith that the Reporting Party is telling the truth and, on this basis, will refer the Reporting Party onto the relevant support services. The Reporting Party may be asked to provide further information in order for the School to take most effective action. The Reporting Party will be kept abreast of the progress of their case.

The School is limited in what action it can take if the person reported is not a member of the School community but is fully committed to the emotional wellbeing of the complainant and will provide as much support as is possible

5. Retaliation

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

6. Responding to reports of sexual violence, harassment and/or misconduct

This section details how the School will respond to the disclosures and reports. It also highlights the relevant disciplinary procedures that will be followed if formal action is to be taken.

Disclosures made via Report and Support, the specific email, verbally or otherwise will then be reviewed by the Student Casework team as a matter of urgency. A decision from this team will be made as to whether the case needs to be defined as 'serious' and therefore escalated to the Serious Cases Panel. This process isn't unique to SGBV although we expect that many SGBV cases may need review by the Serious Cases Panel. This is to allow an intersectional approach that does not stifle an analysis of oppression. Cases of racism, sexism, ableism etc may overlap and need an intersectional approach.

Key considerations for what constitutes a serious case in regard to SGBV cases only, include but are not limited to;

- The emotional wellbeing of the complainant/ survivor
- The risk of re-traumatization to the complainant/ survivor
- The powers needed to respect the complainant/ survivors wishes. I.e., fast tracking counselling services, the suspension of the alleged perpetrator etc.

7. Serious Cases Panel

An appropriately trained and supported Triage panel will review all cases of sexual violence, harassment and/or misconduct that have been reported to the School. The Triage panel will be made up of:

- Two senior members of SOAS community, appointed by the Equality and Diversity Committee;
- A member of the Students Union;

The Triage Panel will be supported by the Student Casework team and the Student Advice and Wellbeing team, in an advisory capacity. A representative from the People Services may be present, if required for policy advice.

Where possible, SOAS will ensure a good level of racial diversity, union and wellbeing representation on panels. All members of the Triage panel will receive specialist training on understanding sexual violence and an induction on processes in order to undertake this role effectively. The Triage panel will regularly review its membership to consider diversity.

7.2 Actions taken by the Triage Panel

Reports that require action beyond support and advice shall be reviewed by at least three members of the Triage Panel who will make a decision about the appropriate next steps within five working days of receiving the report. This review may involve – consultation with the relevant manager, such as Head of Department/Director of Professional Services, a risk assessment, specialist or legal advice. The outcome of the review will determine what action needs to be taken by the School. Action taken will be proportionate to the conduct reported, impact of the behaviour and circumstances of each case.

7.3 Referral by the Triage Panel

If the Responding Party is a student, the Triage panel will refer to the Student Disciplinary procedure.

If the Responding Party is a staff member, the Triage panel will refer to the Staff Disciplinary procedure.

The Responding party will be informed by the Casework team as soon as reasonably practical after consideration of the following:

- The general right for the Responding Party to know that information is held;
- The immediate safety of the Reporting Party, such as risk of violence or retaliation;
- The immediate safety of the Responding Party;

- Whether there is a substantial risk that the Responding Party would make efforts to interfere with or undermine an investigation, either criminal or internal;
- Whether a reasonable request has been received from the Police or other authority with statutory or investigatory powers for the information to be withheld;
- Whether informing the Responding Party would seriously impair the achievements of Report and Support.

Any delay to informing the Responding Party will last only as long as is necessary to mitigate the risks which justified not informing them as soon as reasonably practical. We would expect this time frame to be a maximum of two weeks in non-extreme circumstances.

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

- Student Advice and Wellbeing
- Students Union
- UCU or Unison representative
- Counselling support
- Employee Assistance Programme
- Specialist external support services

8. Investigations

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

- Student Disciplinary procedure
- Staff Disciplinary policy

Universities including SOAS have a lower standard of proof than the criminal justice system, i.e. measures like suspension or moving halls for the alleged perpetrator can be taken without them being found legally guilty of a crime. However, survivors must know that as a university, we can not investigate legally or make a legal determination of guilt. Only the police and criminal justice system have the power to do that. An internal investigation is focused exclusively on whether a breach of the School's policy has occurred based on the balance of probability. The internal process cannot therefore be regarded as a substitute for a police investigation or criminal prosecution which has a higher burden of proof, beyond reasonable doubt. However, an internal investigation can take place even if the Reporting Party has not disclosed to the police.

When a criminal investigation or judicial proceedings are ongoing or are likely to commence in respect of a disclosure/report as per legal advice the School will not normally begin formal investigations until the criminal investigation has concluded. However, the School can and will take any necessary precautionary action which may include action up to and including suspension.

Where someone has been convicted of a criminal offence or accepts a police caution in relation to behaviour that falls within the scope of the policy, the conviction/caution will be taken as a conclusive evidence that the behaviour took place and no further investigation shall be required by the School.

A police decision of no further action, a CPS decision not to charge or an acquittal at trial will not exclude the possibility that an internal investigation will take place, based on the standards of behaviour the School expects as set out in this policy.

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

8.1 Supporting the accused

A student facing such an allegation can make use of the support services offered by the Student Advice and Wellbeing Team. Staff facing such an allegation can ask for support from HR or their union. The fact that the allegation is or has been the subject of criminal proceedings or a police investigation shall not prevent SOAS from conducting its own investigation. However, any internal action may be deferred pending police investigation or prosecution.

9. Monitoring and Review

A cross-institutional independent SGBV Monitoring Committee will be established, reporting termly to the Equality and Diversity Committee. It will consist of representatives from the staff and student body, the campus unions and relevant members of senior management (i.e. Director of Student and Academic Services, Director of People Services). The Monitoring Committee will call for and collect data relating to formal complaints and anonymous reporting of SGBV and provide a mechanism through which the effectiveness of this policy and associated procedures can be evaluated. The composition and duration of the SGBV Monitoring Committee will be included in the Terms of Reference for the Equality and Diversity Committee.

The SGBV Monitoring Committee will produce regular reports throughout the academic year to the Equality and Diversity Committee and the Executive Board. It will produce an annual to the Academic Board and oversee policy review.

All major changes to this policy will require ratification by the Academic Board. The Senior Management Team may authorise any major changes to the policy, as advised by the SGBV Monitoring Committee. All major changes to this policy will involve consultation with the recognised campus trade unions and the student's union. Minor changes such as updating, formatting or hyperlinks can be authorised by the chair of SGBV Monitoring Committee.

10. Data Confidentiality

The School is committed to protecting sensitive information under our data protection and information security requirements. Full administrative access, including the ability to see the detail of all reports, will be limited to the members of the Triage panel. Staff members within Student and Academic Services, People Services and Legal and Service may be allocated adviser access to specific reports in order to respond to any requests for advice, support or a

formal action. They will not be allowed to see the details of any reports they have not been specifically assigned to by a member of the Triage panel.

Report and Support tool resides on a cloud server hosted by Amazon web services in a secure data centre in the UK. Direct access to the server is only possible with a secure key and only SOAS will have direct access to the database and all sensitive data being stored on a cloud based server is encrypted.

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

The downloaded and anonymised summary report will be stored securely and used for the purpose of monitoring. Reports will be deleted four months after a decision to take no further action has been made and thirteen months after the conclusion of any investigation. Reports will be retained in ongoing and extraordinary cases.

11. Confidentiality and Safeguarding

In line with the GDPR 2018, information will not be shared outside of SOAS without consent, unless there is an immediate safeguarding concern. In situations where there is a safeguarding concern raised involving a child or young person, the information can be shared without consent. In these situations, however, Citizens UK will attempt to inform parties prior to contacting external agencies.

12. External Services

The following services will offer support regardless of whether any form of formal or informal action is pursued:

- Survivors Gateway is an umbrella organisation for support services
<https://survivorsgateway.london/>
- Rape Crisis National helpline on 0808 802 9999 (12 pm – 2.30 pm, 7 pm – 9.30 pm weekdays) and 020 3299 6900 (available 24 hours a day) for emotional support and to talk through options. They can also provide information on specialist male survivor services.
- Camden Safety Net on 020 7974 2526 (office hours only) are independent of the Police and provide services to the victims of sexual and domestic abuse of all genders and sexualities who live, work or study in the London Borough of Camden. This includes all SOAS students and staff regardless of where they live. Camden Safety Net provides holistic and local support including Independent Domestic and Sexual Violence Advisors (IDSVAs) who can give advice and support and refer to other agencies. They also have interpreters as needed.
- Victim Support: 0845 30 30 900 (9am – 9pm weekdays, 9am – 7pm weekends).

- The Samaritans: available 24hrs a day to support people through any trauma including sexual assault. 08457 909090
- Refuge: 0808 2000 247 (24 hour domestic violence helpline)
- The Rights of Women Helpline: (legal advice for women) Textphone: 020 74902562
- Survivors UK (male survivor organisation): <https://www.survivorsuk.org/>
- Crossroads Women's Centre (Camden): <http://www.crossroadswomen.net/>
- Women's Aid: (domestic violence support): <http://www.womensaid.org.uk/> or call 0808 2000 247
- GALOP (London's LGBT anti-violence & abuse charity): <http://www.galop.org.uk>
- Broken Rainbow: <http://www.brokenrainbow.org.uk/help/helpline> or call 0845 260 5560
- Press for Change: <http://www.pfc.org.uk/> Legal advice for trans people
- National stalking helpline: <http://www.stalkinghelpline.org/> 0808 802 0300 09:30 – 16:00 Weekdays (except Wed 13:00 – 16:00)