



## Condition E6: Policy and Procedure

**Unacceptable behaviour, harassment and sexual misconduct**

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## 1. SCOPE

This policy sets out the Academy of Music & Sound (AMS) Online commitment to protecting students and staff from unacceptable behaviour, harassment and sexual misconduct and applies to all members of AMS Online including current students, staff, contractors, suppliers and visitors, in compliance with AMS Online, University of West London and the Office of Students E6 condition.

## 2. PURPOSE

The main purpose of this policy is to educate both students and staff in the prevention of all forms of unacceptable behaviour, harassment, and sexual misconduct plus ensuring a single source of information, and that process and procedure are clearly outlined in the event of any such act occurring.

AMS Online is fully committed to providing a positive experience for all students and staff, where everyone is treated with courtesy and consideration and where differences are valued and diversity respected. All students and staff have the right to live, study, work and relax in an environment where they feel safe and protected.

AMS Online together with UWL's senior leadership team supports the promotion of a culture where the whole community works towards having an environment where unacceptable behaviour, harassment and sexual misconduct, in all forms, is not tolerated and ensuring that there are arrangements in place to listen to and support all students and staff who experience it. Support will be offered to both the Reporting Party and the Responding Party.

## 3. EXPECTATIONS

AMS Online expects the highest standards of behaviour from all members of the AMS Online community, whether on AMS premises, while undertaking AMS Online activities externally, its online platforms including Virtual Learning Environment e.g. Blackboard and AMS Online social media accounts in line with the AMS Online Student and Staff Codes of Conduct. All members should be aware of their own behaviour and how it impacts others. This policy sets out the standards of behaviour expected from students and staff, guidance on what is and what is not acceptable and how unacceptable behaviour will be dealt with.

Members of the Academy of Music & Sound Online recognise the significant impact of all experiences of unacceptable behaviour, harassment and sexual misconduct and acknowledge the potential detrimental impact it may have on a person's wellbeing, studies and employment, regardless of when the experience occurred.

Members of AMS Online will respond to all reports received in relation to unacceptable behaviour, harassment or sexual misconduct. Whilst recognising that some experiences may constitute a criminal offence, we will ensure that, in all cases, reports are carefully and sensitively managed by relevant staff members through a transparent

process with clear communications. AMS Online will also respect the right of the individual disclosing an incident to choose how to take forward a disclosure.

In exceptional circumstances, however, where there is a serious criminal offence and/or there is significant risk to the individual or our community, AMS Online may report the matter to the police and/or may investigate it internally. In such instances AMS Online would always keep the individual fully informed of the proposed action to be taken before doing so. In some circumstances, it may be necessary for AMS Online to progress a reported incident even if the staff member or student wishes to withdraw from the formal process.

#### 4. TIMESCALES

The Academy of Music & Sound Online normally expects to complete initial assessments of allegations of unacceptable behaviour, harassment and sexual misconduct within 5 working days and investigations within 30 working days to allow for the most effective investigation to take place. However, AMS Online recognises that there may be circumstances where it may take longer for a student or staff member to disclose an incident. Where a disclosure is received more than 3 months from the date the incident is alleged to have taken place; the disclosure will be taken seriously and where possible, reasonable attempts will be made to obtain relevant information to determine the appropriate response.

Where disclosures are made which fall within the scope of this policy, they will be dealt with in a timely manner. Where it may be necessary for matters to be referred to the [AMS Online Student or Staff Disciplinary Procedure](#), the timescales set out therein will apply as far as it is reasonable and possible to do so.

#### 5. MONITORING AND CONTINUOUS IMPROVEMENT

The Academy of Music & Sound Online will annually evaluate the effectiveness of this policy through:

- A record of the number of reports received
- Categories of misconduct reported (Formal)
- Outcomes of investigations by type
- Evaluate the effectiveness of this policy through feedback
- Identify areas for improvement
- Report on compliance with Condition E6 to the governing body
- Review and update the policy annually.

## 6. DEFINITIONS

The definitions listed below are there to inform the reader's understanding of both the AMS Online perspective and / or drawn on statutory definitions.

The Academy of Music & Sound Online also recognises that there are potentially additional types of behaviour that will constitute a breach of this policy and may be considered under any other relevant internal disciplinary policies and regulations.

**Reporting Party** is the person who is making an allegation or complaint against another person.

**Responding Party** is the person who the allegation or complaint is made against

### **What is unacceptable behaviour, harassment and sexual misconduct?**

**Unacceptable behaviour** may involve actions, words or physical gestures that could reasonably be perceived to be the cause of another person's distress or discomfort. This behaviour does not necessarily have to be face-to-face, and may take many forms such as written, telephone, text or email communications, or on social media. Some examples are included below, but this list is by no means exhaustive:

- Violent, aggressive, or abusive behaviour, such as shouting or personal insults
- Spreading malicious rumours or gossip
- Threats of or actual physical violence
- Offensive or indecent comments or body language
- Displaying offensive material or graffiti relating to an individual
- Innuendo or spreading gossip based on sexual orientation or gender identity
- Inappropriate initiation or 'hazing' ceremonies for sports teams or other societies
- Using social or other on-line media to harass or communicate harassing statements about students or staff
- Creating a hostile environment through comments about, for example, race, disability, sex, sexual orientation or gender identity.
- Victimisation, treating someone badly because they have made a complaint about discrimination.

**Harassment:** the Academy of Music & Sound Online adopts the definition of harassment under the Equality Act 2010 and Protection from Harassment Act 1997 (only applicable to the UK). [The Equality Act 2010 section 26](#) defines harassment as: 'harassment, including sexual harassment, includes unwanted behaviour or conduct which has the purpose or effect of violating a person's dignity or creating an

intimidating, hostile, degrading, humiliating or offensive environment because of, or connected to, one or more of the following protected characteristics: age; disability; gender reassignment; race; religion or belief; sex; and sexual orientation.’

[The Protection from Harassment Act 1997](#) defines harassment as:

‘a course of conduct conducted on at least two occasions that harasses one other person, or a course of conduct that harasses two or more persons at least once each. References to harassing a person include alarming the person or causing the person distress.’

For students, AMS Online adopts the test to be applied in determining harassment used by the Courts and recommended by the Office for Students. Staff should refer to the [AMS Online Staff Dignity at Work Policy](#).

Test (for students only)

Whether conduct is considered as ‘harassment’, AMS Online will consider:

1. The perception of the person who is at the receiving end of the conduct;
2. The other circumstances of the case; and
3. Whether it is reasonable for the conduct to have that effect.

### **What Does This Mean?**

#### **1. Perception of the person who is receiving the conduct**

This is a subjective test and depends on whether the individual themselves regard the conduct as violating their dignity or creating an intimidating environment for them.

#### **2. Other circumstances of the case**

AMS Online will take into account relevant circumstances of the case. This can include the personal circumstances of the person on the receiving end of the conduct, their health (including mental health), mental capacity; cultural norms; or previous experience of harassment.

#### **3. Whether it is reasonable for the conduct to have that effect**

This is an objective test. It is based on the principle about whether another person would reasonably consider the conduct to be unacceptable. Where

this is not found to be the case, it is unlikely that such conduct would be considered to satisfy a finding of 'unwanted conduct'.

**Sexual misconduct** refers to a range of inappropriate and unwanted behaviours and offences of a sexual nature. It covers all forms of sexual violence, including but not limited to,

- Intimate partner violence
- Coercive controlling behaviour
- Stalking
- Non-consensual sexual touching (including groping)
- Sexual harassment (unwanted behaviour of a sexual nature which violates a person's personal boundary, dignity and consent; makes them feel intimidated, degraded or humiliated or creates a hostile or offensive environment)
- Abusive or degrading remarks of a sexual nature
- Distributing private and personal explicit images or video footage of an individual without their consent (as defined by the Criminal Justice and Courts Act 2025)
- Sexual Assault ([as defined by the Sexual Offences Act 2003](#))
- Rape ([as defined by the Sexual Offences Act 2003](#)).
- asking questions about someone's sex life
- telling sexually offensive jokes
- making sexual comments or jokes about someone's sexual orientation or gender reassignment
- 'Upskirting' - where the purpose is to obtain sexual gratification, or to cause humiliation, distress or alarm including for the 'amusement' of the perpetrator.

Sexual misconduct is a serious public health issue within society and is not specific to higher education, but evidence suggests disclosures by the student community are increasing.

Sexual misconduct is known to have significant negative effects on a student's mental health and well-being and can have long lasting impact on their sense of safety within AMS Online and external environment. It can also impact their academic progress. We use a whole-University approach to ensure staff and students feel safe, valued and respected and will work towards having an environment where sexual misconduct, in all forms, will be eliminated. AMS Online is committed to supporting anyone making a disclosure as well as anyone receiving the disclosure and take all disclosures seriously.

Incidents of sexual misconduct and violence also constitute a criminal offence under English law. Such incidents may be addressed through criminal proceedings, internal disciplinary proceedings, or in some cases, both.

**Relationship abuse:** a pattern of abusive and/or coercive behaviours (such as threats, isolation and intimidation) used to incite fear, maintain power and control over a former or current intimate partner or family members. Relationship abuse can be perpetrated by people who are ‘personally connected’ including partners/former partners, family members and people sharing responsibility of a child.

The abuse can be:

- Emotional
- Financial
- Sexual
- Physical
- Psychological
- Forced marriage
- Female genital mutilation

**Coercive and Controlling behaviour:** a form of domestic abuse and an act or a pattern of acts of assault, threats, humiliation and intimidation or other abuse that is used to harm, punish, or frighten the person. This controlling behaviour is designed to make a person dependent by isolating them from support, exploiting them, depriving them of independence and regulating their everyday behaviour.

**Consent of sexual activities** is when all people agree to and are comfortable engaging in the behaviour, there is mutual consent; both parties must be free to, and have the capacity to, make this choice.

- **Capacity to consent:** Free consent cannot be given if the individual does not have the capacity to give consent. Incapacitation occurs when an individual is asleep, unconscious, semi-conscious, or in a state of intermittent consciousness, or any other state of unawareness that a sexual act may be occurring. Incapacitation may also occur on account of a mental or developmental disability, or as the result of alcohol or drug use.
- **Alcohol and/or Drug Use:** Incapacitation arising from alcohol or drug consumption should be evaluated on the basis of how the alcohol/drugs have affected the individual; signs of incapacitation may include, but are not limited to, one or more of the following: slurred speech, unsteady gait, bloodshot eyes, dilated pupils, unusual behaviour, blacking out, a lack of full control over physical movements, a lack of awareness of circumstances or surroundings, and/or an inability to communicate effectively. Intoxication is never a defence for committing an act of sexual violence and misconduct, or for failing to obtain consent. If there is any doubt as to the level or extent of one’s own or the other individual’s capacity to consent, the safest approach is to not engage in a sexual act.
- Consent videos: It is important that individuals understand consent. Here are three videos explaining consent.

[Consent - Cup of Tea](#)  
[Consent - Can I wear your hat?](#)  
[F.R.I.E.S. What is Consent](#)

Further information about consent is available [here](#).

**Unwanted conduct** is conduct which is ‘unwelcomed’ or ‘uninvited’.

It covers a wide range of behaviour. It can include:

- spoken words
- written words
- banter
- posts or contact on social media
- imagery
- graffiti
- physical gestures
- facial expressions
- mimicry
- jokes or pranks
- acts affecting a person’s surroundings
- aggression
- physical behaviour towards a person or their property.

This list is illustrative and not exhaustive examples of unwanted conduct.

**What Does Unwanted Conduct Mean?**

It is not necessary for a person to say that they object to the conduct for it to be unwanted.

The person’s objection will be considered in the determination of whether conduct is unwanted together with whether it is reasonable for the conduct to have that effect on the person.

Unwanted conduct amounts to harassment if the unwanted conduct has the effect of creating an intimidating, hostile, degrading, humiliating or offensive atmosphere.

For example, where conduct violates a person’s dignity it will be considered as unwanted conduct.

**Bystander intervention**

Bystander intervention is when someone witnesses an event and steps in to stop harm before it happens, ensuring their own safety at all times. Unlike a **passive** bystander who takes no action, an **active** bystander chooses to challenge inappropriate or threatening behaviour.

For further information please view : [Be an Active Bystander - Stand Up & Step In](#)

UWL's goal is to work towards educating staff and students to help prevent events or situations of unwanted behaviours occurring and to enable them to feel confident in addressing a situation if it does, and that they are supported if they do report or intervene.

This is in line with the AMS Online mandatory training for students and staff.

**Complicity** is defined as any act that knowingly helps, promotes, or encourages someone else to behave inappropriately or illegally.

**Vexatious** reporting involves the persistent and repetitive reporting of allegations, which are unsubstantiated, without merit, frivolous, unreasonable and unwarranted.

**Malicious** reporting occurs when an individual makes allegations that they know lacks a basis in fact, is inaccurate or misleading, that is made recklessly, or knowingly or deliberately for the purpose of undue advantage or causing harm to a person or AMS Online.

### **Behaviour towards others**

In line with the AMS Online **Student Code of Conduct** and the AMS Online **Staff Dignity at Work Policy**, AMS Online expects:

All AMS Online staff, students and visitors should be treated with courtesy, and respect everyone's right to work, study and live in a safe, secure environment, free from anxiety, fear, intimidation and harassment.

Everyone should behave in a manner compatible with the AMS Online **Equality and Diversity Policy** and not discriminate or harass anyone based on their age, disability, gender re-assignment, marital status, pregnancy, race, religion or belief, sex or sexual orientation.

No-one should use abusive, threatening or violent language or behaviour in person or through the AMS Online digital platforms, or by email, texts or social media.

### **Staff / Student relationships**

The Academy of Music & Sound Online is committed to ensuring that any relationships between staff and students are professional and have appropriate boundaries. In line with this approach and in the interest of both staff and students, AMS Online strongly discourages intimate personal relationships between a member of staff and a student due to the power imbalance which make personal relationships potentially vulnerable to exploitation. This power imbalance can also generate real or perceived inequalities,

not only involving the people concerned, but also affecting other members of the AMS Online community, whether students or staff.

AMS Online has a [policy on staff-student relationships which should be read in conjunction with this policy](#). AMS Online expects all staff members and students to disclose if they have any personal and/or intimate personal relationships, including the nature of the relationship in accordance with the policy.

Where a staff member's behaviour is not in accordance with expected standards, this will be managed under the AMS Online Staff Disciplinary Process

## 7. FREEDOM OF SPEECH

This policy is implemented consistently with AMS Online's obligations to uphold freedom of speech and academic freedom. This applies specifically to the requirements on UK higher education providers under the [Higher Education Freedom of Speech Act 2023](#) as amended 2024. For provision taking place overseas or for overseas providers, local freedom of speech regulation may override the provisions within the UK Act.

Exposure to lawful academic content, discussion of controversial ideas, or participation in open debate, even if upsetting to some, does not constitute harassment unless it is targeted, personal, and unlawful.

This policy does not restrict student and staff rights to express themselves in accordance with freedom of speech provisions. AMS Online supports all stakeholders' rights to freedom of speech within the law, academic freedom and tolerance for controversial views within an educational context.

The Academy of Music & Sound Online [Freedom of Speech Policy](#) sets out the AMS Online approach.

**Training and awareness:** To support preventative measures mandatory training for all students will be provided online via Blackboard via the module 'Consent Matters'. This training will be available pre and post enrolment and all training materials are evidenced based and reviewed regularly for effectiveness.

To support preventative measures mandatory training for all staff will be provided by AMS Online including but not exclusive to training on Equality, Diversity and Inclusion, Sexual Harassment in the Workplace, Safeguarding for students, E-safety.

Staff in specialist roles will receive enhanced training.

## 8. PROCESS and PROCEEDURE

Any form of unacceptable behaviour, harassment, or sexual misconduct can have a significant negative impact on an individual. If someone has experienced or witnessed any such behaviour that makes them feel uncomfortable, they should report it – this can be to AMS Online or external agencies (e.g. the Police) or both.

In an emergency, where there is an immediate risk to life or a threat of violence, call 999.

This can apply to both students reporting about other students or staff, and staff members reporting about other staff or students.

Any reporting that involves a visitor will be investigated within the capabilities of AMS Online. As certain actions are outside the controls or remit of AMS Online, the University has limited ability to take action in respect of a visitor but will fully support any individual that experiences any form of unacceptable behaviour, harassment or sexual misconduct and will take action where this is appropriate and available.

## 9. REPORTING UNACCEPTABLE BEHAVIOUR, HARASSMENT OR SEXUAL MISCONDUCT

There are various ways you can report, informally or formally:

- A) **Informal** – This is when AMS Online is informed of what has happened, but the Reporting Party does not want formal action to be taken or where it is more appropriate to resolve a concern informally. However, some incidents of sexual misconduct and violence may also constitute a criminal offence under English law. Such incidents may be addressed through criminal proceedings, internal disciplinary proceedings, or in some cases, both. In some circumstances AMS Online may decide to formally manage a concern where the student or staff member would prefer a different approach when there is significant risk to AMS Online or our community.
- B) **Formal** – This is when AMS Online has been informed of what has happened, and formal action is required to be taken.

<b>Reporting Party</b>	<b>Informal Reporting</b>	<b>Formal Reporting</b>	<b>Anonymous Reporting</b>	<b>Support</b>
<b>Students</b>	Module tutor Course Co-ordinator Students Complaints Procedure (Stage 1)	Module tutor Course Co-ordinator DSL Principal Student Complaints Procedure (Stage 2)	Can trigger wider safeguarding reviews or pattern recognition, but direct action may be limited unless sufficient information is provided.	Course-co-ordinator Director of Studies
<b>Staff</b>	Line Manager Director of Studies Principal 'Report A Concern'	Staff Grievance Policy	Can contribute to trend analysis and wider safeguarding interventions but may not result in individual action without identifiable details.	Line Manager Principal Trade Union Representative
<b>Bystanders</b>	Confidential advice from module tutor, Course co-ordinator	Support to assist affected individuals with reporting	Information only but may inform targeted awareness campaigns or proactive prevention measures.	Students' Union Advice team (students) Any appropriate AMS Online staff member Line Manager

A Reporting Party can take two separate actions, either

- make a Disclosure; and/ or
- make a Report.

The Academy of Music and Sound Online recognises the importance of minimising the number of times the Reporting Party must disclose an incident of Misconduct.

The process below will be initiated following receipt by an AMS staff member of a Disclosure. The Disclosure may be made in a variety of ways, for example:

- To a member of staff, in person or in writing by email.

- Through a formal process, such as an academic appeal, complaint, or misconduct process, the reporting of which can be made 24/7.
- To another student, friend or family member, who may subsequently bring the matter to the attention of an AMS Online staff member.

A Disclosure, for the purposes of this Procedure, may only relate to a Reporting Party who is a student member of AMS Online. A Disclosure does not automatically result in a Report to AMS Online being made under the Procedure. The Academy of Music and Sound Online respects the right of the Reporting Party to choose how to take forward a Disclosure.

Following a Disclosure, the Reporting Party will immediately be given information on resources for specialist support (including the external support available) and informed of their reporting options.

Staff who receive a Disclosure must inform the Designated Safeguarding Lead (DSL) as soon as practicable. They may, if the Reporting Party requests, omit the name of the Reporting and/or Accused Party. However, no formal action can be taken where Reporting Party wishes to remain anonymous

Where the Reporting Party chooses, and is supported, to make a Report, a written statement of the allegation should be submitted setting out the following:

- the Responding Party
- details of the Reported Incident
- details of any witnesses (if any).

Alternative reporting options may be available and the Reporting Party may request this information from the member of staff to whom they disclose details of the Reported Incident. The Reporting Party may request support with reporting the Reported Incident, which may be given by the DSL or another designated member of staff. If the Reporting Party is unwilling for the Accused Party to be informed of the allegation against them, an investigation cannot proceed.

Pending an Initial Review Meeting (IRM), the DSL shall take such steps as may be necessary to:

- ensure both the Reporting Party and the Accused Party, together with any witnesses (as relevant), receive appropriate academic and pastoral support and
- ensure that confidentiality is maintained.

The DSL will determine whether an Initial Review Meeting should be convened with the information available or whether further information may need to be gathered before a decision can be made on whether an IRM is necessary.

Where the DSL determines that sufficient information exists, and it is relevant to do so, the DSL will instruct the Course Co-ordinator to conduct an IRM in accordance with Section 7 below.

## 10. INITIAL REVIEW MEETING (IRM)

Following a Report, the Reported Incident will be considered at an IRM.

The initial review meeting will be chaired by the Designated Safeguarding Lead (or their delegate in their absence).

The purpose of an IRM is to assess support needs, consider how to protect the interests of all parties and members of the AMS Online community who may be affected by the case and to agree next steps (the substance of any Report will not be considered at the IRM).

The membership of the IRM will depend upon the nature of the Reported Incident and will be determined by the Designated Safeguarding Lead. The membership must include, as a minimum, 2 of the following role holders:

- Course Co-ordinator
- Director of Studies
- Designated Safeguarding Lead
- Principal

During the IRM, the members will:

- consider the academic, welfare and support needs of the Reporting Party and of the Accused Party and of any other members of the AMS Online community directly involved in the Reported Incident, as well as the welfare and support needs of those involved in the Disclosure, and identify any actions required to ensure that those needs are met; and
- undertake a risk assessment to determine whether any precautionary measures need to be put in place in order to: ensure that a full and proper investigation can be carried out (either by the police or by AMS Online as appropriate) and/or to protect the Reporting Party, the Accused Party, or others, whilst the allegation is being dealt with as part of a criminal process or disciplinary process.

### **Precautionary measures may include:**

- suspending the Accused Party from any lecturers and/or excluding the Accused Party from any part or all of AMS Online physical premises, until such a time as any criminal proceedings and/or AMS disciplinary proceedings have concluded; and/or
- ensure that arrangements are in place to maintain confidentiality.
- review the involvement of external agencies.
- determine what next steps should be taken and how to carry forward the decisions and/or recommendations that are made; and/ or
- consider any other actions relevant to the Reported Incident in accordance with the Complaints Procedure/ Disciplinary Procedure (as relevant).

**Actions arising out of the Initial Review meeting may include (but are not limited to):**

- the provision of further or different support to the parties involved. The support measures may relate to health and well-being, academic or other matters.
- the recommendation of precautionary conditions (as explained above) on the Accused Party pending the outcome of the criminal and/or disciplinary process.
- a recommendation that the Reported Incident set out in the Report be investigated in accordance with this Procedure.
- appropriate communication with the parties involved; and/ or
- collection of further information necessary to inform future management of the situation.

Where the Reporting Party has proceeded with a Police investigation, the DSL will confirm this and will normally suspend proceedings, pending the outcome of any criminal investigation or judicial proceedings.

An IRM will be reconvened after the conclusion of a criminal investigation or judicial proceedings to recommence the AMS Online processes under this Procedure.

The Designated Safeguarding Lead will be responsible for ensuring that any decisions or recommendations made at the IRM are recorded and acted upon, liaising with relevant AMS Online managers and staff members as appropriate within the established institutional and academic governance arrangements.

The risk assessment and any precautionary measures that are put in place will be reviewed regularly by the DSL and amended as appropriate. Additional review meetings may be convened by the DSL as they believe necessary.

Where the IRM determines that a Reported Incident should not be investigated in accordance with this Procedure, the LSM shall provide the Reporting Party with reasons for the determination and information about their right to seek a review or challenge the decision under the Complaints Procedure. This will be done through a face-to-face or online meeting and subsequently confirmed in writing.

## **10. INVESTIGATION OF A REPORT**

Where the Initial Review Meeting recommends that a Report should be investigated, the centre DSL or senior appointed staff member, will seek to gather evidence as to whether a breach of the Disciplinary Procedure has occurred.

The DSL will act promptly and tactfully, always observing confidentiality and will take all appropriate measures to provide a safe, comfortable and supportive environment in which to

discuss the Reported Incident with the Reporting Party, the Accused Party and any witnesses. The DSL may consult external parties to seek specialist advice as required while maintaining confidentiality.

At the start of the process, the Reporting Party will be required to attend a meeting with the DSL, during which the procedure to be followed will be explained and the details of the Reported Incident will be confirmed. If the Reporting Party is unwilling for the Responding Party to be informed of the allegation against them, an investigation cannot proceed. A full written record of the meeting will be kept and shared with the Reporting Party, who will be asked to confirm whether it is an accurate summary of the discussion. The Reporting Party may be accompanied by a supporter.

Investigations will be thorough, impartial, confidential, sensitive, and timely. They will include evidence gathering, witness interviews, careful analysis, and clear communication with all involved parties.

For students AMS Online aims to complete initial assessment of reports within 5 working days and investigations within 30 working days. If an investigation will take longer, all parties will be informed of the reason for the delay and the expected completion date.

AMS Online understands the importance that all parties (Reporting and Responding) are regularly kept up to date with the progress of the investigations, which will be actioned in a timely manner and both parties will be offered support throughout the process.

- All parties will have an equal opportunity to present their evidence and respond to the allegations
- Be permitted to bring a supporter to the meetings (internal representative e.g. UWL Students' Union or staff trade union)
- Receive written communications and explanation of the decision taken.

## 11. CONFIDENTIALITY

The Academy of Music & Sound Online recognises the importance of keeping reports made under this policy confidentially. AMS Online will only share any information which is disclosed to it on a 'need-to-know' basis. However, all parties should note that 'confidential' may not mean that the information that is reported to us will be kept a secret. For example, it may be necessary for AMS Online to share all, or some, of the information that is reported with other people within our AMS Online business, or in some exceptional circumstances, with external organisations such as the police.

AMS Online will always consider which elements of the information provided is necessary to be shared with different teams within AMS Online.

AMS Online will normally inform those providing such information when it needs to be shared between different teams, to enable AMS Online to offer support and investigate the concerns raised. This will be undertaken using the following principles:

- Sharing the information is necessary to allow a case to be appropriately investigated and considered.
- Sharing the information will allow us to safeguard the individual and potentially other members of their household e.g. children and/or other members of the AMS Online community. Please see [Safeguarding Policy](#)
- Sharing the information will allow us to provide support to those who have reported misconduct, and/or to those who have been alleged to have committed misconduct.
- Sharing the information will allow us to meet our legal duties.

Wherever possible, AMS Online will advise those providing the information of who information has/will be shared with and the reasons for this.

## 12. SUPPORT

### **Making a disclosure**

Making any type of disclosure can be hard, so it is important that the Reporting Party understand that they will be supported throughout the process and what the next steps would be.

AMS Online recognises how difficult it may be for the Reporting Party to share details of what has happened. AMS Online will work with the Reporting Party to identify the most appropriate route for them to share this information, so that AMS Online can understand and gather as much information as required about the incident in order to manage this appropriately.

### **For students**

Students will be supported by the DSL, Course tutor, Course co-ordinator or Director of studies as appropriate to the needs and wishes of the student. Students will also be advised of external support networks available to them.

### **For Staff**

Staff will be supported by their line manager (or appropriate senior manager) with guidance from the Principal and/or Academic Board. The process for staff is outlined in the [Staff Dignity at Work](#) and [Grievance Policy and Procedure](#)

### 13. OUTCOMES OR SANCTIONS and how these will be shared

Where students' behaviour is not in accordance with the expected standards, this will be managed under the **Student Disciplinary Procedure**.

Where staff members' behaviour is not in accordance with the expected standards, this will be managed under the **Staff Disciplinary Procedure**.

If substantiated, this may result in formal action up to, and including, expulsion or dismissal and if required, a referral to the Disclosure and Barring Services (DBS) (only applicable for UK).

AMS Online will take appropriate action for any vexatious or malicious allegations in line with the relevant staff and student disciplinary policies.

Outcomes will be proportionate and aligned to the severity and impact of the misconduct:

- **Informal Resolutions:** Mediation, behavioural contracts, informal warnings.
- **Formal Disciplinary Actions:** Documented warnings, suspension, expulsion (students), dismissal (staff).
- **Criminal Proceedings:** Immediate police referral and cooperation with criminal investigations in serious incidents.

#### **For Students:**

For **informal** disclosures the Academy of Music & Sound Online will discuss with the Reporting Party what action they would expect in relation to the Responding Party. However, this would depend on the nature of the disclosure.

This could be:

- Offer of mediation between both parties concerned (both parties need to be in agreement)
- A member of staff to discuss and manage the concern raised with the Responding Party
- No further action to be taken
- Move to a formal complaint if informal action has not resolved the concerns.

For a **formal complaint** this would follow the **Student Complaints Procedure**.

For a report submitted by a student where the alleged behaviour is about a member of staff, this would be managed in accordance with the **Staff Disciplinary Procedure**.

In cases of sexual misconduct: At the conclusion of the investigation the investigator will confirm whether, on the balance of probabilities and having considered all the evidence, it is their finding that sexual misconduct has or has not taken place, and the broad reasons for this. If sexual misconduct has been found, the investigator will make recommendations about any appropriate remedial or disciplinary process and about any ongoing precautionary measures that may need to be implemented.

Where the student has breached the **Student Code of Conduct** (for a report of sexual misconduct where the alleged perpetrator is a student), at the end of the investigation, the investigator or Panel will confirm whether, on the balance of probabilities and having considered all the evidence, it is their finding that sexual misconduct has or has

not taken place and the broad reasons for this. If sexual misconduct has been found, the investigator or Panel will agree which penalties will be applied. The investigator or Panel will agree to the appropriate penalties based on a full consideration of the details of the case and considering any mitigating factors or precedents set.

The Academy of Music & Sound Online will provide as much information as possible to the Reporting Party at all stages of the investigation. This will include letting them know about any relevant precautionary measures that have been put in place and, if they have submitted a formal complaint, the approximate date that the investigation will be concluded.

AMS Online will advise of the broad findings of the investigation, the outcome (i.e., whether or not the investigation has concluded that sexual misconduct has or has not taken place) and the broad reasons why this has been found. AMS Online will advise the Reporting Party regarding any ongoing and relevant precautionary measures.

Given that some elements of the investigation may include information that is very personal to other individuals named in the complaint, AMS Online may not be able to disclose the full details of all aspects of the investigation, and may not be able to provide full details of any disciplinary penalties that have been issued, or any further disciplinary processes that may be taking place once a complaint has concluded. The Reporting Party will be informed of the outcome of the investigation.

### **Police Investigation**

If a student is subject to a police investigation AMS Online may or will:

- Pause its own investigation until police proceedings have concluded. The University would expect the student to keep AMS Online informed at all times or give consent for the police to disclose progress of their proceedings.
- Implement precautionary measures for the duration of an investigation.
- Continue to offer support services to both parties throughout the investigation.
- Resume its own procedures once the police action or if relevant court proceedings conclude, regardless of outcome.

All relevant parties will be kept informed.

### **For Staff**

Any action taken will be in accordance with the **Staff Disciplinary Policy**.

#### **Possible outcome:**

Possible outcomes following a disciplinary hearing may be:

- Informal resolution through initial action
- A formal disciplinary sanction e.g. a written warning
- Dismissal

Any action taken will be confirmed in writing and where formal action has been taken, employees will have the right of appeal.

### **Precautionary Measures**

Any precautionary measure taken by the AMS Online will be reasonable and proportionate and, in all cases, care will be taken to minimise any disruption to students' ability to engage with their learning and assessment as far as is deemed possible, or a staff member's right to natural justice and dignity at work.

For example, precautionary measures may include temporary reassignment of teaching responsibilities, changes to timetables, or temporary suspension. However, such measures do not presume guilt and will be implemented with the minimum disruption necessary to ensure safety and wellbeing of all parties.

## APPENDIX A

### Support

There is a wide variety of support available to both students and staff via the University of West London, externally and via the UWL Students' Union.

Internally:

For Students:

Who	Where	Detail
TogetherAll	Offers online anonymous peer to peer support. Available 24 hours/day. Includes self-help courses and resources, self-assessment questionnaires and articles to improve wellbeing	<a href="#">Togetherall</a>  Register for free using your UWL student or staff details.

For Staff

Who	Where	Detail
TogetherAll	Offers online anonymous peer to peer support. Available 24 hours/day. Includes self-help courses and resources, self-assessment questionnaires and articles to improve wellbeing	<a href="#">Togetherall</a>  Register for free using your UWL student or staff details.

Externally:

Who	Support	Detail
The Samaritans	Offers emotional support 24 hours/day and 365 days/year, nationwide	116 123
Rape Crisis (SARC)	Information of the nearest sexual assault referral centre	<a href="#">SARCs   Rape Crisis England &amp; Wales</a>
Papyrus	Offers advice and support for young people considering suicide	0800 068 4141

Victim Support	Offers support for victims of crime and traumatic incidents	0808 168 9111 <a href="#">Home - Victim Support</a>
Support Line	Confidential emotional support	01708 765200 <a href="#">Support Line</a>
Suzy Lamplugh	Offers advice for victims of stalking	0808 802 0300
Revenge Porn	Offers support for adults who are experiencing intimate image abuse	0345 6000 459
Galop (Hate Crime)	Offers support for LGBT+ people who've experienced hate crime, domestic abuse or sexual violence.	<a href="#">Hate crime - Galop the LGBT+ anti-abuse charity - Galop</a> 020 7704 2040 (hate) 0800 999 5428 (domestic abuse)
Sharan	Offers culturally sensitive advice on a range of practical and support services for Asian women.	0844 504 3231
Relate	Offers support for all relationships	<a href="#">Home   Relate</a>

