

This policy is not intended to undermine or interfere with the Code of Practice for Freedom of Speech. Where there are inconsistencies, particular regard will be given to the Code of Practice for Freedom of Speech.

### Contents

Policy Statement

Scope

Definitions

How to Raise a Complaint About Breaches of the Policy

Report, Advice and Support

Related Policies

### Policy Statement

Being a *supportive* organisation is one of Newcastle University Students' Union's (NUSU) six core values. We aim to ensure this through all aspects of the organisation. Under this value, NUSU is committed to providing a positive, safe and welcoming environment for all students, staff and visitors. NUSU will not tolerate sexual misconduct and have a complaints and disciplinary procedure, ensuring every report, whatever level of severity, is taken seriously, and where necessary, investigated under the appropriate policy.

We commit to

- Ensuring NUSU supports all members to have a positive and safe student experience.
- Ensuring compliance with legislation in regards to sexual misconduct.
- Training appropriate staff on handling disclosures of sexual misconduct and active bystander intervention training.
- Training Freshers' Crew/Supervisors/Chiefs, committee members from societies and sports clubs and other key NUSU student leadership roles on handling disclosures of sexual misconduct from their members.
- Offer support, information, advice and guidance to survivors of sexual misconduct
- Empowering student reporters to make their own choices on where to report incidents of sexual misconduct and where they would like to receive support.
- Ensuring every report of sexual misconduct, whatever level of severity, is taken seriously, and where necessary, investigated under one of our disciplinary policies.

- Acknowledging that students with protected characteristics may be at increased risk to sexual misconduct or face barriers to reporting incidents of this nature.
- Campaigning on the subject of sexual misconduct and holding Newcastle University to account on its practices, policies and procedures of this nature, if deemed necessary by the student body.
- Continue being a *Shout-Up!* Ambassador Venue through making our licensed premises sexual harassment free zones, training our staff to attend the ShoutUp Bystander Intervention Training, and promoting the campaign on our digital screens. For more information, visit <https://www.shoutup.org/>.

## Scope

This policy applies to everything NUSU does as a service provider, representative body and an employer. It covers conduct at our premises as well as related meetings, events and activity off site and at campuses other than in Newcastle.

## Definitions and examples:

Sexual misconduct refers to all **unwanted conduct of a sexual nature**. This includes a wide range of behaviours that may violate a person's dignity or create an intimidating, hostile, degrading, humiliating, or offensive environment. The following types of conduct, while not exhaustive, are included:

The Students' Union adopts the legal definition of sexual consent: a person consents, if they agree by choice and has the freedom and capacity to make that choice (Sexual Offences Act 2003, Section 74).

### 1. Sexual Harassment

Defined under Section 26(2) of the Equality Act 2010, sexual harassment is unwanted conduct of a sexual nature that has the purpose or effect of:

- Violating a person's dignity; or
- Creating an intimidating, hostile, degrading, humiliating, or offensive environment.

Examples include:

- **Verbal harassment:** Making sexual comments, asking intrusive personal questions, or making sexualised noises such as whistling or catcalling.
- **Non-verbal behaviour:** Leering, making sexual gestures, staring in a sexually suggestive manner, or displaying sexual images.

### 2. Sexual Assault

Defined under Section 3 of the Sexual Offences Act 2003, sexual assault occurs when:

- A person intentionally touches another;
- The touching is sexual;
- The other person does not consent; and
- The offender does not reasonably believe that the person consents.

Sexual assault can include a broad range of non-consensual sexual contact, regardless of gender identity or the genders of those involved. It may also cover assault by penetration, where the act does not meet the legal definition of rape.

### 3. Rape

Defined under Section 1 of the Sexual Offences Act 2003, rape is committed when:

- A person intentionally penetrates the vagina, anus, or mouth of another person with a penis;
- The other person does not consent to the penetration; and
- The perpetrator does not reasonably believe that the person consents.

### 4. Digital Sexual Misconduct

This includes unwanted sexual conduct that occurs in online or digital environments.

- Cyberflashing: Sending unsolicited sexual images or videos online.
- Exposing sexual organs via webcam or live stream without consent.
- Sharing private sexual images or videos without consent, also known as revenge porn.

### 5. Stalking

Stalking is a criminal offence under Section 2A of the Protection from Harassment Act 1997, as amended by the Protection of Freedoms Act 2012.

The behaviours that may constitute stalking include:

- Following a person in public or private spaces
- Watching or spying on a person
- Unwanted contact through any means, including:
  - Social media
  - Email
  - Text messages
  - Phone calls

## **Support and reporting routes**

The Students' Union take all disclosures of sexual misconduct seriously and want to help you understand the ways in which we can support in helping students talk this through and exploring their options. We are here to listen, here to help, and support is available even if students decide not to make a formal report.

### **Support services on campus that will not trigger investigation**

#### University Support

The University know that seeking support and guidance after experiencing a distressing or traumatic incident is not always an easy decision to make. There are all kinds of reasons why you may be worried about seeking help. They understand this and so the Student Wellbeing Service will be with you as you begin to make decisions about your support and reporting options. Support from this service is confidential unless it is believed that you or others are in immediate danger. Using the service will not trigger any formal reporting or complaints processes either with the University or the Police.

The University support survivors regardless of their gender, race or ethnicity, disability, age, or any other part of your identity. You can use the links to disclose what has happened and/or refer yourself into the service. You will also have the option to disclose anonymously. If you choose to use this form anonymously Student Wellbeing will not be able to offer direct support or trigger any formal reporting mechanisms but will use the information you give to inform proactive and preventative actions.

[Our Support | Student Wellbeing | Newcastle University \(ncl.ac.uk\)](#)

#### [Student disclosure and referral form](#)

#### NUSU Support and Advice Hub

The Support and Advice Hub can offer an informal and safe space for you to speak to one of the members of the team who can offer a 'listening ear' and help you to talk things through.

The Support and Advice Hub can also help support students by providing a confidential and independent place for you to book in to speak to a Student Adviser. The advisers can help with any practical support when your experiences can impact on aspects of your life such as housing and academic.

Students can [book in here](#) to speak to an Adviser.

We are located on the ground floor of the Students' Union so please pop in or if you prefer email <mailto:supportandadvice.union@ncl.ac.uk>

#### Students' Union Activities Centre

We understand how important Societies and Clubs can be to university experience but are also very passionate about eliminating all kinds hate. The team can offer informal advice

and support on the options available to yourself and support you with the process throughout.

Welfare Officers in Clubs and Societies are passionate about the activities they are involved in and have had formal training on how to support survivors. They can also signpost and support through options available elsewhere.

### **Formal reporting routes that will trigger an investigation**

#### **Students' Union Complaints**

Complaints and reports to the Students' Union should be submitted using the form [here](#). This form is used to report incidents from any individual student or group including Clubs and Societies.

The Students' Union will not investigate reports of misconduct against another student i.e., a student-on-student issue not related to a Students' Union activity. This is the remit of the University Student Progress Service. However, we will investigate and conduct a disciplinary investigation if the allegation relates to a student in a position of standing within the Students' Union, for example a Society President or an elected officer.

#### **Newcastle University Complaints Procedure**

If a student wishes to complain about another student at the University, they can contact the Casework Team by emailing [casework@ncl.ac.uk](mailto:casework@ncl.ac.uk). The University Health and Wellbeing Service or the Support and Advice Hub can help talk through this process.

### **External organisations and helplines:**

Reporting and support services outside of campus

Sexual Assault Referral Centres

Sexual assault referral centres ([SARCs](#)) offer medical, practical, and emotional support to anyone who has been raped sexually assaulted or abused. They have specially trained doctors, nurses, and support workers to care for you. Northumbria's SARC offer free, confidential healthcare and support to people that have experienced sexual violence, call their telephone 0300 233 0099 (open 24 hours a day, every day of the year) or email [Newcastle.SARC@nhs.net](mailto:Newcastle.SARC@nhs.net).

### **Police**

You may want to report an incident via the Police - you can do so [here](#).

Northumbria Police Neighbourhood Beat Manager

The University have a Northumbria Police Neighbourhood Beat Manager who works on campus and can be contacted via [Security](#) or the [Support and Advice Hub](#) in the Students' Union.

RAPE CRISIS Tyneside and Northumberland - 0800 035 2794

A service for women and girls who have experienced any form of sexual violence at any time in their lives, offering confidential counselling, advocacy, a helpline, email support and specialist information.

Male Survivors Partnership Helpline - 0808 800 5005

Providing dedicated services for male survivors of sexual violence living in England and Wales.

Findaway - 0300 140 0061

Support for people who are worried someone they know is being controlled, scared, or hurt by their partner, ex-partner or a family member.

### **Related Policies**

NUSU Disciplinary Policy Strategy and Guidance Annexe E and Appendix 1-8

NUSU Inclusivity Policy

NUSU Staff Disciplinary Process

NUSU Staff Grievance policy

NUSU Sexual Harassment – Licensed areas

Rev.	Date	OWNER	APPROVAL	DESCRIPTION OF CHANGE
KH	18.6.25	KH	GW	Added Freedom of Speech Job role changes Added related policies Format of definitions changed.