

Request Reference: 3210

FOI Request dated 29/07/2024 -

Sexual misconduct is any conduct that is sexual, unwanted, non-consensual and causes distress, or that otherwise constitutes harassment, bullying or victimisation. It can include sexual harassment, sexual assault and/or rape.

Under Freedom of Information Act/Environmental Information Regulations, I would like to request the following information:

1. *What are your current reporting guidelines?*
2. *How are your reporting guidelines shared with students?*
3. *How do you make these guidelines accessible to all students?*
4. *What is the most common penalty for a finding of sexual misconduct?*
5. *Do you offer training to staff on misogyny and sexual misconduct? If so, is this mandatory?*
6. *What are the time limits for a student making a report (if any)?*
7. *Within the last three academic years (2020 - 2023):*
 - a) *How many reports have you received?*
 - b) *How many of those reports were formal complaints?*
 - c) *Of those formal complaints, how many were resolved informally?*
 - d) *Of those formal complaints, how many were resolved formally?*
 - e) *Of those resolved formally, how many students/individuals were sanctioned/penalised as a result?*

For further clarification, we seek information on complaints and reports made by students about other students, and complaints and reports made by students about staff.

Response

1. Students can complete a Pathways to support form via the portal. Staff, parent, friend or member of our local community can complete a raise a concern form. full detail is in the SVHP.
2. Website, student portal, during campaigns, welcome week etc. online access to process in regs
3. Students are able to raise a query in portal to speak with a DI advisor regarding any pdfs etc that have accessibility issues. The team holds accessible word copies of all documentation available to students on request.
4. Please see www.hull.ac.uk/editor-assets/docs/code-of-student-conduct.pdf , we are unable to answer given each case is different and depends on what the exact sexual misconduct was.
5. Wave, EDI, bullying and harassment, beyond unconscious bias, bullying and harassment (employees) safeguarding in HE mandatory, domestic abuse, unconscious bias training. Misogyny is covered in several of our training courses, including Diversity in the Workplace/Managing Diversity (mandatory for all members of staff), Unconscious Bias (mandatory for those staff responsible for work force planning, and the recruitment, selection, and induction of staff; staff responsible for eliminating discrimination, advancing equality of opportunity and fostering good relations between different people; and staff who are student misconduct disciplinary panel members), Modern Slavery Act (mandatory for staff procuring goods and services for the University; staff who are members of the central procurement team), Bullying

and Harassment (not mandatory), and Domestic Abuse Awareness (mandatory for staff who are student misconduct disciplinary panel members).

Sexual Misconduct is covered in our Non-academic Misconduct Routes training, which is mandatory for student facing members of staff or those who would like to be a student misconduct panel member.

Further to this, Safeguarding in HE is mandatory for all members of staff, and includes what to do if you have concerns about the welfare of a student who is at risk of abuse or has allegedly been abused. Training has also been delivered to student wellbeing staff on managing disclosures of Sexual Misconduct (not mandatory).

6. The University will not impose any time limits on when a Reporting Party may make a report to the University for serious sexual assaults. Category b offenses must be reported in 3 months. We can only take things forward for current students, so limited by the duration of responding course. However, it should be noted that, University investigations are only carried out in respect of current registered students and staff members. However, in exceptional circumstances the University may consider commencing an investigation against a former student providing the report is made within 3 months of the responding party graduating.

7. Section 1 of the Freedom of Information Act 2000 (FOIA) places two duties on public authorities. Unless exemptions apply, the first duty at Section 1(1)(a) is to confirm or deny whether the information specified in a request is held. The second duty at Section 1(1)(b) is to disclose information that has been confirmed as being held. Where exemptions are relied upon Section 17 of FOIA requires that we provide the applicant with a notice which: a) states that fact b) specifies the exemption(s) in question and c) states (if that would not otherwise be apparent) why the exemption applies.

It has been determined that this information is exempt on the basis that s21 of the Act applies – Information Reasonably Accessible by Other Means. As this exemption is absolute there is no requirement for me to conduct a public interest test, however in order to provide assistance I provide the following links -

- a) Student data - [3168-Sexual-Misconduct \(hull.ac.uk\)](https://3168-Sexual-Misconduct(hull.ac.uk))
 - b) Student data - [3168-Sexual-Misconduct \(hull.ac.uk\)](https://3168-Sexual-Misconduct(hull.ac.uk))
 - c) Student data - [3168-Sexual-Misconduct \(hull.ac.uk\)](https://3168-Sexual-Misconduct(hull.ac.uk))
 - d) Student data - [3168-Sexual-Misconduct \(hull.ac.uk\)](https://3168-Sexual-Misconduct(hull.ac.uk))
 - e) Student data - [3168-Sexual-Misconduct \(hull.ac.uk\)](https://3168-Sexual-Misconduct(hull.ac.uk))
- HR Data –

Question 7	Academic years		
	20/21	21/22	22/23
a) How many reports have you received?	0	0	<5*
b) How many of those reports were formal complaints?	-	-	<5*
c) Of those formal complaints, how many were resolved informally?	-	-	0
d) Of those formal complaints, how many were resolved formally?	-	-	<5*
e) Of those resolved formally, how many students/individuals were sanctioned/penalised as a result?	-	-	<5*

*On this occasion, it is not possible to provide all the requested information. The Act contains a number of exemptions that allow public authorities to withhold certain information from release. We have applied the following exemption to part of your request.

S.40(2), Personal information - Disclosure of some of the requested information would be contrary to the requirements of the UK General Data Protection Regulation

In line with s.40(2) of the Act we have removed certain personal data from our responses in the tables above.

A report of sexual misconduct made by any living individual, against a perpetrator and the specific sanction and outcomes of those reports, is the personal data of either the reporter or perpetrator.

On some occasions, the numbers of reports made of sexual misconduct, against a perpetrator, and the numbers of specific types of sanctions and outcomes to those reports were low and fell below five. We believe that disclosing the exact numbers of the requested information will make these living individuals identifiable. This information specifically constitutes the personal data of these living individuals, as defined by Article 4(1) of the UK General Data Protection Regulation (GDPR).

Since disclosure of this information would make these living individuals identifiable it would be contrary to the requirements of Article 5(1)(a) of the GDPR to disclose this information; namely that information must be processed lawfully, fairly and in a transparent manner. These individuals would have no expectation that this information would be made publicly available, and we have not identified a lawful basis that would allow or require us to disclose this information.

Where figures were low, we have rounded to the nearest 5 as per HESA guidelines.

8. In respect of question 7, we understand that in many higher education institutions, students are able to make either formal and informal complaints of sexual misconduct. If you do not adopt these practices, we respectfully request you specify further e.g. are all complaints made by students and staff dealt with under formal procedure. - We do adopt that practise