

# Guide to the procedures of the Conservatoire Policy on Sexual Misconduct, Harassment and Related Behaviours

## The Conservatoire Policy on Sexual Misconduct, Harassment and Related Behaviours: GUIDE TO THE PROCEDURES

The policy and all its procedures can be accessed on the Conservatoire website at <http://www.cdd.ac.uk/policies/student-related-policies/>.

### What are the procedures under this Policy?

There are **two stages** of procedures that come under the Policy:

**Stage 1: Initial Support & Early Investigation Stage**

**Stage 2: Alternative Resolution by Agreement/Alternative Resolution by Panel**

### **Stage 1: Initial Support & Early Investigation Stage** (see Appendix A to the Policy)

You can make a complaint or raise allegations about something that has happened to you that you feel might fall within the scope of this policy, or about the behaviour of someone (whether they are another student, a member of staff or someone outside of the Conservatoire) which you believe might be a breach of this policy. In these circumstances, you would be referred to as 'the Complainant', and you will start **Stage 1** of the procedures under the Policy on Sexual Misconduct, Harassment and Related Behaviours. Anyone can be a Complainant, regardless of whether they are a student, a member of staff or someone from outside the Conservatoire.

**Stage 1** will normally be used to handle allegations of behaviour that may constitute a breach of this policy. This stage is used for providing support to a Complainant, identifying what they would like to happen and any additional support needs, beginning an investigation into allegations raised where relevant, and determining next steps. The person who begins the investigation is called the Early Investigation Officer.

Not all cases will progress beyond Stage 1. Sometimes this will be because a Complainant does not wish any further action to be taken, and the Conservatoire is satisfied that this is appropriate. The Conservatoire will do its utmost to act in accordance with the wishes of a Complainant, and to give them as much input into decision-making as possible. However, there may be occasions where the Complainant would prefer no further action to be taken, but safety concerns and/or the risks of not doing so mean that the Conservatoire must take action despite these wishes.

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Other instances where cases will not progress beyond the Stage 1 procedures under this Policy will be:

- where allegations concern the behaviour of staff (in which case the matter will normally be referred into the relevant School's/Conservatoire's HR process, as necessary);
- where allegations concern the behaviour of an individual who is not (or has been but is no longer) a member of the Conservatoire and therefore it is not possible to progress the case further;
- non-recent allegations which it is not possible for the Conservatoire to investigate further.

Where the Complainant and the Respondent are both students of the Conservatoire, the Early Investigation Officer will take a view as to whether alternative resolution might be appropriate. If so, the matter will progress to **Stage 2** of the procedures under this policy, to attempt to find an agreed way forward for both the Complainant and Respondent. It is not possible to pursue alternative resolution under Stage 2 of this policy unless both the Complainant and Respondent are students.

**Stage 2: Alternative Resolution (see Appendix B to the Policy), encompassing:**

- **Alternative Resolution by Agreement (Appendix B1),**  
and
- **Alternative Resolution by Panel (Appendix B2)**

The Conservatoire recognises that there are occasions when behaviour that might be reported under this policy may be as a result of a lack of understanding, and that students often have complex relationships with each other where a Complainant may not want to get another student 'into trouble' but would also like them to understand the impact of their behaviour, or that they have behaved in a way that is unacceptable. To address this scenario, the Conservatoire has developed 'alternative resolution' procedures, known as **Stage 2** of the procedures under this policy.

Where both the Complainant and the Respondent are students, **Stage 2** provides two different ways in which an alternative resolution to a disciplinary process may be attempted. It may not always be appropriate to offer or pursue alternative resolution. The decision as to whether it is appropriate to do so rests with the Early Investigation Officer, though they will consult with the Complainant about whether they wish to attempt an alternative resolution.

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Where a Complainant decides they do not wish to pursue any further action, neither of these alternative resolution processes will be entered into. Where the Respondent does not agree to alternative resolution, this course of action will not be pursued and the Early Investigation Officer will consult with the Complainant to advise them on their next options and to find out how they would ideally prefer to proceed. However, the decision about any next steps is for the Early Investigation Officer to make.

Crucially, neither Alternative Resolution by Agreement nor Alternative Resolution by Panel result in any finding by the Conservatoire of what is reported to have occurred. The Alternative Resolution Processes are intended to allow a Complainant to raise matters surrounding a Respondent's behaviour, for the Respondent to have the right of reply, and for both students to come to an agreement about moving forward and future conduct.

### **What is the difference between Alternative Resolution by Agreement and Alternative Resolution by Panel?**

**Alternative Resolution by Agreement** is a relatively informal mechanism by which a mutual agreement about future conduct can be reached between a Complainant and Respondent. For it to be successful, it requires both the Respondent and Complainant to agree to conditions that will help both parties to move forward.

It may not always be appropriate to attempt alternative resolution by agreement, particularly if allegations about a Respondent's behaviour are serious. Importantly, such agreement is likely to include expectations of future behaviour for both the Respondent and the Complainant. For example, such agreement may consist of both parties agreeing to behave professionally and avoid any unnecessary contact both in and out of class. The agreement will be recorded formally for record purposes. A subsequent breach of the agreement by either student may result in disciplinary action under the Non-Academic Misconduct Policy.

**Alternative Resolution by Panel** is a more formal means of exploring the complaint/allegations with the Respondent, to try and find an agreed way forward with both the Respondent and the Complainant. Both the Complainant and the Respondent get the opportunity to put forward what they wish to say in front of a Panel. Alternative Resolution by Panel offers an opportunity for a Complainant's allegations to be formally explored and for the Panel to reach a conclusion about the most appropriate way forward. In some cases, the Panel may decide that though alternative resolution has been attempted, it has become clear throughout the Panel process that it is not appropriate or possible. The Panel will therefore decide on what the next course of action (if any) should be.

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## Who sits on the Alternative Resolution Panel?

The Alternative Resolution by Panel procedure is conducted by a panel of staff of the Conservatoire with specific seniority and expertise (it includes some staff with student support and/or expertise in matters of sexual misconduct). For the avoidance of doubt, staff of the Conservatoire includes staff of the Conservatoire Schools and the central office of the Conservatoire.

## Precautionary Measures; Procedures for Complaints/Allegations that have been reported to the Police

In addition to the two stages of procedures under this Policy, there are two discretionary processes under this Policy that may apply to students, depending on the circumstances of a case:

- **Precautionary Measures (Appendix C)**

Precautionary measures are discretionary and will be applied as necessary on a case by case basis, as they will not be relevant in every case. Further information about the precautionary measures is provided later in this guidance. See also Section 3.6 of the Policy and Appendix C for further information.

- **Procedures for Complaints/Allegations that have been reported to the Police (Appendix D)**

These procedures will be followed by the Conservatoire when one or more allegations have been reported to the Police. Please see Appendix D to the Policy for more details.

### 1) Precautionary Measures (Appendix C to the Policy)

#### What are precautionary measures?

Precautionary measures apply to students (but not staff, who are subject to action under HR procedures). Precautionary measures are action that may be taken at any point following receipt of a complaint/allegations of behaviour that may constitute a breach of the Policy (i.e. behaviour that may constitute sexual misconduct, harassment or related behaviours – please see Section 2 of the Policy for further information about breaches of the Policy).

Action that may be taken as precautionary measures includes one or more of the following:

- a) excluding a student from some or all of the School and/or Conservatoire facilities and/or premises;
- b) imposing conditions on a student in connection with their use of the School and/or Conservatoire facilities and/or premises, as the CEO considers necessary;

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- c) imposing conditions on a student regarding contact with any particular person or individuals;
- d) imposing restrictions on a student's use of the School and/or Conservatoire facilities and/or premises, as the Conservatoire considers necessary;
- e) suspending a student, either in full or in part, from their studies.

### **When and why might precautionary measures be taken?**

Precautionary measures may be applied as necessary at any point or stage following receipt of a complaint/allegations of sexual misconduct, harassment or any related offences on the part of a student of the Conservatoire, regardless of whether formal procedures have been invoked. The CEO of the Conservatoire will impose precautionary measures on a student if the CEO considers that any such measures are necessary:

- a) To ensure that a full and proper investigation can be carried out in relation to any matter that may constitute a breach of the Policy (either under a procedure of the Conservatoire and/or where a matter is being handled by the Police);
- b) To protect any individual(s) while any such matter is being dealt with under a Conservatoire procedure, or as part of a criminal process.

### **How will precautionary measures be instigated?**

The Conservatoire CEO will be contacted by an officer of the Conservatoire, who will request that the CEO imposes precautionary measures upon a student of their School. The procedures to be followed are outlined in section 2 of Appendix C to the Policy: 'Precautionary Measures'.

In an emergency situation a deputy of the CEO may impose precautionary measures for an initial emergency period of 2 days. A deputy of the CEO will either be any Principal of a Conservatoire School, or the Academic Registrar (Shared Services), as nominated by the CEO. Where a deputy carries out the CEO's powers to impose precautionary measures under the Policy, the imposition of the powers shall be reported to the CEO within 24 hours of written notification to the student concerned.

Where a School has concerns about a student of another Conservatoire School, it is expected that this will be reported by the School to the CEO of the Conservatoire, who will determine (in consultation with the Principal of the student concerned) whether precautionary measures are necessary.

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### I have had precautionary measures imposed upon me. What do I need to know?

- Precautionary measures are taken as a precaution, and ***without prejudice***. This means that if you have precautionary measures imposed upon you, this is no indication of any judgement about you by the Conservatoire, but the CEO (or their deputy) is satisfied that circumstances mean this action needs to be taken.
- You have the right to submit written representations to the CEO for their consideration and you will be informed of this right if precautionary measures are taken. This means you have the right to write to the CEO and raise any points you wish to make that you would like the CEO to consider. However, if your representations address allegations of possible misconduct you are facing, whatever you submit might subsequently receive consideration under a Conservatoire procedure (such as the procedures under the Policy on Sexual Misconduct, Harassment and Related Behaviours, or the Non-Academic Misconduct Policy).
- In addition to the above, you should also be aware that any admissions made (whether orally or in writing), written representations submitted, or notes produced by you regarding allegations may be used as evidence in any subsequent criminal investigation or proceedings in a court of law, or in Conservatoire proceedings under this Policy and/or under the Non-Academic Misconduct policy.
- Where you are facing allegations of a possible criminal offence, you should be aware that the Police have the right to request information from the Conservatoire and this may include any written representations that you have made, or that officers of the Conservatoire have made following an interview or meeting with you, and/or with the person who raised the allegations. In such circumstances the Conservatoire may be required by the Police to submit such information.