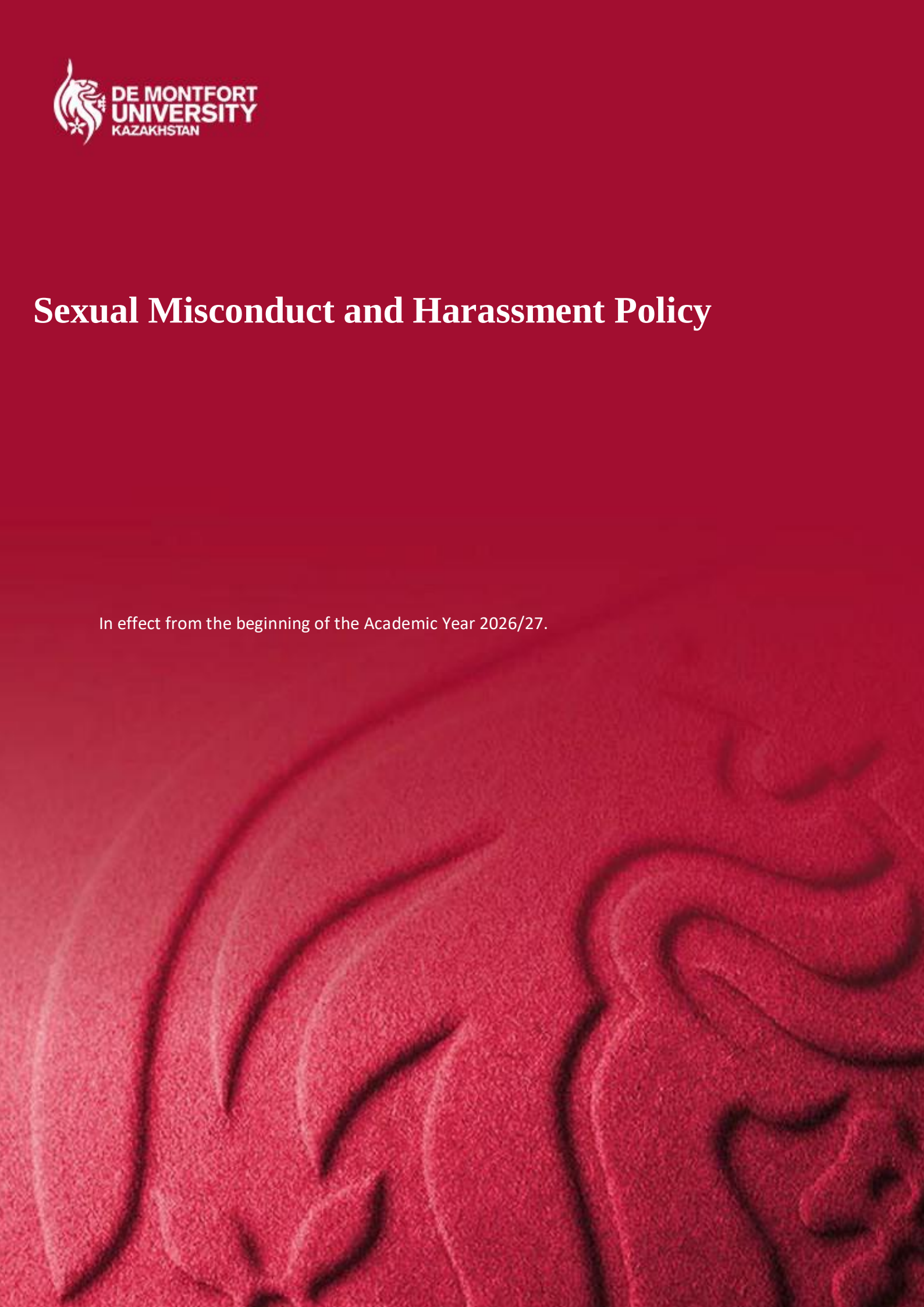
DE MONTFORT UNIVERSITY KAZAKHSTAN

Sexual Misconduct and Harassment Policy

In effect from the beginning of the Academic Year 2026/27.



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1 Introduction

1.1 De Montfort University Kazakhstan (the University) makes it clear that we do not tolerate sexual misconduct and harassment, relationship abuse, or violence as set out in the Student Misconduct and Disciplinary Policy.

1.2 The behaviours listed throughout this policy can occur:

- In person, by telephone, letter, text messages, email or other electronic means and/or social media;
- Between individuals of any gender identity or sexual orientation;
- By someone known to the victim or by stranger; and

In any location on or off campus.

1.3 For the purpose of this policy, the reporting party is the person(s) who has been the subject of the alleged incident of sexual misconduct, harassment, sexual violence, or other policy breach. The reporting party could also mean a bystander, witness or other third party who has witnessed or been notified of an alleged incident of sexual misconduct or harassment.

1.4 The **responding** party is the person whose behaviour is alleged to have carried out an act or acts of sexual misconduct or harassment, sexual violence or other policy breach.

1.5 For the purpose of this policy, **sexual misconduct and harassment** refers to a broad spectrum of unwanted or attempted unwanted behaviours including, but not limited to:

- sexual harassment, this includes, but is not limited to, the following: 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, such as catcalling and wolf-whistling, leering and suggestive gestures and remarks (including online), making sexualized comments (including jokes), asking intrusive personal questions, upskirting, and displaying or sharing sexual material without consent
- rape;
- unwanted sexual advances, propositions and/or demands for sexual favours;
- intimidation and unwelcome words, conduct, or suggestive behaviour of a sexual nature both in person and online;
- sexually touching another person without their consent;
- inappropriately showing of sexual organs to another person ;
- kissing another person without their consent
- Recording and/or sharing intimate images or recordings of another person without their consent;
- stalking in person or online (unwanted, repeated, obsessive and/or controlling behaviours that make someone distressed or scared)
- posting pornographic material in shared spaces (physical and/or virtual); and
- sexual coercion (i.e. unwanted sexual activity which happened as a result of being pressured or coerced through non-physical means).

1.6 The University commits to:

- providing a campus environment in which all members of our community feel safe and are respected.
- setting out our expectations around the unacceptability of sexual misconduct and relationship abuse.
- supporting students who have experienced any form of sexual misconduct and to those to whom such experiences are disclosed or witnessed
- making clear how to disclose reports of sexual misconduct and harassment, in person, online and anonymously.
- responding appropriately and effectively to disclosed incidents which breach this policy.

- providing a clear and supportive framework in which allegations of sexual misconduct and harassment will be investigated. Both personal and academic support will be provided to all parties throughout the investigation process and all students involved will be supported to access counselling and wellbeing support if required.
- providing appropriate and mandatory training for all students so that they understand what sexual misconduct and harassment is and what consent is and when consent is and is not given.
- providing appropriate and mandatory training for all staff who receive reports of sexual misconduct and harassment and to those involved in decision making procedures affecting the students concerned.
- never imposing a Non-Disclosure Agreement (NDA) on any parties involved in an allegation of sexual misconduct or harassment.
- ensuring this policy will not result in any restrictions in relation to freedom of speech within the law of academic freedom. It is designed, however, to protect students from harassment, and the appropriate procedures will be followed if a student reports harassment by others, where applicable.
- applying sensitivity when dealing with all parties involved in a case.

2 Scope

2.1 This policy outlines how students can disclose sexual misconduct and harassment and how the University will support students who have disclosed or reported incidents of sexual misconduct and harassment that contravene the Student Misconduct and Disciplinary Policy.

2.2 This policy applies to all students, learners (e.g. CELL), of the University including those studying at partner institutions. The specific nature of the Student Misconduct and Disciplinary Procedure may vary for students studying at a partner institution, and any differences will be included in the relevant student handbook and policies. Where there is variation, the University is responsible for ensuring that the principles of the partner institution's procedure align with the University's requirements.

This policy relates to all incidents of sexual misconduct and harassment as defined in 1.5 above and within the Student Misconduct and Disciplinary Policy.

2.3 Under this policy, any student who has experienced an incident of sexual misconduct or harassment, is the responding student, or a witness to an incident, will have equality of access to support regardless of when and where the incident occurred.

2.4 Disclosures and reports made under this policy are not limited to incidents that are alleged to have occurred on university premises. Where an incident occurs away from university premises and is about the alleged behaviour of a member of the University's community, or it occurred during a university-arranged event (e.g., whilst on placement), a report may still be made and will be investigated accordingly. If the allegation concerns something or someone completely unrelated to the University, we will support all students involved, but we are unlikely to be able to investigate.

2.5 If the person who is alleged to have committed an act of sexual misconduct or harassment is a student, the University will conduct a risk assessment to ensure the continued safety of the reporting student and the wider University community. The university shall consider the risk to all parties and determine if any Temporary Precautionary Measures are required.

2.6 If the Responding Party is a member of staff, the case will be received by the Student Development Department Team, and subsequently referred in confidence to the HR Department who will lead any investigations into the reported staff member's behaviour in accordance with the relevant staff policy The Student Development Department will investigate any wider allegations and complaints, taking into account the findings of the HR Department The student who has made the allegation will be supported in accordance with this policy by the Student Development Department.

2.7 In instances where the alleged sexual misconduct or harassment has been reported to the Police, the criminal investigation and any subsequent court processes must usually be concluded before the University's disciplinary investigation can commence, unless the relevant authorities permit us to proceed. The University will continue to support all students throughout the process.

Whilst this policy sets out how to make a disclosure of report of sexual misconduct and harassment, if there is an emergency, or if something happens out of normal university working hours, DMU Security can be contacted 24 hours a day or by email to sds@dmuk.edu.kz. Students are also invited to attend the Security Office to make a report and seek support.

Emergency Services should also be contacted via 102 to report the incident to police.

3 Glossary

3.1 **Consent**: Consent is the agreement to participate in a sexual act where the individual has both the freedom and capacity to make that decision. Consent cannot be assumed on the basis of a previous sexual experience or previously given consent, and consent may be withdrawn at any time.

Freedom to consent*:* For consent to be present, the individual has to freely engage in a sexual act. Consent is not present when submission by an unwilling participant is as a result of exploitation of power, deception, coercion, pressure or force, regardless of whether there is verbal or physical resistance.

Coercion or Force includes any physical or emotional harm or threat of physical or emotional harm which would reasonably place an individual in fear of immediate or future harm, with the result that the individual feels compelled to engage in a sexual act.

Capacity to consent: Free consent cannot be given if the individual lacks the capacity to consent. Incapacitation occurs when an individual is asleep, unconscious, semi-conscious, or in a state of intermittent consciousness, or any other state of unawareness, in which a sexual act may be occurring. Incapacitation may also occur on account of a mental or developmental disability, or as a result of alcohol or drug use.

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 incapacitation, the safest approach is not to engage in a sexual act

Active Consent is the agreement by choice where the individual has both the **freedom** and **capacity** to make that choice. Consent cannot be assumed on the basis of a previous sexual encounter or previously given consent, or from the absence of complaint, and each new sexual act requires a re-confirmation of consent as the foundation of a healthy and respectful sexual relationship. Consent may be withdrawn at any time before or during a sexual act.

3.2 **Controlling behaviour:**
Controlling behaviour is an act or range of acts designed to make someone subordinate and dependent by controlling their sources of support, finances, movements, health, body, means needed for independence, resistance and escape.

3.3 **Coercive behaviour**

Coercive behaviour is an act or pattern of acts which make someone feel dependent, isolated, punished, or frightened. Examples include isolating someone from their family or friends, monitoring someone's activities or movements and threatening to harm someone.

3.4 **Relationship abuse**

Relationship abuse can be any incident or pattern of incidents of controlling, coercive, threatening behaviour and/or violence between those aged 16 or over, who are, or have been in a personal relationship with the individual abusing them, regardless of gender or sexuality.

It covers all forms of domestic and relationship abuse including:

- Psychological
- Physical
- Financial
- Emotional
- Stalking (online and in person)
- Digital and online

People who are "personally connected" include:

- Family members
- Individuals who share parental responsibility for a child

Examples of Complicity includes any act by a person that knowingly assists, aid and abets, promotes, or encourages any form of misconduct including sexual misconduct and harassment and Violence by another individual. There is no requirement for the person being abused and the person abusing them to live in the same household

Examples of Retaliation may constitute any words or behaviour including intimidation, threats, omissions or coercion, made in response to disclosures or reports made under this Policy. This includes the Responding Party and the Reporting Party, as well as witnesses, friends, or relatives.

3.5 **Stalking** is a pattern of fixated and obsessive behaviour which is repeated, persistent, intrusive and causes fear of violence or engenders alarm and distress in the victim. Stalking can be caried out by someone known, such as an ex-partner or a friend as well as a stranger.

Stalking is criminal violation, may include:

- regularly following someone
- repeatedly going uninvited to their home
- checking someone's internet use, email, or other electronic communication
- hanging around somewhere they know the person often visits
- interfering with their property
- watching or spying on someone
- identity theft (signing-up to services, buying things in someone's name)

It is important to remember that it is not the target's fault that they are being stalked and we advise that they get advice and support from specialist services and consider reporting to the Police as soon as possible. There are four warning signs of stalking: Fixated, Obsessed, Unwanted, and Repetitive.

3.6 **Online harms**

The government's online safety bill defines online harms as "user-generated content or behaviour that is illegal or could cause significant physical or psychological harm to a person. Online harm can be unlawful or legal but harmful. Examples of online harms include (but are not restricted to):

- child sexual exploitation and abuse
- terrorist use of the internet
- hate crime and hate speech
- harassment, cyberbullying, and online abuse
- any insulting images

Online harms in this context refer to harm experienced by use".
Students are reminded to abide by the Social Media Policy.

3.7 **Equality and Diversity:**

Sexual misconduct, violence and harassment can be experienced by any individual, relationship status, age, disability, faith, ethnicity, nationality and economic status. Those who are ethnically diverse and individuals with disabilities are disproportionately affected by experiences of sexual violence. Experiences of sexual misconduct, harassment and violence may intersect with other forms of harassment and discrimination.

4 Responsibilities

The Student Development Services is responsible for following all the procedures.

All staffhave a day-to-day responsibility for overseeing the implementation of this policy and ensuring all members of the University community are supported in disclosing and reporting incidents of alleged sexual misconduct by students or staff.

Students are responsible for strict following this policy.

5 Support

5.1 Support will be offered to any student involved in a report of sexual misconduct or harassment.

5.2 Students who disclose or report incidents of alleged sexual misconduct or harassment will be offered support through the Student Development Department. Students will be signposted to relevant support services, and staff will support students with requests for academic adjustments.

5.3 Any student who has been accused of sexual misconduct or harassment as defined in 1.2 and 1.3, above, will be brought to liability according to the policies of the University,

5.4 Students who have been reported for sexual misconduct or harassment will be referred (with their consent) to the DMUK Psychologist /Counselor besafe@dmuk.edu.kz. The student will be allocated to a member of the mental health team. The assigned caseworker will be the point of contact for the student during any disciplinary and related processes. The allocated case worker will make appropriate external referrals and will support the student with requests for academic adjustments.

5.5 All students involved in an investigation related to sexual misconduct or harassment may be accompanied by a student companion at any meeting.

6 Disclosing and Reporting

6.1 Whilst the reporting party may wish to seek advice prior to making a disclosure or report, they are encouraged to do so as soon as possible so that evidence can be gathered swiftly. The University undertakes to act quickly on receipt of a disclosure or report.

6.2 **Disclosure** means an individual tells a member of the University community about an incident of sexual misconduct or harassment. The University will support a disclosure.

6.3 A disclosure is confidential and will only be shared with the express permission of the disclosing student unless there is a safeguarding risk to any party. A disclosure may remain the first and last point of contact with the University; however, a student can progress a disclosure to a formal report at any time. The formal report will allow the University to investigate the misconduct as set out in this policy.

6.4 By exception, the University may refer the case to the Police if the risk is deemed to warrant it, for example, if there is a safeguarding concern.

6.5 In addition, the University has a duty to protect its students and staff, and there may be circumstances where the University considers that a matter which is raised informally must be investigated, regardless of the reporting students wishes. The University reserves the right to take such action as it considers appropriate in relation to any matter raised, where it considers that it is in the interests of the University, its staff or students to do so.

6.6 Having disclosed an incident, the student may wish to report the case for further investigation. This will be referred to the Student Development Services team for an initial assessment of risk, and, in cases where another student is reported, for investigation. For cases related to complaints about a member of staff, the case will be referred to HR for investigation once it has been triaged by the Student Development Services

6.7 **A Report** is the official sharing of information with a staff member of the University regarding an incident of sexual misconduct and harassment or harassment experienced by that individual, for the purposes of initiating an investigation by the University.

6.8 If an allegation is reported to the police, the police investigation will take precedence over the University's investigation process. The University will seek advice from the police and may put a disciplinary investigation on hold, pending the outcome of the police investigation. In this instance an internal risk assessment will be undertaken by the University to determine whether intermediate action is required by the University.

6.9 If a student chooses not to report an incident to the police, the University may investigate any breach of university regulations only. This investigation will be carried out by trained specialist investigators who will create a case file. The University is not in a position to conduct forensic investigations and will rely on the evidence presented. An early report may assist investigators to gather timely and relevant evidence.

7 Confidentiality

7.1 Confidentiality will be maintained in line with the Data Protection Policy, where possible, throughout the disclosure, reporting and investigative processes in recognition of the sensitive nature of sexual misconduct and harassment cases. We will only share information on a confidential, need-to-know basis.

7.2 The University reserves the right, and may be under an obligation, to share information in exceptional circumstances where such disclosure is necessary to protect any individual or the wider University community from harm or to prevent a crime from taking place.

7.3 All individuals involved in any process under this policy are advised to keep information that is disclosed to them as part of the process confidential. Sharing information inappropriately may be a breach of the Student Misconduct and Disciplinary Policy or Staff Code of Conduct.

7.4 Any unauthorised disclosure of confidential information will be considered a policy violation and will be addressed accordingly.

8 Risk Assessment

8.1 The University will undertake a risk assessment of any reports of sexual misconduct or harassment within 2 working days of receipt of the full details of an allegation to determine if any additional immediate actions need to be put in place.

8.2 A risk assessment panel will be set up to consider these matters, which will be chaired by the Head of Student Development Department and Academic Director (or their nominee) with representation from a Senior Academic in the relevant faculty, Head of Security (or nominee) and any other members of staff as required.

8.3 There are four possible actions in addition to investigation that may arise from a risk assessment that the University will consider depending on the nature of the alleged misconduct:

- Temporary Precautionary Measures
- Engagement with a police or court process.

8.4 The Risk Assessment Panel will oversee the coordination of actions and communications if more than one action is required.

8.5 **Temporary Precautionary Measures** will be put in place if the University considers there is an actual or potential risk to any individuals in the University community (including the responding party) arising from any alleged sexual misconduct or harassment.

8.6 As their name suggests, the actions are a neutral act. They do not pre-determine The outcomes of the investigation and the Disciplinary Committee. Measures the University may take can include but are not limited to:

- Suspending the reported student from their programme;

- Excluding the reported student from all or part of university premises, Halls of Residence, or use of facilities (including Students' Union activities, facilities, and premises).
- Establishing a non-contact agreement with another member of the University which may include putting additional measures in place to ensure the safety of members of staff.
- In the case of an allegation against a university employee, the employee may be suspended on a precautionary basis where appropriate and in accordance with the relevant staff disciplinary procedure.

8.7 The University will inform the affected parties in writing if any of these measures will be put in place. The measures will be reviewed every four weeks, or sooner and the student will be provided with an update. Where non-contact agreements are put in place, the University will inform the student(s) concerned.

8.7 As part of the risk assessment, the University will also consider if the temporary precautionary measures applied will impact the responding students' studies:

- Where the University determines that a student will have full access to relevant learning resources, they will be permitted to continue their studies.

- Where the University determines a student has partial access to relevant learning resources, the University will consider whether it is academically possible and appropriate to put in place a special scheme of study that enables the student to continue their studies in a different way. The feasibility of this option is dependent on the nature of their programme.

- Where the University determines that a student does not have sufficient access to relevant learning resources, the University will usually suspend their registration until the temporary precautionary measures have been lifted and/or the outcome of the investigation has concluded. The purpose of this action is not to penalise any student, but to ensure that they are not academically disadvantaged by not having sufficient access to resources. If the temporary precautionary measures are lifted and/or if outcome of the misconduct hearing allows them to continue with their studies, the University will consider whether it is academically possible and/or necessary to put in place a special scheme of study to support their continuation best. The feasibility of this option is dependent on the nature of their programme.

- If a student is suspended from the University for more than an entire block of study, the Student Development Services will be contacted and offered the opportunity to take a Leave of Absence, or to withdraw entirely from their studies.

- If a student is suspended for more than 12 calendar months or one entire academic year, the University reserves the right to deregister the student from their programme of study. Notice of deregistration will be given to the student, and they will have the opportunity to respond if they do not wish to be deregistered.

8.8 The judgement about the academic feasibility of these options will be led by the faculty representative of the Risk Assessment Panel.

8.9 The responding student's fitness to study will be considered if there is evidence to suggest that they are potentially not fit to engage with their programme at this time. The Student Misconduct and Disciplinary Procedure will usually be suspended temporarily if the University decides that fitness to study needs to be addressed first through the Students of Concern Policy. The University may still put in place Temporary Precautionary Measures.

8.10 The responding student's Fitness to Practice will be considered through the Fitness to Practise Policy if they are studying on a programme for which there are fitness to practise requirements and if the nature of the alleged misconduct suggests they may not be fit to practice. The University may still put in place Temporary Precautionary Measures.

8.11 Any breach of Temporary Cautionary Measures will be considered a breach of the Student Misconduct and Disciplinary Policy and, as such the process as set out within that policy will be followed.

9 The Investigation Process

9.1 The following procedure relates to complaints about the behaviour of a student. For complaints regarding a member of staff, an investigation will be carried out in accordance with the relevant staff procedure.

9.2 A formal report about alleged sexual misconduct or harassment can be made by submitting the online form. Alternatively, a report can be made in person or over the telephone by arranging a meeting with the Student Development Department for out-of-hours situations, or with DMUK Security.

9.3 The report does not need to be detailed, but it should include enough information for the University to commence an investigation, including identifying the student(s) against whom the complaint has been made and some detail as to what has happened.

9.4 Reports of this nature will not be investigated under the Student Complaint Procedure.

10 Timescales for investigation and decision making

10.1 The procedure and timescales for cases referred to a Disciplinary Committee is set out in the Student Misconduct and Disciplinary Policy.

11 Outcomes

11.1 Disciplinary Committee are authorised to determine whether a responding student has breached the University Regulations based on the evidence provided and the individual merit of each case.

11.2 The possible outcomes and penalties available to the Disciplinary Committee are set out in the Student Misconduct and Disciplinary Policy.

12 Appeals

12.1 If the responding student disagrees with the outcome or penalty imposed by a Disciplinary Committee, they may appeal the decision on the following grounds:

- The procedure has not been followed appropriately, or;
- The decision is unreasonable and/or a disproportionate penalty has been imposed. imposed, or;
- There is new information/evidence that was not reasonably available before.

12.2 The responding student should submit their appeal to the Student Development Department within 10 university working days of receiving the original outcome. The appeal will be considered by the Student Development Department or their nominee. An acknowledgement of receipt of an appeal will be provided within 5 university working days, followed by a review outcome within 10 university working days.

12.3 The Student Development Department team, and HR Department for cases related to conduct by a member of staff will retain records of upheld instances of misconduct.

12.4 More detail relating the appeal procedures can be found in the Student Misconduct and Disciplinary Policy.

13 Training

13.1 Investigations into reports of sexual misconduct and harassment require specialist training to ensure a robust, fair and impartial investigation. Reports of sexual misconduct and harassment by students that require further investigation will be conducted by staff from the Student Development Department, and if progressed to the disciplinary process, will be heard by panel members who have received trauma-informed training.

13.2 The University is committed to ensuring all panel members involved in cases of sexual misconduct and harassment receive the appropriate safeguarding training for the students and staff.

14 Anonymous Disclosures and Reports

14.1 Whilst the University cannot respond to anonymous reports or sexual misconduct or harassment, provision has been made to facilitate anonymous disclosures through the online form.

14.2 The University may not always be able to take action in relation to anonymous reports and disclosures. However, any action that can be taken may be limited if the reporting student is unknown. Anonymised data will, however, help the University to understand patterns in behaviour and inform future policy. Any disclosure will be treated in the strictest confidence.

14.3 By knowing the identity of the complainant, the University will be able to implement its investigatory procedures to its fullest extent. The person or department which is the subject of a complaint may recognise the reporting student because of the issues or allegations raised.

14.4 No student will suffer reprisals for making a disclosure or report in good faith.

15 Reports Made Without Basis and With Intent to Cause Harm

15.1 The University reserves the right to terminate consideration of a report if it considers it to be frivolous, malicious or vexatious. In such instances, the report will be referred to the Student Development Department, which will write to the reporting student to explain why it is terminating consideration of the matter. In such circumstances, the Student Development Department's decision is final and not subject to review by any other University body.

15.2 Should the Student Development Department determine that a report is malicious or vexatious, the complaint will be closed, and appropriate disciplinary action may be taken under the University's Student Misconduct and Disciplinary Policy

15.3 Examples of Vexatious reporting involves the creation of unwarranted or fictitious reports made under this or any other Policy, or a continuous refusal to accept any reasonable decisions arising from the application of the accompanying procedures to this Policy.

15.4 Malicious reporting occurs when an individual makes allegations of sexual misconduct, harassment or violence that the individual knows to lack a basis in fact.

16 Consequences of Non-compliance

16.1 Failure to act in accordance with this policy or to comply with any arrangements put in place to receive, investigate, monitor and respond to a report of alleged sexual misconduct or harassment will be considered a serious matter, and shall be dealt with under the relevant Disciplinary Procedure for students and staff.

16.2 If a student has any concerns about a potential breach of this policy, a report of their concerns should be submitted initially and without delay to the Student Development Department, which will allocate it to an appropriate member of staff to investigate.

17 Monitoring and review

17.1 This policy will be reviewed and monitored and kept up to date by Student Development Department in consultation with relevant stakeholders.

18 Equality, Diversity and Inclusion

18.1 This policy is underpinned by DMUK's commitment to fostering a respectful, inclusive, and equitable environment where all individuals are valued, treated with dignity, and feel safe and supported to be able to study and work to their full potential. It aims to protect all parties from serious harm, as well as from accusations of unfairness, bias, exploitation or conflict of interest

18.2 In particular the policy will help students study in an environment free from harassment, intimidation, abuses of power or sexual misconduct. Similarly, staff will be able to work within the appropriate boundaries to continue enabling the best outcomes for students whilst protecting themselves from accusations of misconduct, exploitation or conflicts of interest.

19 Document and version control information

Version control information	Details
Policy number	SDS-05
Owner	Head of Student Development Services
Author	Head of Student Development Services
Approved by	President Sakina Zafar
Date of approval of this version	05/01/2026
Next review date	End of each academic year
Version number	V1.0