

Marbella International University Centre (MIUC)

Policy on unacceptable behaviour, harassment and sexual misconduct together with the process

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Scope

This policy sets out MIUC's commitment to protecting students and staff from unacceptable behaviour, harassment and sexual misconduct and applies to all members of MIUC including current students, staff, contractors, suppliers and visitors, in compliance with MIUC, University of West London and the Office of Students E6 Condition of Registration [Condition E6: Harassment and sexual misconduct - Office for Students](#).

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.

MIUC 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.

MIUC 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.

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.

Expectations

MIUC expects the highest standards of behaviour from all members of the MIUC community, whether on MIUC premises, while undertaking MIUC activities externally, its online platforms including Virtual Learning Environment e.g. Blackboard and MIUC social media accounts in line with [the University of West London's Student Code of Conduct](#) and MIUC's Code of Professional Conduct for Faculty and Staff – see [MIUC Policies and Regulations](#). 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 MIUC 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 MIUC 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. MIUC 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, MIUC may report the matter to the police and/or may investigate it internally. In such instances MIUC 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 MIUC to progress a reported incident even if the staff member or student wishes to withdraw from the formal process.

Timescales

MIUC normally expects allegations of unacceptable behaviour, harassment and sexual misconduct to be reported within 3 months of the incident taking place to allow for the most effective investigation to take place. However, MIUC 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 MIUC's [Student Disciplinary Procedure](#) (which aligns with the University of West London's procedure) or MIUC's Staff Disciplinary Procedure (outlined in MIUC's Code of Professional Conduct for Faculty and Staff – see [MIUC Policies and Regulations](#)), the timescales set out therein will apply as far as it is reasonable and possible to do so.

Monitoring and continuous improvement

MIUC 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.

Definitions

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

MIUC 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.

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: MIUC adopts the definition of harassment under the Equality Act 2010 and Protection from Harassment Act 1997 (this Act is 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, MIUC adopts the test to be applied in determining harassment used by the Courts and recommended by the Office for Students.

Staff should refer to MIUC's Code of Professional Conduct for Faculty and Staff – see [MIUC Policies and Regulations](#).

Test (for students only)

Whether conduct is considered as 'harassment', MIUC 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?

Test

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
MIUC 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 2015](#))
- Sexual Assault ([as defined by the Sexual Offences Act 2003](#))
- Rape ([as defined by the Sexual Offences Act 2003](#)).

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 MIUC and the external environment. It can also impact their academic progress. We use a whole-MIUC 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. MIUC 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 Spanish 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](#).

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

This is in line with the MIUC's [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 to MIUC.

Behaviour towards others

MIUC's Student Code of Conduct is in line with [the University of West London's Student Code of Conduct](#). MIUC's Code of Professional Conduct for Faculty and Staff is published online – see [MIUC Policies and Regulations](#); MIUC expects:

- All MIUC 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 MIUC's Equality, Diversity and Inclusion statement (which is in line with the [University of West London's Equality, diversity and inclusion statement and 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 MIUC's online platforms, or by email, texts or social media.

Staff / Student relationships

MIUC aligns its staff/student relationships policy to the University of West London's provided here: [Policy on staff - student relationships | University of West London](#).

MIUC is committed to ensuring that any relationship between staff and students is professional and has boundaries. In line with this approach and in the interest of both

staff and students, MIUC 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 MIUC, whether students or staff.

MIUC follows UWL's policy on [staff-student relationships](#). MIUC 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 MIUC's Staff Disciplinary Policy (outlined in MIUC's Code of Professional Conduct for Faculty and Staff – see [MIUC Policies and Regulations](#)).

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 [Epigeum](#).

Staff in specialist roles will receive training.

PROCESS

Reporting unacceptable behaviour, harassment or sexual misconduct

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 MIUC 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 112.

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 MIUC. As certain actions are outside the controls or remit of MIUC, we have 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.

MIUC encourages and supports all individuals in reporting unacceptable behaviour.

There are multiple reporting pathways to accommodate different circumstances and preferences – see ‘Reporting Options’ below.

Where students’ behaviour is not in accordance with the expected standards, this will be managed under the MIUC’s [Student Disciplinary Procedure](#) (which aligns with the University of West London’s procedure).

Where staff members’ behaviour is not in accordance with the expected standards, this will be managed under MIUC’s Staff Disciplinary Procedure (outlined in MIUC’s Code of Professional Conduct for Faculty and Staff – see [MIUC Policies and Regulations](#)).

If unacceptable behaviour is substantiated, this may result in formal action up to, and including, expulsion or dismissal and if required, a referral to the Spanish authorities may be made in the event of a criminal conviction.

MIUC will take appropriate action in relation to any vexatious or malicious allegations in line with the relevant student and staff disciplinary policies.

Confidentiality

MIUC recognises the importance of keeping reports made under this policy confidentially. MIUC 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 MIUC to share all, or some, of the information that is reported with other

people within MIUC, or in some exceptional circumstances, with external organisations such as the police.

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

MIUC will normally inform those providing such information when it needs to be shared between different teams, to enable us 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 MIUC community in accordance with the [University of West London's Safeguarding Policy](#).
- Sharing the information will allow us to provide support to those who have reported sexual misconduct, and/or to those who have been alleged to have committed sexual misconduct.
- Sharing the information will allow us to meet our legal duties.
- Wherever possible, MIUC will advise those providing the information of who information has/will be shared with and the reasons for this.

Reporting Options

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

Informal – This is when MIUC 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 Spanish law. Such incidents may be addressed through criminal proceedings, internal disciplinary proceedings, or in some cases, both. In some circumstances MIUC may decide to formally manage a concern where the student or staff member would prefer a different approach - when there is significant risk to MIUC or our community.

Formal – This is when MIUC has been informed of what has happened, and formal action is required to be taken.

Reminder:

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.

Reporting Party	Informal Reporting	Formal Reporting	Anonymous Reporting	Support
Students	Report to the MIUC Welfare Support Team Report via the MIUC Student Complaints Procedure (Stage 1) Policies and Regulations - MIUC – see Complaints. Ana.Cantle@uwl.ac.uk	Report to the MIUC Welfare Support Team Report via the MIUC Student Complaints Procedure (Stage 2) Policies and Regulations - MIUC – see Complaints. Ana.Cantle@uwl.ac.uk	Can trigger wider safeguarding reviews or pattern recognition, but direct action may be limited unless sufficient information is provided. Ana.Cantle@uwl.ac.uk	MIUC Welfare Support Team
Staff	Report to Line Manager MIUC staff process for reporting a complaint or concern m.angeles@miuc.org	Report to Line Manager and MIUC HR MIUC staff process for reporting a complaint or concern m.angeles@miuc.org	Can contribute to trend analysis and wider safeguarding interventions but may not result in individual action without identifiable details.	Line Manager / MIUC HR
Bystanders	Students report to the MIUC Welfare Support Team Ana.Cantle@uwl.ac.uk	Students report to the MIUC Welfare Support Team Ana.Cantle@uwl.ac.uk	Information only but may inform targeted awareness campaigns or proactive prevention measures. Ana.Cantle@uwl.ac.uk	Students receive advice and support from the MIUC Welfare Support Team
	Staff report to Line Manager m.angeles@miuc.org	Staff report to Line Manager and MIUC HR m.angeles@miuc.org		Staff receive advice and support from Line Manager and/or MIUC HR

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.

For Students:

Students will be supported by the MIUC Welfare Support Team.

MIUC will provide tailored support to:

- Students who report unacceptable behaviour, harassment or sexual misconduct (Reporting Party)
- Students accused of unacceptable behaviour, harassment or sexual misconduct (Responding Party)
- Witnesses or others affected.

When there is an allegation made against another student, contractor or visitor students have the following options on how to report:

MIUC Welfare Support Team: The MIUC Welfare Support Team are staff members who are there to listen, guide, assist and support students with any personal issues they may have. They offer a confidential service to support students. They can be contacted in various ways:

Email: Ana.Cantle@uwl.ac.uk

Tel: +34 952 860000

In person: via Student Services desk located at MIUC campus, Level 1.

MIUC Student Services is where the safeguarding officer is located. Their role is to be impartial, supportive and explain what options are available. If the complaint is against a member of staff, they will also guide students through the process in line with MIUC HR procedures. Welfare Support Services will act as an advocate for the student throughout any formal procedures and advise students to the most appropriate internal or external resources to support their wellbeing.

The MIUC Welfare Support email address (Ana.Cantle@uwl.ac.uk) is MIUC's 24/7 reporting mechanism, where students and staff can report as 'identified' contact to receive the support they need, or 'anonymously'.

- **Identified** via the MIUC Welfare Support email address: Students will be contacted by a member of MIUC's Welfare Support Services within 2 working days of reporting, who will discuss which immediate support options are available, both internal and external, and how the Reporting Party wishes to take the report further (informally or formally). They will support the Reporting Party through the whole process. Staff members will be contact by MIUC HR who will make contact to discuss support requirements.
- **Anonymous** via the MIUC Welfare Support Team email address: If a student wishes to disclose anonymously, there is very limited action MIUC can take regarding what has been reported. However, if MIUC receives a number of

anonymised reports about the same individual which identifies a pattern of behaviour, MIUC may then use this data to take appropriate action, which may involve a formal investigation, where this is appropriate.

Formal complaint: Students will be contacted by the MIUC Dean or the MIUC Welfare Support Team, who will inform you of the required evidence together with the stages of the Student Complaints Procedure. Students can contact the MIUC Dean or the MIUC Welfare Support Team for support with completing complaint documentation or navigating the process. The MIUC Dean will also refer students to the MIUC Welfare Support Team to support your wellbeing during this process.

Formal reporting can also be actioned via MIUC's Student Complaints Procedure - see [MIUC Policies and Regulations](#).

Other communications (via face to face, telephone, email or third-party notification): All reports (with the exception of student reporting about a staff member) will be sent to the MIUC Welfare Support Team who will contact the Reporting Party within 2 working days of receiving a report either from the student or via a third party. They will discuss which immediate support options are available, both internal and external, and how the Reporting Party wishes to take the report further (informally or formally). They will support the Reporting Party through the whole process.

If required, in acknowledgement of the emotional impact such experiences can have, the MIUC Welfare Support Team can also support students by providing a supportive letter, so they do not have to provide details in support of an extenuating circumstances claim. In addition, if applicable, they can also assist with any move required if a student wishes to change their accommodation.

Equally, the MIUC Welfare Support Team will reach out to the Responding Party, as MIUC recognises that all students may require support.

Whilst an investigation is ongoing, MIUC would expect confidentiality to be maintained by all parties until an outcome has been reached.

If students are unsure which route to take, they can seek advice from the MIUC Welfare Support Team.

Where a student is also a member of the MIUC staff (e.g. Internship or Ambassador role), the decision about which process to use will be considered depending on the role in which they were operating at the time of the incident.

Other support includes:

- Referral to MIUC's Counsellor

- Academic adjustments if needed (e.g. extensions)

- Assistance in reporting to police or accessing external agencies.

For Staff:

Staff will be supported by their line manager (or appropriate senior manager) with guidance from MIUC HR. The process for staff is outlined in the MIUC's Code of Professional Conduct for Faculty and Staff – see [MIUC Policies and Regulations](#).

m.angeles@miuc.org is the 24/7 reporting mechanism where staff can report as 'identified' contact to receive the support they need, or 'anonymously'.

Providing information to support a case

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

Investigation Procedures

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, MIUC aims to complete the 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.

MIUC 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. MIUC Students' Union or MIUC staff colleague)
- Receive written communications and explanation of the decision taken.

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 MIUC's [Student Disciplinary Procedure](#) (which aligns with the University of West London's procedure).

Where staff members' behaviour is not in accordance with the expected standards, this will be managed under MIUC's Code of Professional Conduct for Faculty and Staff – see [MIUC Policies and Regulations](#).

If substantiated, this may result in formal action up to, and including, expulsion or dismissal and there may be circumstances where a criminal conviction would be registered in Spain.

MIUC 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, MIUC 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 about a student, this would follow the Student Complaints Procedure.

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.

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 MIUC Code of Professional Conduct for Faculty and Staff.

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.

MIUC 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.

MIUC 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. MIUC 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, MIUC 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 MIUC may or will:

- Pause its own investigation until police proceedings have concluded. MIUC would expect the student to keep MIUC 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 Code of Professional Conduct for Faculty and Staff.

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 MIUC 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, externally and via the UWL Students' Union.

Internally:

For Students:		
Who	Where	Detail
Student Welfare	Ana.Cantle@uwl.ac.uk	This is MIUC's Welfare Support Team for students
Security	Telephone: +34 608 195998	In cases of emergency on campus

For Staff:		
Who	Where	Detail
HR	m.angeles@miuc.org	This is MIUC's Human Resources Department for staff
Security	Telephone: +34 608 195998	In cases of emergency on campus

Externally:

The agencies below have been sourced from: <https://www.safeguardinghe.co.uk/spain>

Who	Support	Detail
ANAR Foundation (Fundación ANAR)	Provides a confidential helpline for children and adolescents in risk situations, offering psychological, legal, and social support.	https://www.anar.org
Defensor del Pueblo (Ombudsman)	National ombudsman addressing matters affecting children and young people, with regional counterparts in autonomous communities.	https://www.defensordelpueblo.es
Andalusian Health Service (Servicio Andaluz de Salud - SAS)	Manages health services in Andalusia, including mental health care through various specialised units.	https://www.sspa.juntadeandalucia.es/servicioandaluzdesalud
Spanish Mental Health Confederation (Confederación SALUD MENTAL España)	National organisation promoting mental health awareness, advocacy, and support services across Spain.	https://consaludmental.org
Red Cross Spain (Cruz Roja Española)	Offers a range of services including support for vulnerable	https://www.cruzroja.es

Who	Support	Detail
FAD Youth Foundation (Fundación FAD Juventud)	children, families, and individuals facing social exclusion. Focuses on youth development, education, and prevention of risky behaviours among adolescents.	https://fad.es
Foundation for the Protection of Children (Fundación de Ayuda a Niños y Adolescentes en Riesgo - ANAR)	Offers support to children and adolescents at risk through helplines and specialised programs.	https://www.anar.org

For a full list of charities and organisations that can support students and staff on a range of issues, please refer to Ana.Cantle@uwl.ac.uk.

Appendix B - Relevant MIUC Policies

POLICY	HYPERLINK
MIUC aligns with the University of West London's Code of Conduct (Students)	Student code of conduct University of West London
Student Complaints Procedure	The Student Contract - Marbella International University Centre (see Complaints)
MIUC aligns with the University of West London's Disciplinary regulations (Students)	Disciplinary regulations (students) University of West London
MIUC aligns with the University of West London's Social media guidelines (Students)	Social media guidelines for students University of West London
Code of Professional Conduct for Faculty and Staff	see MIUC Policies and Regulations
MIUC aligns with the University of West London's Social media policy (Staff)	Social media policy for staff University of West London
MIUC aligns with the University of West London's Staff/student relationships policy	Policy on staff - student relationships University of West London



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