



Prevention of Sexual Misconduct and Sexual Harassment Policy

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1. Policy Statement

- 1.1 The University of Worcester (the “University”) recognises that, as in other communities, incidents of Sexual Misconduct and Sexual Harassment can occur within the University community. Sexual Misconduct and Sexual Harassment refer to a broad spectrum of behaviours, as set out in more detail in Section 2. It is acknowledged that Sexual Misconduct and Sexual Harassment can be experienced by any individual, regardless of their sex, gender identity, sexual orientation, relationship status, age, disability, faith, ethnicity, nationality or economic status. Women, members of the LGBT+ community and individuals with disabilities are disproportionately affected by experiences of Sexual Misconduct and Sexual Harassment.
- 1.2 The University is committed to promoting a culture in which any incidents of Sexual Misconduct and Sexual Harassment will not be tolerated, to ensure the preservation of a safe study and work environment where all members of the University community feel respected. The University will take the appropriate action against those who commit misconduct.

2. Terminology

- 2.1 The definitions below explain the types of behaviour captured under this Policy and provide clarification of the terminology used within the Policy.

2.2 Key Definitions

- 2.2.1 **Sexual Misconduct** is defined as any unwanted conduct of a sexual nature which occurred in person or by letter, telephone, text, email, or other electronic and/or social media and includes, but is not limited to the following behaviour:
 - i. engaging, or attempting to engage in a sexual act with another individual without consent;
 - ii. sexually touching another person without their consent;
 - iii. conduct of a sexual nature which creates, or could create, an intimidating, hostile, degrading, humiliating, or offensive environment for others including making unwanted remarks of a sexual nature;
 - iv. inappropriately showing sexual organs to another person;
 - v. repeatedly following another person without good reason;

- vi. recording and/or sharing intimate images or recordings of another person without their consent; and
- vii. arranging or participating in events which may reasonably be assumed to cause degradation and humiliation to those who have experienced sexual violence, for example inappropriately themed social events or initiations.

In addition, and for staff only, the following are additional examples of behaviour that would be considered to be sexual misconduct

- viii. engaging in any sexual activity or having sexual contact with a student or staff member on University premises;
- vix. a repeated pattern of entering into sexual or other intimate relationships with existing or potential students, in particular noting that the University prohibits all intimate or sexual relationships between staff and students other than those which are pre-existing.

In addition, and for students only, the following is an additional example of behaviour that would be considered to be sexual misconduct

- x. engaging in sexual activity with another student on university premises with the exception of consensual sexual activity taking place in a student's private room in university managed accommodation.

2.2.2 **Sexual Harassment (for the purposes of this Policy)** is any unwanted behaviour or conduct of a sexual nature, which has the purpose or effect of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment. It can be a one-off incident or an ongoing pattern of behaviour, including predatory behaviour, and it can happen in person or in other ways, for example online through email, social media or messaging tools. It may also include domestic violence and abuse, coercive or controlling behaviour, stalking, complicity or retaliation.

2.2.3 **Domestic violence and abuse and coercive or controlling behaviour** is defined as any incident or pattern of incidents of controlling, coercive, threatening behaviour, violence or abuse between those who are, or have been, intimate partners or family members regardless of gender identity or sexuality. This can include, but is not limited to, psychological, physical, sexual, financial and/or emotional abuse.

2.2.4 **Complicity** is any act that knowingly helps, promote, or encourages any form of Sexual Misconduct by another individual.

2.2.5 **Retaliation** may constitute any words or actions, including intimidation, threats, or coercion, made in response to Reports, including those believed to have been made,

under the Sexual Misconduct and Sexual Harassment Policy, by any individual including both the Responding Party and the Reporting Party, as well as witnesses, friends, or relatives.

2.3 Other Terminology

The following terminology is used in this Policy.

- 2.3.1 A [Report](#) is the sharing of information with a staff member of the University regarding an incident of Sexual Misconduct and/or Sexual Harassment experienced by that individual for the purposes of initiating the procedures set out in this Policy.
- 2.3.2 A [Reporting Party](#) is the person(s) who has been subject to the alleged incident of Sexual Misconduct and/or Sexual Harassment.
- 2.3.3 A [Responding Party](#) is the person(s) whose behaviour it is alleged amounted to an incident of Sexual Misconduct and/or Sexual Harassment.
- 2.3.4 [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 experience 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.
 - *Freedom to consent:* For consent to be present, the individual has to freely engage in a sexual act. Consent cannot be inferred from a lack of verbal or physical resistance. Consent is not present when submission of an unwilling participant results from coercion, force, threat, intimidation, or the exploitation of power.
 - *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 is compelled to engage in a sexual act.
 - *Capacity to consent:* Free consent cannot be given if the individual does not have the capacity to give consent. An individual is incapacitated when 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 occur on account of a mental or development disability, or as a result of alcohol or drug use.
 - *Alcohol and/or Drug use:* 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.

3. Principles

- 3.1 The University holds the following set of principles to reflect the University's commitment to a culture of support and respect. All members of the University community have a responsibility for upholding the principles that are as follows:
 - 3.1.1 We will treat all members of our community with dignity and respect at all times, and it is expected that all members of our community will share in this responsibility for creating and sustaining an environment which upholds the dignity of all;
 - 3.1.2 We recognise the significant impact of all experiences of Sexual Misconduct and Sexual Harassment, and acknowledge the potential detriment to studies and employment, regardless of how the experience occurred; and
 - 3.1.3 We strive to maintain equality and diversity within our community and will work to sustain an environment in which a culture of prevention of Sexual Misconduct and Sexual Harassment will be promoted through appropriate and consistently applied education and training.

4. Commitments

- 4.1 We commit to actively responding to all Reports of Sexual Misconduct and Sexual Harassment and, whilst recognising that some experiences may constitute a criminal offence, we will ensure that, in all cases, reports are carefully and thoughtfully addressed through a process that is transparent and clearly communicated to the individuals involved.
- 4.2 We will respect the right of the individual disclosing an experience to choose how to take forward a Report, as far as possible. We will ensure that the Reporting Party is clear about their options and reporting protocols and receives appropriate support.
- 4.3 All University staff will be informed of this Policy and will be trained as appropriate to their roles.
- 4.4 All staff involved in the process will act with impartiality and discretion at all times and will be reflective of the gender ratio of the University community.
- 4.5 We believe that no person should suffer the effects of Sexual Misconduct and Sexual Harassment alone. Our support will include free and accessible counselling for staff and students from the point of Report, access to the employee assistance programme for staff and signposting to dedicated national support for staff, students and visitors.

- 4.6 We will work with local partners and key groups to forge positive relationships to support all our work in this area, from prevention to enquiry and post-incident care.
- 4.7 In addressing experiences and working with both internal and external experts, we will seek to learn from experience, to enable the University to both shape and respond to national and international policy and practice, and to provide regular assurance to the Board of Governors and University Executive Board and the wider University community that specific incidents and broader cultural issues are appropriately captured and addressed.
- 4.8 Reports of Sexual Misconduct or Sexual Harassment made in good faith will be taken seriously and dealt with in accordance with this Policy. Students or members of staff about whom Reports have been made will be presumed to be innocent until proven to have committed a disciplinary offence on the balance of probabilities.

5. Scope of the Policy

- 5.1 This Policy relates to all alleged incidents of Sexual Misconduct and Sexual Harassment, as defined in Section 2. Where harassment is of a sexual nature it will be considered under this Policy. Where harassment is of a non-sexual nature it will be considered under the [Harassment and Bullying Policy](#).
- 5.2 This Policy applies to students who:
 - a) are enrolled and registered at the University; including studying away from University premises as part of their course or
 - b) were enrolled at the University at the time of the incident(s) where the report is made within 3 calendar months of completing their studies at the University;
 - c) have interrupted their studies.
- 5.2.1 Where students are employed part-time by the University they are defined for the purposes of this policy, by their principal status at the University (i.e. that of a student) and not as a member of staff.
- 5.3 This Policy applies to all staff of the University who:
 - a) are employed by the University; or
 - b) were employed by the University at the time of the incident(s) when the report is made within 3 calendar months of the individual's employment ceasing.

For the purposes of this policy 'staff' are defined as any individual either employed or engaged by the University on a paid or unpaid basis to carry out work for the University

under any type of employment contract. This includes agency workers and honorary appointments

- 5.3.1 Where staff are also enrolled as students at the University, they are defined for the purposes of this policy by their staff status. Where students are employed part-time by the University they are defined for the purposes of this policy, by their principal status at the University (i.e. that of a student) and not a member of staff.

- 5.4 This Policy applies where:

- 5.4.1 a student or member of staff wishes to make a Report that they have witnessed and/or experienced Sexual Misconduct and/or Sexual Harassment during the course of their study or work at the University, in which the Responding Party is a current student, member of staff or visitor to the University.
- 5.4.2 a student or member of staff (the Responding Party) has been accused of an act or acts of Sexual Misconduct and/or Sexual Harassment by another current student, member of staff or visitor to the University.

It outlines:

- a) the support that the University will make available to both the Reporting Party and the Responding Party; and
 - b) the procedures the University will follow to deal with the matter.
- 5.5 Reports made under this Policy are not limited to conduct on University premises or the immediate geography of the University. Any Sexual Misconduct or Sexual Harassment (including electronically and/or via social media) may be reported under this Policy where the conduct is connected to the University community and its safe and/or orderly operation and/or the University's reputation. Where the conduct in question has taken place outside University premises (for instance on a placement/internship and/or professional or work experience setting) and been considered under the process of another institution (such as the placement/internship and/or professional or work experience provider), the University retains the right to consider the conduct under this Policy.
- 5.6 Some incidents of Sexual Misconduct and Sexual Harassment may also constitute a criminal offence under English law. Such incidents may be addressed through criminal proceedings, internal disciplinary proceedings, or in some cases, both criminal and internal proceedings.

6. How to make a Report and access support

- 6.1 A number of options are available to students and staff who have been subject to, or have witnessed, Sexual Misconduct and/or Sexual Harassment (the Reporting Party), as follows:
- a) to Report the incident to the University and receive welfare support from Student Services and/or the Students' Union (in respect of student Reports) or from HR and/or the [Employee Assistance Programme](#) (in respect of staff Reports); and/or
 - b) to Report the incident to the University for the purpose of initiating the investigation process by the University under the appropriate disciplinary procedure; and/ or
 - c) to Report the incident to the police.
- 6.2. The University is committed to providing appropriate welfare support and we strongly encourage individuals to seek support and guidance in the first instance through the [Sexual Misconduct reporting tool](#). We recognise that some staff and students may wish to report anonymously. In most circumstances, anonymous reporting makes it difficult for the University to follow up and address concerns either formally or informally and for this reason where this occurs, the University will not be able to investigate further and will simultaneously open and close the report and no further action will be taken.
- 6.3 The Reporting Party may wish to take time to consider the options before taking any action and may choose a combination of these options. The process and support provided for each of these options is set out in the Prevention of Sexual Misconduct and Sexual Harassment Procedure (Appendix 1).
- 6.4 The primary point of reporting is through the University's [Sexual Misconduct reporting tool](#). Individuals can also choose to report through Student Services, Personal Academic Tutors, HR or the individual's line manager.
- 6.5 Where a Report may place University staff, students or visitors at immediate risk of Sexual Misconduct and/or Sexual Harassment the Reporting Party will be made aware that the University will hold a Review Meeting. The Review Meeting will consider the support needs of all parties. A risk assessment will be undertaken to determine whether precautionary measures are needed.

Depending on the context of the Report, this may occur in the following instances, but is not limited, to:

- i. allegations of predatory behaviour;
- ii. unwelcome touching, hugging, messaging or kissing;

- iii. potential criminal behaviour, including sexual assault, stalking, grooming, indecent exposure and sending offensive communications;
 - iv. engaging, or attempting to engage in a sexual act with another individual without consent where other students or staff could be at risk (e.g. shared accommodation); or
 - v. inappropriately showing sexual organs to another person.
- 6.6 Following receipt of a Report and where the student chooses to take forward a report, the University will identify a Supporter who will support the Reporting Party throughout the process.
- 6.7 Where the Reporting Party decide to refer the matter to be dealt with under either the Student or Staff Disciplinary Procedure, in cases where the Responding Party is principally a member of staff studying at the University the matter will be investigated under the Staff Disciplinary Procedure. Where the Responding Party is principally a student who is employed by the University the matter will be investigated under the Student Disciplinary Procedure. At the point that the case is referred to either Disciplinary Procedure, a Supporter will be identified for the Responding Party.
- 6.8 Where a police investigation or other criminal proceedings are underway, the University will continue to provide support but any ongoing investigation may be put on hold during the criminal proceedings. The University will ask to be kept informed, so that interim precautionary measures can be considered pending the outcome of the police investigation, in order to protect the interests of all parties.
- 6.9 Confidentiality will be maintained, where possible, throughout the Reporting and investigative processes in recognition of the sensitive nature of Sexual Misconduct and Sexual Harassment matters. As such, information will usually only be shared with relevant individuals/entities, who may be internal or external to the University, with the agreement of the Reporting Party. 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. All individuals involved in any process under this Policy must keep information that is disclosed to them as part of the process confidential. Any unauthorised disclosure of confidential information will be considered a Policy violation and will be considered a disciplinary matter. Throughout all proceedings, the University will act in compliance with data protection legislation.

7. Personal Relationships between Staff and Students (including Research Degree Students)

- 7.1 The University believes that the relationship between a student and a member of staff is one which should be characterised by professionalism, trust, confidence and fair and equal treatment. The boundaries of the professional role of staff must be fully recognised and respected and those who work for the University must make every effort not to put themselves in a position where they abuse, or could be accused of abusing, their position in any way. In the event that the University becomes aware of inappropriate or unacceptable behaviour from a member of staff towards a student, these concerns will be investigated and could lead to disciplinary action in accordance with the University's Staff Disciplinary Procedure
- 7.2 In order to maintain professional relationships with students all staff should:
- maintain an appropriate physical and emotional distance from students and perform their University duties in the best interests of the University without favour towards any individual student over another student;
 - avoid creating friendships with students that go beyond professional boundaries;
 - use only a University email account, University telephone, University software and applications and internet access for communications with students, avoiding any personal messaging (such as WhatsApp or text messages) or the use of any personal social media accounts;
 - set an example by writing and communicating with students in a professional and business style;
 - avoid giving their personal mobile phone number or any other personal contact details (e.g. home address) to a student. Staff are encouraged to instead use their work telephone numbers which may be diverted to the staff member's personal mobile. Consideration may also be given to temporarily sourcing a University mobile phone from IT Services if necessary;
 - adhere to the same guidelines, where logically possible, when participating in fieldwork with a student, attending conferences and any other University activities whilst away from the usual workplace;
 - avoid socialising and drinking with students and never away from campus or a non-University event. In situations where a student is also a staff member and a team social event is organised, attendees should be mindful of this and, should the student-staff member decide to attend, all other staff members must behave appropriately and professionally when in their presence.
- 7.3 Where staff have a primary role of providing supervision, teaching, or pastoral care to students (including personal tutors), staff should:
- where possible, ensure that meetings and discussions occur on campus or other University-approved premises. Where not possible, ensure the meeting occurs in a public venue, such as a library or a café.
 - refer students with support needs to a relevant University support service and limit your role in providing personal support to a student where this is not part of your employment duties;

- refrain from contacting students outside of reasonable working hours;
- not seek personal information from a student except as relevant to a University process (e.g. medical information for special consideration, or personal circumstances information as part of an academic progress process or to ensure appropriate support for the student is in place);
- not pay undue special attention to a particular student;
- not accept gifts from a student, unless it is following final assessment completion and deemed to be a minor token of thanks in accordance with the University's Policy on Gifts and Hospitality and Bribery Prevention;
- not invite an individual student to their private home or room without others present, or visiting the student's home or room, including while at conferences, overseas trips, or on placement.

7.4 The University recognises that there may be occasions when a staff member has a pre-existing personal relationship with a student (e.g. maybe due to their child choosing to study at the University). Such relationships should be declared in accordance with the [University's Relationships at Work Policy](#).

7.5 Intimate or sexual relationships between staff and students

- 7.5.1 An intimate or sexual relationship between a member of staff and a student could give rise to an actual or apparent conflict of interest, a risk of bias, favouritism, prejudice, or abuse of authority. There may also be an inherent imbalance of power between the staff member and student and in some circumstances this power dynamic may compromise a student's ability to freely consent to or refuse interactions of an intimate and/or sexual nature.
- 7.5.2 The University therefore has a legitimate interest in the relationships involving or between staff and students. **For these reasons, from the date of the implementation of this policy, the University prohibits intimate and sexual relationships between staff and students where the relationship was not pre-existing.** Such a relationship could result in an imbalance of power and compromise, or be perceived to compromise, the relationship of trust and confidence which underpins the student experience. Any such relationships would be subject to action in accordance with the University's Staff Disciplinary Procedure.
- 7.5.3 Staff and students should be aware that it is a criminal act under the Sexual Offences Act 2003 to engage in sexual activity with a person under the age of 18, even when the person is the legal age of consent, where the adult is in a position of trust in relation to the under 18 year old. This applies even if the relationship is consensual, and the staff member does not teach the young person but works in the same institution where the young person is studying. Under no circumstances therefore will it be acceptable for any

member of staff to have a romantic or sexual relationship with a student under the age of 18.

- 7.5.4 If a student has any concerns about their own professional relationship with a staff member, or if they have any concerns about the potential existence of a personal relationship between a fellow student and a member of staff, they should raise their query or concern through the [University's Sexual Misconduct reporting tool](#). If they have any concerns about potentially inappropriate behaviour within that relationship, they should refer to Section 6 of this policy for further advice on how to potentially report their concerns.
- 7.5.5 If a member of staff has any concerns about the potential existence of a personal relationship between another member of staff and a student, they should report their concerns to their HR Business Partner. If they have any concerns about potentially inappropriate behaviour within that relationship, they should refer to Section 6 of this policy for further advice on how to potentially report their concerns.

7.6 Pre-existing intimate or sexual relationships between staff and students

- 7.6.1 Staff are required to declare any pre-existing intimate or sexual relationship with a student, or applicant to be a student at the time the student or the member of staff joins or applies to join the University. For the purposes of this policy 'pre-existing' refers to an intimate or sexual relationship that existed prior to the student and/or member of staff joining the University. Staff should disclose to their Head of School/Head of Professional Service, or member of the Directorate
- 7.6.2 If a member of staff is unclear as to whether they have or are in what would be deemed to be a pre-existing intimate or sexual relationship with a student under this policy, further advice should be sought from the HR department. If in doubt, members of staff may wish to disclose the nature and existence of any relationship they have with a potential or existing student to ensure full compliance with this policy.
- 7.6.3 Staff must, **within one month of this Policy being published**, declare any existing intimate or sexual relationships with students, to their Head of School/Head of Professional Service, or member of the Directorate.
- 7.6.4 Declarations will be stored securely on the staff member's HR file and managed in compliance with data protection legislation. Such declarations will be treated respectfully, sensitively and confidentially.
- 7.6.5 The Head of School/Head of Professional Service or member of the Directorate will review a declaration of a pre-existing intimate or sexual relationship to consider the potential for the staff member to influence the academic progress and outcomes or

career progression of the student, and the nature of on-going contact in study, research or employment.

- 7.6.6 Failure to declare a pre-existing intimate or sexual relationship with a student, or applicant, at the time the student or member of staff, whichever is the latter, joins or applies to join the University, or commencing a new close intimate or sexual relationship with a student, will always be investigated and could lead to disciplinary action.

8. Responsibilities

- 8.1 The Board of Governors is responsible for ensuring that the University's culture supports the principles set out in this Policy. The Board of Governors will receive reports to provide assurance that the Policy is being administered appropriately.
- 8.2 The Vice Chancellor and Chief Executive, and the University Executive Board, is responsible to the Board of Governors for ensuring that this Policy is administered appropriately. They will receive regular reports on the administration of the Policy.
- 8.3 The Lead for the Prevention of Sexual Misconduct and Sexual Harassment Officer (LSMSH) and Deputy Lead for the Prevention of Sexual Misconduct and Sexual Harassment (DLSMSH) will be members of the University Executive Board. They are responsible for this Policy and for ensuring that appropriate internal reporting and disclosure mechanisms are maintained and regular reports are made available.

9. Related Information

- 9.1 This Policy should be read in conjunction with the following documents:

[Harassment and Bullying Policy](#)
[Staff Disciplinary Procedure](#)
[Student Disciplinary Procedure](#)
[Relationships at Work Policy](#)
[Safeguarding Policy](#)
[Student Charter](#)