

PREVENTION OF SEXUAL HARASSMENT POLICY

1. Overall Aim

- 1.1 The University is committed to providing a positive work and study experience for all our employees and students which includes a zero tolerance approach to sexual harassment.
- 1.2 This Policy sets out the University's expectations of behaviour by our employees and students and provides approaches for dealing with complaints of sexual harassment. It intends to protect students and employees from inappropriate sexual behaviour which may include, but is not limited to, violence, grooming, misconduct and harassment.

2. Definitions and Scope

- 2.1 Sexual harassment is unlawful under the Equality Act 2010 ('the Act'). It is also unlawful to treat someone less favourably because they have either submitted a complaint of sexual harassment or have rejected such behaviour. Under the Act sexual harassment is defined as occurring when a person engages in unwanted conduct of a sexual nature that has the purpose or effect of:

- violating someone's dignity, or
- creating an intimidating, hostile, degrading, humiliating or offensive environment for them.

- 2.2 Sexual harassment includes a wide range of behaviours including but not limited to:

- sexual comments or jokes
- displaying sexually graphic pictures, posters or photos
- suggestive looks, staring or leering
- propositions and sexual advances
- making promises in return for sexual favours
- sexual gestures
- intrusive questions about a person's private or sex life, and discussing your own sex life
- sexual posts or contact on social media
- spreading sexual rumours about a person
- sending sexually explicit emails or text messages
- unwelcome touching, hugging, massaging or kissing
- criminal behaviour, including sexual assault, stalking, grooming, indecent exposure and sending offensive communications

- Predatory behaviour
 - Coercion
- 2.3 Sexual interaction that is invited, mutual and consensual is not sexual harassment because it is not unwanted. An individual can experience sexual harassment from someone of the same or different sex and the recipient of the behaviour decides whether or not it is unwanted.
- 2.4 Sexual harassment can be a one-off event and does not need to be directed at a person. It can be witnessed or overheard. Sexual conduct that has been welcomed in the past can become unwanted.
- 2.5 For the purposes of this Policy, 'employees' 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:
- Students undertaking paid or unpaid work
 - People designated as workers for the University including those engaged through the Temporary Staffing Service (TSS)
 - Agency workers and Honorary appointments
- 2.6 A student is considered to be any individual registered to study on any programme of study at the University, including summer school and short courses. Students may also be studying away from University premises as part of their course.
- 2.7 People working on a voluntary basis at the University and those working as contractors are also bound by the terms of this Policy as is any person engaged with, or representing, the University.
- 2.8 Victimisation of any individual making a complaint under this Policy will not be tolerated and will be dealt with under the University's Conduct Procedure for Staff or the Student Disciplinary Regulations (for students).
- 2.9 Sexual harassment constitutes serious misconduct and could result in dismissal (for employees) or expulsion (for students).

3. Expected Behaviour of Employees

3.1 The University believes that the professional relationship of trust and confidence that exists between students and employees is a central and essential part of a student's educational development and pastoral care. Those who work for, or represent, the University must not abuse their position in any way. Given the inherent imbalance of power between many employees and students, the University strongly discourages intimate relationships between its employees and its students where there is a potential conflict of interest or abuse of power. Such relationships could compromise the trust and confidence that underpins the learning experience and may negatively impact on the student's educational development and pastoral care, and may in some circumstances constitute an abuse of power.

3.2 An imbalance of power can also exist between employees due to the positions

they hold within the University. Any abuse of the professional working relationship between employees is unacceptable and could be subject to disciplinary action.

- 3.3 The University recognises that, on occasion, a consensual relationship may develop between a student and an employee. In such cases the employee must report the relationship to their line manager as soon as possible and must follow the guidance in the Conflict of Interest Regulations <http://www.bristol.ac.uk/secretary/legal/conflict/> to safeguard the student, themselves and the University
- 3.4 The University recognises that, on occasion, a consensual relationship may also develop between two employees. In such cases both employees must follow the guidance in the Conflict of Interest Regulations <http://www.bristol.ac.uk/secretary/legal/conflict/>.
- 3.5 The Sexual Offences Act 2003 (Sections 16 to 21) prohibits sexual contact between a person and another person aged under 18 where such a relationship would be an abuse of a position of trust between the parties. This includes situations where the young person is attending an educational institution.

4 Expected Standards of Behaviour for Students

- 4.1 Sexual harassment by a student towards an employee and/or another student will be considered under the University's Student Disciplinary Regulations and action taken under this Procedure can include expulsion from the University.

5 Reporting Channels

- 5.1 Any member of the University is encouraged to formally report cases of sexual harassment whether they are the recipient of the behaviour or are witness to it as soon as reasonably practicable.

6 Reporting Channels for Employees

- 6.1 Employees should make a complaint to their HR Manager or HR Officer who can advise on how to proceed. <https://www.bristol.ac.uk/hr/contact/> Complaints will normally be progressed through the University's Conduct Procedure (Ordinance 28) [Conduct Procedure \(Ordinance 28\) | Human Resources | University of Bristol](#). The Student Complaints Officer will be notified by the HR Team if the complaint is against a student and will progress the complaint through the Acceptable Behaviour Policy for Students <https://www.bristol.ac.uk/applicants/media/policy-documents/2018/undergraduate/acceptable-behaviour-policy.pdf>, the Student Complaints Procedure <https://www.bristol.ac.uk/media-library/sites/secretary/documents/student-rules-and-regs/student-complaints-procedure.pdf> or under the Student Disciplinary Regulations <https://www.bristol.ac.uk/media-library/sites/secretary/documents/student-rules-and-regs/student-complaints-procedure.pdf>.

- 6.2 If an employee becomes aware of sexual harassment between a colleague and a

student or another employee, advice should be sought from their HR Manager or HR Officer <https://www.bristol.ac.uk/hr/contact/>. They may prefer to report it via one of the other reporting methods in paragraphs 6.1 and 9 of this Policy.

- 6.3 Sexual harassment can also give rise to situations where there is coercive or predatory behaviour. If intimate relationships arise between colleagues and any person has concerns about any predatory or coercive element to such relationship, they are encouraged to report or disclose this to their line manager, or other relevant senior manager, who is obliged to ensure that such reports are recorded. The senior manager will liaise with HR to determine whether to make arrangements for an investigation to be undertaken in accordance with the University's Conduct Procedure.

7 Reporting Channels for Students

- 7.1 Any student complaint relating to sexual harassment, including witnessing such behaviour, should be made to the Student Complaints Officer via the Acceptable Behaviour Policy <https://www.bristol.ac.uk/media-library/sites/secretary/documents/student-rules-and-regs/student-complaints-procedure.pdf> The relevant HR Team will be involved if the complaint is against an employee. <https://www.bristol.ac.uk/hr/contact/>

8 Investigations into Complaints or Allegations

- 8.1 Any investigations into allegations of sexual harassment by employees will be conducted under the University's Conduct Procedure for Staff. Investigations into allegations of sexual misconduct by students will be conducted under the Acceptable Behaviour Policy or the Student Disciplinary Regulations.
- 8.2 Sexual harassment may also lead to a criminal investigation being instigated into the actions of an employee or student. Where there are concerns that a criminal act has taken place, advice must be taken from the University's Secretary's Office <http://www.bristol.ac.uk/secretary/>.
- 8.3 Confidentiality will be maintained, subject to any requirement to involve external agencies where a criminal offence may have been committed or where maintaining confidentiality would pose a risk to the person making the report, or to others.

9. Support and Advice for Employees

- 9.1 There are many sources of support available to employees prior to making a complaint or to both complainant and alleged perpetrator once a complaint has been made. These include:
- Union representatives (for union members)
 - HR Managers and Officers <https://www.bristol.ac.uk/hr/contact/>
 - Line managers
 - Acceptable Behaviour Supporters <https://uob.sharepoint.com/sites/staff->

[info/SitePages/acceptable-behaviour-service.aspx](http://www.bristol.ac.uk/info/SitePages/acceptable-behaviour-service.aspx)

- Staff Counselling service <http://www.bristol.ac.uk/staffcounselling/>
- Research Staff representatives (for Research staff only)
- Stand Up Speak Out <http://www.bristol.ac.uk/inclusion/stand-up-speak-out/>
- Report and Support tool <https://reportandsupport.bristol.ac.uk/>

10. Support and Advice for Students

10.1 For students support is available via:

- The Student Wellbeing Service <http://www.bristol.ac.uk/students/wellbeing/>
- The Student Complaints Officer
- <http://www.bristol.ac.uk/accommodation/community/complaints.html>
- The Student's Union <https://www.bristolsu.org.uk/>
- Report and Support tool <https://reportandsupport.bristol.ac.uk/>

11. Related Policies and University Documents

11.1 This Policy should be read in conjunction with the following University documents and policies:

- Conflict of Interest Regulations
- Ordinance 28 (Conduct)
- Safeguarding Policy
- Acceptable Behaviour Policy
- Student Acceptable Behaviour Policy
- Student Disciplinary Regulations
- Guidance for students on sexual consent
<https://www.bristol.ac.uk/students/services/consent/>

The EHRC (European Human Rights Commission) have produced guidance in this area: 'Sexual Harassment and the Law: Guidance for Employers' 2017
<https://equalityhumanrights.com/en/sexual-harassment-workplace>

Support for anyone who has experience sexual abuse is available from Somerset and Avon Rape and Sexual Abuse Support (SARSAS) <https://www.sarsas.org.uk/>

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