

# Sexual Misconduct Policy

## 1. Policy Statement

- 1.1. The University of Bristol is committed to providing a positive working and learning environment that enriches lives and where everyone is treated with respect and dignity.
- 1.2. The University does not tolerate instances of sexual misconduct and encourages students and staff to access [advice and support](#) and/or [disclose and report](#) so they can make an informed decision on what is right for them. Where instances are disclosed and reported the University is committed to taking action proportionate to the circumstances of the case. There may be instances where action is not possible, in which case the University will offer advice and support.
- 1.3. This Policy sets out the University's expectations of behaviour by our staff and students and provides guidance for responding to disclosures and reports of sexual misconduct as defined in [Appendix 1](#).

## 2. Scope

- 2.1. This Policy applies to all students and staff of the University.
- 2.2. For the purposes of this Policy a student is any individual registered on a programme of study at the University, including summer school and short courses. Students may also be studying away from the University premises for part, or the whole, of their programme.
- 2.3. For the purposes of this Policy a member of staff is 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.
- 2.4. 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.
- 2.5. This Policy should be read in conjunction with the related regulations, policies and procedures set out in [Section 10](#).

## 3. Commitments

- 3.1. The University upholds the following commitments to establish a culture of support and respect:
  - 3.1.1. We are committed to providing an environment in which all members of our community feel safe and are respected.
  - 3.1.2. Sexual misconduct is not tolerated.

- 3.1.3. We are committed to providing a supportive environment where students and staff feel confident and empowered to disclose, will be listened to and understand the options available to them.
- 3.1.4. Students and staff will be supported to report sexual misconduct. This includes through external organisations such as the Police.
- 3.1.5. We will respect the right of the individual disclosing an instance of sexual misconduct to choose how to take forward a disclosure. In certain circumstances, such as when we have a legal duty to fulfil, we may disclose information to manage risk.
- 3.1.6. All reports will be carefully and thoughtfully addressed by staff members. For staff specifically involved in the subsequent process they will ensure that it is transparent and clearly communicated to all involved, adopt a trauma-informed and victim led approach and provide support to all students or staff involved in the process.
- 3.1.7. Everyone involved in an investigation will be treated fairly.
- 3.1.8. We will raise awareness of appropriate support and organisations to aid the recovery of students and staff that have been affected by sexual misconduct.
- 3.1.9. We will work together with the University of the West of England Bristol, University of Bath and Bath Spa University where cases cross institutions.
- 3.1.10. We will provide our staff and students with the tools to speak up and address inappropriate behaviour where it is safe to do so by providing training, accessible online resources and clear reporting channels.
- 3.1.11. We will actively work locally with external organisations to address misconduct.
- 3.1.12. We will work preventatively to help students and staff understand consent and will take an educative approach to tackling sexual misconduct.

#### **4. Expectations of all staff and students**

- 4.1. The University is a diverse and welcoming community. We will treat everyone with dignity and respect and share in the collective responsibility for creating and sustaining an environment that upholds dignity for all.
- 4.2. When responding to a disclosure staff and students will be thoughtful and careful, they will listen, take seriously, be patient, open-minded and respect decisions, encourage but not pressure staff and students to seek advice and support.
- 4.3. We expect staff and students to foster a culture of accountability, mutual respect, and inclusivity and to [speak out as appropriate](#).
- 4.4. The University believes that the professional boundaries associated with a relationship of trust and confidence that exists between a student and a member of staff is a central and essential part of a student's educational development and pastoral care. For that reason, and given the inherent imbalance of power between staff and students, the University discourages intimate relationships between its staff and its students.

#### **5. Advice and Support**

- 5.1. The University is committed to providing support to students and staff affected by sexual misconduct and all students or staff involved in the formal process. Sources of support are listed at 5.3 and 5.4.

5.2. Where a student or staff member has experienced sexual misconduct within the last 7 days, we strongly encourage them to seek support without delay as there is a timeframe within which evidence can be gathered. Local [sexual assault referral centres](#) offer 24/7 support. Even when the experience of sexual misconduct is less recent you can still access the range of support the University provides.

5.3. Advice and support available to **students**:

- [Sexual Violence Liaison Officers](#)
- [Report and Support](#)
- [Student Resolution Service](#)
- [Consent Collective](#)
- [Bristol SU Academic Advice](#)
- [External support services](#)

5.4. Advice and support available to **staff members**:

- Union representatives (for union members)
- [HR Business Partners](#)
- Line managers
- [Speak Up Stand Out advocates](#)
- [Staff Counselling service](#) including the Employee Assistance Programme
- Research Staff representatives (for Research staff only)
- [Consent Collective](#)

## 6. Disclosure and Reporting

6.1. A disclosure occurs when a student or staff member communicates with someone in the University community about their experience of sexual misconduct. A disclosure can be made in person or via other means such as telephone or digital communication such as Teams or email. Students may also disclose online via the University's Report and Support tool. No formal action against a particular student or member of staff will be taken about any matter disclosed; for formal action to be taken a formal report would need to be submitted.

6.2. Students can make an anonymous disclosure via the University's Report and Support tool. When disclosing anonymously the University will not be able to take any direct action or provide any further advice and support. The University will use the information to better understand the issues within our community, to identify trends and shape our prevention and support provision.

6.3. Reporting channels for students

- Students wishing to report a student can [formally report](#) to the University.
- Students wishing to report a staff member can [report](#) to the Student Complaints and Mediation Manager.

6.4. Reporting channels for staff members

- Staff wishing to report another staff member should report to their [line manager or HR Business Partner](#) who can advise on how to proceed.
- Staff wishing to [report](#) a student should contact the Student Resolution Service by emailing [srs-casework@bristol.ac.uk](mailto:srs-casework@bristol.ac.uk)

6.5. Reports about the behaviour of a staff member will normally be progressed through the [University's Conduct Procedure \(Ordinance 10\)](#).

6.6. Reports about the behaviour of a student will normally be progressed through the [Student Disciplinary Regulations and Procedure](#).

## **7. How to respond to a disclosure**

7.1. There is advice and guidance available to [students](#) and [staff](#) who receive a disclosure of sexual misconduct from a student.

7.2. Where a staff member receives a disclosure from another staff member they should contact their [HR Business Partners](#) for advice and guidance.

## **8. Confidentiality and Information Sharing**

8.1. Maintaining confidentiality is paramount to upholding the integrity of the process and safeguarding the validity of the investigation process. Preserving confidentiality leads to a more robust and reliable investigation process allowing for a fair and unbiased examination of the evidence.

8.2. The University recognises that at times those who have experienced sexual misconduct and those under investigation may need to share information.

8.3. The details around confidentiality and information sharing are set out in the [Student Disciplinary Regulations and Procedure](#) and [Ordinance 10 Employment](#).

8.4. Student data is held in accordance with the [Education and Student Success Confidentiality Statement](#).

8.5. Staff data is held in accordance with the [staff fair processing notice](#).

## **9. Responsibilities**

9.1. The Vice-Chancellor and President, Executive Director for Education and Students and Chief People Officer are the strategic leads who hold institutional responsibility for our approach to addressing sexual misconduct.

9.2. Education and Student Success Directorate, Human Resources and Legal Services are responsible for the application of this and related regulations, policies and procedures.

## **10. Related Regulations, Policies and Procedures**

- [Acceptable Behaviour Policy](#)
- [Acceptable Behaviour at Work Policy Statement and Guidance](#)
- [Conduct Procedures](#)
- [Conflict of Interest: Outside of Work Policy](#)
- [Prevention of Sexual Harassment Policy](#)
- [Sexual Misconduct and Relationships Guidance](#)
- [Student Disciplinary Regulations and Procedure](#)

## Appendix 1: Definitions

Complicity	any act that knowingly helps, promotes or encourages any form of sexual misconduct by another person.
Cyberstalking	repeated and deliberate use of the internet and other electronic communication tools to engage in persistent, unwanted communication intending to frighten, intimidate or harass someone, or to spy on someone.
Honour-based abuse	an incident involving violence, threats of violence or harm, intimidation, coercion, or abuse (including psychological, physical, sexual, financial, or emotional abuse) which has or may have been committed to protect or defend the honour of an individual, family and/or community for alleged or perceived breaches of the family and/or community's code of behaviour.
Group sexual misconduct	planning or attending inappropriately themed events aimed at degrading individuals subjected to sexual misconduct or initiations that involve non-consensual (often coerced) sexual acts.
Image-based sexual abuse	recording or sharing sexual or intimate photos or videos, without the consent of the person pictured. Also known as revenge pornography.
Non-consensual sexual act	engaging or attempting to engage in a sexual act with another person without their consent.
Non-consensual sexual contact	sexually touching another person without consent.
Relationship abuse	any incident or pattern of incidents of controlling, coercive, threatening behaviour, violence or abuse between those who are, or have been, intimate partners; this may include psychological, physical, sexual, financial and/or emotional abuse.
Retaliation	any adverse actions against another person, including, but not limited to, harassment, threats, intimidation or coercion, made in response to someone disclosing or reporting any form of sexual misconduct.
Sextortion	threatening to publish sexual information, photos or videos about someone. Photos or recordings are often made without the person realising or consenting.
Sexual assault	any sexual touching that a person does not consent to. It involves all unwanted sexual contact including kissing, groping, sex without consent and enforced sexual acts.
Sexual harassment	unwanted behaviour of a sexual nature which violates a person's dignity; makes them feel intimidated, degraded or humiliated or creates a hostile or offensive environment; this could be one incident or a pattern of behaviours.

Sexual misconduct	covers a broad range of inappropriate and unwanted or attempted unwanted behaviours of a sexual nature. It covers all forms of sexual violence, including sex without consent, sexual abuse (including online and image-based abuse), non-consensual sexual touching, sexual harassment, stalking, abusive or degrading remarks of a sexual nature.
Sexual violence	any act of a sexual nature that a person did not consent to.
Stalking	persistent, unwanted communication or behaviour intending to frighten, intimidate or harass someone such as repeatedly following them.
Upskirting	filming, or photographing under a person's clothes without their consent to capture images of their body or underwear.

## Appendix 2: Terminology

Consent	<p>An individual agrees by choice, only if they have the freedom and capacity to make that choice. Consent cannot be assumed and can be withdrawn at any time before or during a sexual act.</p> <p>Freedom is being able to make a choice without being forced, threatened, intimidated or coerced into the decision. An individual is incapacitated when asleep or unconscious, under the influence of drugs or alcohol, have a mental health condition that could affect their decision making, is under the age of consent.</p>
Disclosure	<p>When a student or staff member communicates with someone in the University community about their experience of sexual misconduct. A disclosure can be made in person or via other means such as telephone or digital communication such as Teams or email. Students may also disclose online via the University's Report and Support tool. No formal action against a particular student or staff member will be taken about any matter disclosed. For formal action to be taken a formal report would need to be submitted.</p> <p>Students can make an anonymous disclosure via the University's Report and Support tool. When reporting anonymously the University will not be able to take any direct action or provide any further advice and support. The University will use the information to better understand the issues within our community, to identify trends and shape our prevention and support provision.</p>
Report	<p>Telling a staff member of the University and/or Police about an incident of sexual misconduct for the purposes of initiating the investigation process by the University and/or Police.</p>
Reporting party	<p>Individual reporting to the University that they have been subjected to any form of sexual misconduct.</p>
Responding party	<p>Student or staff member who has been reported to have committed any form of sexual misconduct.</p>