Harassment and Sexual Misconduct Policy

Summary

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 harassment and sexual misconduct.

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Author	Assistant Director Student Resolution Service, Education and Student Success Division
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	Acceptable Behaviour at Work Policy, Conduct Procedures, Conflict of Interest: Outside of Work Policy, Freedom of Speech, Guidance on Intimate Personal Relationships between Staff and Students, Student Disciplinary Regulations and Procedure

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1. Updates to this policy

1.1. This policy has been updated to align to the new University of Bristol policy template and the Office for Students new condition of registration E6: harassment and sexual misconduct.

2. Introduction

2.1. 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.

2.2. The University does not tolerate instances of harassment and 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, (e.g. the person accused is not a registered student or current staff member) in which case the University will offer advice and support.

2.3. 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 harassment and sexual misconduct.

3. Scope

3.1. This policy applies to all students and staff of the University.

3.2. 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.

3.3. 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:

a. Students undertaking paid or unpaid work.

b. People designated as workers for the University including those engaged through the Temporary Staffing Service (TSS).

c. Agency workers, Honorary appointments and Emeritus titles.

3.4. 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.

3.5. This policy should be read in conjunction with the related regulations, policies and procedures set out in Related Regulations, Policies and Procedures, section 14.

3.6. Nothing in this document should be read as undermining or conflicting with the free speech code of practice, and in case of conflict the free speech code of practice will take precedence.

4. Definitions

Harassment

4.1. **Harassment on the grounds of a protected characteristic, including sexual harassment:** Any unwanted conduct;

a. of a sexual nature; or

b. related to age, disability, gender reassignment, race, religion or belief, sex or sexual orientation (protected characteristic)

c. that has the purpose or effect of violating the dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for another person. If there was no intent to violate the dignity or create an intimidating, hostile, degrading, humiliating or offensive environment for another person, the perception of the person receiving the conduct; the other circumstances of the case; and whether it is reasonable for the conduct to have that effect will be taken into account when deciding if conduct amounted to harassment.

4.2. **Harassment not on the grounds of a protected characteristic:** Harassment can also be unwanted conduct on at least two occasions not related to a protected characteristic and can only be committed if the person perpetrating the conduct

knows, or reasonably should have known, that the conduct amounted to harassment. Harassment includes alarming a person or causing distress and includes behaviour conducted online.

4.3. There is a rebuttable presumption that the content of course materials and statements or views expressed as part of teaching, research or discussions about any subject matter which is connected to the content of a course are not likely to amount to harassment.

Sexual misconduct

4.4. **Sexual misconduct** is any unwanted or attempted unwanted conduct of a sexual nature, including but not limited to:

a. sexual harassment

b. non-consensual touching or penetration other than with a penis

c. non-consensual penetration with a penis

d. online and image based sexual abuse

e. stalking

f. abusive or degrading remarks of a sexual nature.

Other definitions

4.5. **A sexual nature:** This includes circumstances that a reasonable person would consider are sexual in nature:

a. whatever the context or any person's purpose in relation to them; those circumstances are self-evidently sexual due to the inherent sexuality of them, or

b. taking into consideration the context or any person's purpose in relation to those circumstances (or both), and

c. irrespective of the sexual orientation of the parties involved.

4.6. **Complicity:** Any act that knowingly helps, promotes or encourages any form of harassment or sexual misconduct by another person.

4.7. **Consent:** 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. Freedom is being able to make a choice without being forced, threatened, intimidated or coerced into the decision. An individual lacks capacity to consent when they are asleep or unconscious. Capacity to consent may also be impaired when under the influence of drugs or alcohol, if they have a mental health condition that could affect their decision making, and/or are under the age of consent.

4.8. **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.

4.9. **Disclosure:** When a student or staff member communicates with someone in the University community about their experience of harassment or 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 online reporting 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. Students can make an anonymous disclosure via the University's online reporting 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.

4.10. **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.

4.11. **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.

4.12. **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.

4.13. **Non-consensual sexual act:** Engaging or attempting to engage in a sexual act with another person without their consent.

4.14. **Non-consensual sexual contact:** Sexually touching another person without consent.

4.15. **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.

4.16. **Report:** Telling a staff member of the University and/or Police about an incident of harassment or sexual misconduct for the purposes of initiating the investigation process by the University and/or Police.

4.17. **Reporting Party:** Individual reporting to the University that they have been subjected to any form of harassment or sexual misconduct.

4.18. **Responding Party:** Student or staff member who has been reported to have committed any form of harassment or sexual misconduct.

4.19. **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 harassment or sexual misconduct.

4.20. **Sextortion**: Threatening to publish sexual information, photos or videos about someone. Photos or recordings are often made without the person realising or consenting.

4.21. **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.

4.22. **Sexual violence:** Any act of a sexual nature that a person did not consent to.

4.23. **Stalking:** Persistent, unwanted communication or behaviour intending to frighten, intimidate or harass someone such as repeatedly following them.

4.24. **Upskirting:** Filming or photographing under a person's clothes without their consent to capture images of their body or underwear.

5. Responsibilities

5.1. **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 harassment and sexual misconduct.

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

5.3. **Students:** Expected to contribute to a respectful and inclusive environment, respond supportively to disclosures, and understand the importance of consent and accountability.

5.4. **Academic Staff:** Play a key role in modelling respectful behaviour, discouraging inappropriate conduct, and responding thoughtfully to student disclosures.

5.5. **Professional Services Staff:** Play a key role in modelling respectful behaviour, support the implementation of policy, procedures, provide guidance and help students and colleagues navigate reporting and support systems.

5.6. **Line Managers and Supervisors:** Ensure staff feel supported in reporting misconduct, maintain confidentiality, and follow appropriate escalation procedures.

5.7. **Human Resources Staff:** Guide the handling of disclosures and reports involving staff, ensuring fair process and compliance with institutional policy.

5.8. **Support Services Staff:** Deliver frontline support to those affected by harassment and sexual misconduct and provide access to specialist resources and advice.

5.9. **Senior Leadership:** Hold strategic responsibility for ensuring a safe and respectful institutional culture and for the consistent application of the policy across the University.

6. Commitments

6.1. The University upholds the following commitments:

a. To provide an environment in which all members of our community feel safe and are respected.

b. Harassment and sexual misconduct is not tolerated.

c. To provide a supportive environment where students and staff feel confident and empowered to disclose, will be listened to and understand the options available to them.

d. Students and staff will be supported to report harassment and sexual misconduct. This includes through external organisations such as the Police.

e. Respect the right of the individual disclosing an instance of harassment and sexual misconduct to choose how to take forward a disclosure. In certain circumstances, such as when the University has a legal duty to fulfil, information may be disclosed to manage risk.

f. 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.

g. Everyone involved in an investigation will be treated fairly.

h. Raise awareness of appropriate support and organisations to aid the recovery of students and staff that have been affected by harassment and sexual misconduct.

i. Work together with the University of the West of England Bristol, University of Bath and Bath Spa University where cases cross institutions.

j. Provide our staff and students with the tools to understand and practice consent and speak up and address harassment and sexual misconduct where it is safe to do so by providing training, accessible online resources and clear reporting channels.

k. Coordinate with local expert organisations to enhance understanding, promote their services, and provide comprehensive support for those affected by harassment and sexual misconduct.

7. Expectations of all staff and students

7.1. To treat everyone with dignity and respect and share in the collective responsibility for creating and sustaining an environment that upholds dignity for all.

7.2. 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, strongly encourage but not pressure staff and students to seek advice and support.

7.3. The University expects staff and students to foster a culture of accountability and respect and to speak out as appropriate.

7.4. 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 does not allow intimate personal relationships between staff and students they have academic or pastoral responsibility for.

8. Student and staff awareness

8.1. All students are informed about the content of the Harassment and Sexual Misconduct Policy as part of registration. Students are not able to commence studying without completing this registration process and it must be repeated each year the student wishes to study at the university.

8.2. Information on the Harassment and Sexual Misconduct Policy and what constitutes harassment and sexual misconduct is included in mandatory online staff training. It is a requirement that this training is completed during induction periods for new staff and then every subsequent twelve months.

9. Student training

9.1. The University takes a tiered approach to student training.

All students

9.2. The University's mandatory Community Induction Module focuses on being a responsible member of the university community. It provides education and training relating to harassment and sexual misconduct and how to be an active bystander.

9.3. Consent Matters is a mandatory online module focusing on understanding consent using a variety of scenarios. Students are required to complete three modules and receive a certification of completion when all three modules are passed.

9.4. Sexual consent workshops provide interactive opportunities for students to further their understanding of consent and relationships. Delivered in partnership with the Sexual and Relationship Harm Support, the workshops can be provided for specific groups or as opt-in sessions available to all students.

New students

9.5. Academic, in-person inductions for new students are provided by academic schools and provide information about the Harassment and Sexual Misconduct Policy, and how to seek support.

9.6. New students are expected to attend interactive induction sessions and welcome events covering expected standards of behaviour as a member of the university community, harassment and sexual misconduct, and providing information and opportunities to engage with specialist teams for further information and advice.

Student leaders

9.7. Completing and passing the Consent Matters online module is a mandatory requirement for students undertaking specific leadership roles. All student group committee members within the Student's Union must pass Consent Matters before the group can reaffiliate. Students undertaking particular leadership roles within the Student's Union receive in person training by sexual misconduct specialists within the university.

Further training

9.8. Details of further training provided for students on harassment and sexual misconduct will be publicised throughout the year on the Sexual Misconduct webpage and highlighted to students using existing student communication channels. Where possible, further training will be provided in person.

10. Staff Training

10.1. The University takes a tiered approach to staff training.

All staff

10.2. Staff members are informed of the content of the Harassment and Sexual Misconduct Policy and guidance on how to respond to a disclosure through existing staff communication channels.

10.3. The University's mandatory Inclusion Essentials Module, which is completed at induction and on an annual basis, includes information on the Harassment and Sexual Misconduct Policy, behaviour that may constitute harassment and/or sexual misconduct, how to respond to a disclosure and available support services.

10.4. The University's essential Freedom of Expression and Academic Freedom Module outlines the distinction between freedom of expression and academic freedom, their legal limits, the University's responsibilities, and the importance of these principles to both institutional autonomy and wider societal impact.

Staff in student facing academic support and enquiry management roles

10.5. Staff members in student facing academic support and enquiry management roles who have a low to moderate likelihood to receive a disclosure engage in additional content on responding appropriately, ensuring they are equipped to provide effective support.

Staff in student facing welfare and wellbeing roles

10.6. Staff members in student facing welfare and wellbeing roles who have a high likelihood to receive a disclosure engage in bespoke interactive scenario-based training on how to respond to disclosures and access routes to support.

Staff in specialist roles

10.7. Staff members responsible for investigating and making decisions on allegations of harassment and sexual misconduct receive training to ensure their approach is grounded in the principles of natural justice, procedural fairness, and trauma-informed practices.

10.8. Sexual misconduct specialists within the university receive training to equip them with the knowledge and specialist skills to identify risk and appropriately support the needs of students.

10.9. Where the University instructs third party organisations, such as a specialist impartial civil case investigator, to investigate allegations of misconduct it will be undertaken by persons with credible and demonstrable expertise.

11. Advice and Support

11.1. Advice and support available to **students who have experienced harassment or sexual misconduct**:

- Sexual and Relationship Harm Support: Students can self-refer to a team of specialist caseworkers who provide one-to-one support for any incident of sexual misconduct, regardless of when or where it happened.
- Student Resolution Service: Support students who wish to report an incident of harassment or sexual misconduct. Students can also speak to this team for informal advice about reporting options.
- Online reporting tool: Students can find advice and guidance relating to different forms of harassment, contact a specialist adviser in the Student Resolution Service, or report an incident of harassment or sexual misconduct anonymously.
- External support services: Within Bristol and nationally.

11.2. Advice and support available to **all students, including those who are responding to an allegation of harassment or sexual misconduct**:

- Student Wellbeing Services: Students can book an appointment with a wellbeing adviser to discuss any difficulties they are experiencing whilst at university.
- Bristol SU Academic Advice: Provide information and individual support with academic processes and can support students who are going through disciplinary procedures.
- Student Resolution Service: Support students who are reporting, responding, or witness to an allegation of harassment or sexual misconduct.

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

- Union representatives (for union members) at University of Bristol branches of Unison, UCU or Unite.
- HR Business Partners: Support managers with acceptable behaviour cases.
- Line managers: Can offer advice and signpost to further support and resources.
- Speak Up Stand Out Champions: Get informal advice and support around unacceptable behaviour, bullying or harassment.
- Staff Counselling service: Staff on fixed term or open ended contracts can access the staff counselling service.
- Employee Assistance Programme: Provides free counselling and information services available 24/7 to all staff.
- Research Staff representatives (for Research staff only): Can offer advice and signpost to further support and resources.

12. Disclosure and Reporting

12.1. A disclosure occurs when a student or staff member communicates with someone in the University community about their experience of harassment or 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 via the University's online reporting 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.

12.2. Students can make an anonymous disclosure via the University's online reporting 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.

How to respond to a disclosure

12.3. There is advice and guidance available to students and staff who receive a disclosure of harassment or sexual misconduct from a student.

Reporting a student

12.4. Students or staff wishing to report a student can make a formal report to the University. The Student Resolution Service can be contacted, by emailing srs-casework@bristol.ac.uk, with any questions about the disciplinary process and/or for support with reporting an incident.

12.5. Reports about the behaviour of a student will normally be progressed through the Student Disciplinary Regulations and Procedure.

Reporting a staff member

12.6. Students wishing to report a staff member can make a formal report to the University.

12.7. Reports about the behaviour of a staff member will normally be progressed through the University's Conduct Procedure (Ordinance 10).

Investigation process

12.8. Investigations into reports progressing through the Student Disciplinary Regulations or University's Conduct Procedure (Ordinance 10) are carried out in a manner that is credible, fair and consistent with the principles of natural justice. This is achieved by applying clear, published procedures; training staff involved in

investigations and decision making; providing opportunities for responding parties to respond to evidence; and ensuring that all evidence is carefully considered. Individuals directly affected by any decisions made in respect of allegations of harassment and sexual misconduct are informed of the outcome and the reasons for them, through written communications.

13. Confidentiality and information sharing

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

13.2. The University recognises that at times those who have experienced harassment and sexual misconduct, those under investigation, and staff members supporting those individuals may need to share information.

13.3. The details around confidentiality and information sharing are set out in Section 3 of the Student Disciplinary Regulations and Procedure and Section 1 of the Ordinance 10 Employment.

13.4. Student data is held and processed in accordance with the Student Fair Processing Notice and Education and Student Success Confidentiality Statement.

13.5. Staff data is held and processed in accordance with the staff fair processing notice.

14. Related Regulations, Policies and Procedures

- Acceptable Behaviour Policy
- Acceptable Behaviour at Work Policy
- Conduct Procedures
- Conflict of Interest: Outside of Work Policy
- Freedom of Speech
- Guidance on Intimate Personal Relationships between Staff and Students

- Student Disciplinary Regulations and Procedure