

Comprehensive Single Source of Information on Harassment and Sexual Misconduct

This document is designed to set out how the University will manage any incidents of harassment and sexual misconduct, and personal relationships between staff and students. It also outlines reporting processes and training which is put into place to reduce the risk of harassment and sexual misconduct in the UCB community. It aims to ensure a safe, welcoming and inclusive working and learning environment for all members of the University's community, where all staff and students are equally valued and respected.

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Purpose

1. This document is designed to set out how the University will manage any incidents of harassment and sexual misconduct towards students, and personal relationships between staff and students. It also outlines reporting processes and training which is put into place to reduce the risk of harassment and sexual misconduct in the UCB community. It aims to ensure a safe, welcoming and inclusive working and learning environment for all members of the University's community, where all staff and students are equally valued and respected.
2. This document will be reviewed and updated regularly and made permanently available to staff and students on UCB's website and in material which is sent out to student applicants and new members of staff.
3. Harassment and sexual misconduct (which includes sexual harassment) are unacceptable behaviours and will not be tolerated.
4. These behaviours are contrary to the Equality Act 2010 and the Protection from Harassment Act 1997, and to the University's vision, values and mission.
5. The University is legally obliged and bound as an ongoing condition of its registration with the Office for Students, to take reasonable steps to prevent incidents of harassment and/ or sexual misconduct of its students.
6. No member of the University's community is expected to tolerate such unacceptable behaviour, whether by a member of the University community, or by a third party such as a supplier or visitor to the University; or a member of the public. This document seeks to ensure that students are protected from harassment and sexual misconduct. Students have the right to disclose experiences of unacceptable behaviour experienced while studying or working; to be listened to, and to seek support.
7. Breaches of the policies set out in this document by staff or students will be investigated under the relevant disciplinary procedure which may result in dismissal or expulsion and, where appropriate, referral to the police.

Scope

8. This document applies to harassment and sexual misconduct that is committed or is alleged to have been committed by students, staff, temporary staff, contractors or third parties towards students.

Students and staff are encouraged to raise concerns of harassment or sexual misconduct towards students using the reporting mechanisms set out in this document.

9. The alleged misconduct may have occurred anywhere on the University's property, online or off-site.

10. In developing this document, the University has duly consulted with students directly and with the Guild of Students on existing policies and how effective they are at protecting students. In doing so, the University has considered the needs of a variety of students, including those with protected characteristics, and has invited feedback from those groups on the steps proposed within the document.
11. The University will analyse available data, including the proportion of incidents where a disciplinary process was initiated, on any recent incident of harassment or sexual misconduct in updating this document and in the development of the steps the document and the associated policies outlined to protect students. It will continue to do so to help shape future iterations of the document, the policies contained within it and the direction of campus culture. The University will collect and monitor data on the number and type of incidents reported to it and will use this information to evaluate the effectiveness of its approach. It will report on this data to the Corporation, via the Student Services and Standards Committee on at least an annual basis.

Key terms

12. Abuse of power

An abuse of power is where someone uses their position of power or authority in an abusive and unacceptable manner. Abuse of power can take various forms and may include, but is not limited to manipulation, coercion, pressuring students to engage in misconduct, bullying and harassment. Abuse of power may also occur in the context of a close personal or intimate relationship.

You can read more detail about this in the Code of Professional Conduct on Relationships between Staff and Students.

The above behaviours may be expressed in person, in writing and/or by electronic means.

13. Consent

Consent is agreeing by choice and having the freedom and capacity to make that choice. The person seeking consent should always take steps to ensure that consent is freely given, that it is informed and recognises that it can be withdrawn at any time.

Freedom to consent: a person is free to make a choice if nothing negative would happen to them if they said no. For example, a person may not feel free to make a choice if:

- they are being threatened with violence (by the perpetrator and/or by someone else)
- they are being threatened with humiliation

- they believe that the continuation or assessment of their studies, or progression or advancement of their career, will be at risk if they refused
- they are being blackmailed
- there is a significant power imbalance and the party without power feels pressured to continue in the relationship against their will.

Capacity to consent: Capacity is about whether someone is physically and/or mentally able to make a choice and to understand the consequences of that choice. In all instances, consent must be freely given, i.e. not under any undue pressure or influence. For example, a person does not have capacity to give consent if:

- they are drunk or under the influence of drugs- this means someone may still be physically able to have sex but they may not be able to consent;
- they are asleep or unconscious;
- a person may also not have capacity to give consent if they have, for example, a cognitive or learning difficulty, a disability which impairs their speech, or are experiencing a mental health crisis.
- a person may also be deemed not to have capacity to consent if there is an obvious power imbalance or potential physical threat which means that fear of negative consequences from refusing exists.

14. **Discrimination**

The Equality Act 2010 states that it is against the law to treat any person unfairly or less favourably based on a protected characteristic. The nine protected characteristics are: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race (including ethnic origin, nationality and colour), religion or belief, sex and sexual orientation.

15. **Grooming**

Grooming can be defined as a gradual process that someone in a position of power uses to manipulate someone to do things they may not be comfortable with and to make them less likely to reject or report abusive behaviour. Grooming will initially start as befriending someone and making them feel special and may result in sexual abuse and/or exploitation.

16. **Harassment**

Harassment is unwanted conduct (including unwanted conduct of a sexual nature) that has the purpose or effect of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that person. The unwanted conduct can be physical, verbal or non-verbal.

In deciding whether conduct has the effect of violating a person's dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment towards that person, it is necessary to take into account: the perception of the person who is at the receiving end of the conduct; the other circumstances of the case; and whether it is reasonable for the conduct to have that effect.

The University is legally required to have particular regard to, and place significant weight on, the importance of freedom of speech within the law, academic freedom and tolerance for controversial views in an educational context or environment,

including in premises and situations where educational services, events and debates take place. The University applies a rebuttable presumption that being exposed to any of the following is unlikely to amount to harassment:

- the content of higher education course materials, including but not limited to books, videos, sound recordings, and pictures
- statements made and views expressed by a person as part of teaching, research or discussions about any subject matter which is connected with the content of a higher education course.

17. Relevant staff

In the context of staff-student relationships, a relevant staff member is considered to be any member of staff employed either directly by the University or via a third party, because of the potential for undue influence which could be exerted on a student, whether directly or indirectly.

18. Reporting

Reporting is the sharing of information with a staff member of the University regarding an incident of harassment or sexual misconduct experienced by that individual for the purposes of initiating the investigation process set out in this document. .

19. Reported party

The Reported Party is the person(s) whose behaviour it is alleged amounted to an incident of harassment or sexual misconduct.

20. Reporting party

The Reporting Party is the person(s) who witnessed or is the subject of the alleged incident of harassment or sexual misconduct.

21. Sexual misconduct

Sexual misconduct is a form of harassment and is unacceptable behaviour of a sexual nature. It can include (but is not limited to) sexual harassment (as defined below); sexual violence; intimate partner violence; sexual assault; grooming; coercion or bullying with sexual elements; sexual invitations and demands; sexual comments; sexual non-verbal communication; sexual harassment or misconduct online; creation of atmospheres of discomfort; and promised resources or advancement in exchange for sexual access.

Any unwanted and unpermitted sexual activity. It includes (but is not limited to) the following, within or outside a sexual or romantic relationship, including where consent to sexual activity has been given then withdrawn, or if consent has been given on previous occasions:

- sexual intercourse or engaging in a sexual act without consent
- attempting to engage in sexual intercourse or engaging in a sexual act without consent
- sharing private sexual materials of another person without consent
- kissing without consent
- touching inappropriately through clothes without consent

- inappropriately showing sexual organs to another person
- repeatedly contacting or following another person without good reason
- making unwanted remarks of a sexual nature
- sexual harassment.

22. Sexual harassment

Sexual harassment is a type of sexual violence. It is any unwanted sexual behaviour that makes someone feel upset, scared, offended, unsafe, or humiliated, or is meant to make them feel that way. Sexual harassment can be a one-off incident or an ongoing pattern of behaviour.

Sexual harassment can range from behaviour that stems from obvious to anyone or subtler behaviour less obvious to either the person responsible for the behaviour or to the recipient. Often the impact is not felt or witnessed immediately.

Sexual harassment can include but is not limited to sexual comments or noises for example catcalling, following, making unnecessary and unwanted physical contact, sexual jokes and comments, giving unwelcome personal gifts, wolf-whistling, leering, derogatory comments, unwelcome comments about a person's body or clothing, unwelcome questions about a person's sex life and/or sexuality, engaging in unwelcome sexual propositions, invitations and flirtation, making somebody feel uncomfortable through displaying or sharing sexual material.

Sexual harassment does not necessarily occur face to face and can be in the form of emails, visual images (such as sexually explicit pictures on walls in a shared environment), social media, telephone, text messages and image based sexual abuse, such as revenge porn and upskirting.

A person can be sexually harassed even if they are not the intended target.

23. Third party harassment

Third party harassment can occur where a student is harassed or sexually harassed by someone who does not work for, and who is not an agent of, the University, but with whom that person has come into contact during their employment or studies. Third party harassment could include, for example, unwelcome sexual advances from a supplier visiting the University's premises, or where a person is visiting a supplier's premises or other location in the course of their study or employment.

24. Stalking

Stalking is defined as following a person, watching or spying on them or forcing unwanted contact with the victim through any means, including social media. The effect of such behaviour is to curtail a victim's freedom, leaving them feeling that they constantly have to be careful. In many cases, the conduct might appear innocent (if it were to be taken in isolation), but when carried out repeatedly to amount to a course of conduct, it may then cause significant alarm, harassment or distress to the victim.

25. Victimisation

Victimisation is treating someone less favourably because they have made a claim or complaint of discrimination, or helped someone else to make a complaint (under

the Equality Act), or made a disclosure (whistleblowing) under the Public Interest Disclosure Act 1998, or in either case the affected person is believed to have made or helped make, or it is believed that they may make or help make, a complaint or disclosure. Where the University becomes aware of victimisation taking place, this may lead to disciplinary action including dismissal.

Roles and Responsibilities

26. The University is committed to preventing incidents of harassment or sexual misconduct where reasonably possible; and to provide mandatory preventative training programmes regarding such behaviours. The University also commits to make available timely support for those who have been affected by such behaviours; and to provide prompt and equitable methods of investigation and resolution to stop harassment and sexual misconduct, to remedy any harm, and to prevent its recurrence.

27. All staff and students have a responsibility to ensure a working and studying environment where everyone is treated with equal respect and dignity. Each member of staff and each student is expected to contribute to preventing unacceptable behaviours, including harassment or sexual misconduct through self-awareness; and by modelling positive behaviour for others, and raising any concerns.

Staff, including temporary or agency staff, are in a position of trust. It is important that exemplary behaviour is demonstrated. It must be remembered that actions can be misinterpreted by others, no matter how well intentioned. Due consideration should always be given as to what is an appropriate environment and what is appropriate conduct in relation to the activities which are being under-taken.

Harassment and sexual misconduct

28. Harassment and sexual misconduct will not be tolerated. It may lead to disciplinary action up to and including expulsion or dismissal if committed. 29. The University will consider any aggravating factors, such as abuse of power over a student, when deciding the appropriate disciplinary action to take under the relevant disciplinary procedure.

30. Staff and students are required to disclose criminal convictions acquired prior to or during employment or study at the University. For staff, please see the Final Management of Disclosures Policy 2024.pdf: HR UCB, for students see the Admissions Policy and Code of Practice on Discipline.

Third Party Harassment

31. Third party harassment of students will not be tolerated. This includes harassment which may be experienced at a placement provider.

32. Where students experience third party harassment and this is reported, then, depending on the circumstances, the University may have little scope to take action but will provide support to any student affected.

The University will monitor any potential risk areas for third party harassment and take steps to prevent it occurring where possible. Where third party harassment does occur and the University has scope to take action, for example if it involves a University supplier, the University will take steps to remedy any complaints and prevent it from happening again (e.g. by warning the third party about their behaviour, banning a third party from the University, reporting any criminal acts to the police or sharing information with other branches of the organisation as appropriate).

Training on Harassment and Sexual Misconduct Prevention

33. The University will ensure that there is appropriate and comprehensive mandatory training on the prevention of harassment and sexual misconduct for all staff and students made available. For staff, this will be delivered online via the University's training platform, Virtual College. All staff will be required to complete the training prior to taking up employment and will need to ensure they review it on an annual basis. The training will be informed by specialist training from Advance HE on Addressing Harassment and Sexual Misconduct in Higher Education. It will be underpinned by credible evidence, developed by persons who have themselves received specialist external training on harassment and sexual misconduct in Higher Education, include training on sexual consent and 'bystander' training for potential witnesses of sexual misconduct.

34. The staff training will also include information about appropriate professional boundaries and the likelihood of harassment and sexual misconduct occurring within intimate personal relationships between staff and students. The training will then be reinforced during mandatory institutional induction sessions, which all new staff are required to participate in.

35. All new students from 1 August 2025 will be required to undertake appropriate training when they enrol. Student training will also be informed by specialist training from Advance HE on Addressing Harassment and Sexual Misconduct in Higher Education. It will be underpinned by credible evidence, developed by persons who have themselves received specialist external training on harassment and sexual misconduct in Higher Education, include training on sexual consent and 'bystander' training for potential witnesses of sexual misconduct. Student training will be delivered online via Canvas, the University's virtual learning environment.

36. For both staff and students, the training shall be consistent with the University's free speech obligations.

37. Mandatory specialist training shall be delivered to staff likely to be involved in undertaking investigations into incidents of harassment and/or sexual misconduct

and making decisions about disciplinary cases. This training will be externally delivered by Lime Culture, a leading sexual violence and safeguarding organisation, recognised nationally and internationally for their commitment to creating safer cultures.

Code of Conduct on Staff-Student Relationships

38. The structurally unbalanced power of a relationship between staff and students in an academic or professional role means that the potential sexual relationships between relevant staff and students are wholly inappropriate. The importance of maintaining a professional distance from students or to alert colleagues to a significant personal interest in a student is essential.

39. The University will put in place an outright ban on new sexual or romantic relationships between relevant staff and students from 1 August 2025. The University will ensure that its Code of Professional Conduct on Staff-Student Relationships is updated to reflect this.

40. Any romantic or sexual relationships between relevant staff or students which pre-date 1 August 2025 have been strongly discouraged under the existing Code of Professional Conduct (and relationships between staff and students who are under the age of 18 considered gross misconduct). If any such relationship exists, the staff member concerned will need to declare this to the Executive Director of Human Resources, who will maintain a record of these and consider what action is appropriate under the existing Code of Professional Conduct.

41. Any romantic or sexual relationships between relevant staff and students which are not declared by 31 July 2025 will be subject to an outright ban and considered gross misconduct under the staff Disciplinary Procedure.

Reporting an incident

42. Students can report an incident of harassment and/or sexual misconduct via the dedicated section of the website on supporting students who may have experienced an incident of harassment or sexual misconduct. Anonymous reporting is possible too, as are reports made on behalf of other students, if students wish to do so. Alternatively, reports can be made directly to the Deputy Head of Student Support (Sexual Misconduct and Harassment) via email studentcases@ucb.ac.uk. Anonymous reporting means that the University will not be able to identify or contact a student directly, but the information they report can still be used to understand the issues impacting the student community, monitor trends and inform preventative work. No formal process can be initiated from an anonymous report.

43. Once a report is received by the University, information on support options, both internal and external will be made available and the reporting party will be directed on the next steps on their informal or formal complaint.

Informal Resolutions

44. A person affected by harassment or sexual misconduct may wish to resolve the behaviour informally. The University recognises it is for the person affected to determine the preferred pathway for resolution, and that engaging in informal resolution is not a barrier to bringing a formal complaint at a later time.

Students are encouraged to speak to their personal tutor, Student Services or the Guild of Students for general support and signposting to the appropriate service.

45. However, depending on the circumstances and whether or not a safeguarding concern is raised, the University may be under a duty of care to investigate the behaviour. For further information, please see the Safeguarding Policy

46. If a student, or a member of staff is approached and told that their behaviour could be construed as harassment or sexual misconduct, they should be prepared to listen patiently and calmly. Whilst it may be upsetting, they should allow the student or colleague to express their concerns, and if appropriate, try to reach common ground to remedy the situation and allow a positive working/learning relationship to be resumed. If the nature of the complaint is serious or inappropriate, the student or staff member should speak with their line manager or supervisor to agree the next steps.

47. Where a student who has experienced harassment or sexual misconduct is under the age of 18 or is deemed to be an “adult at risk”, there may be a safeguarding element involved, and the Safeguarding Policy should be referred to.

A Formal Complaint - Gathering Information

48. In all circumstances and under all policies and procedures listed in this document, where a formal complaint is being investigated, the University will gather information sensitively, fairly and in accordance with data protection legislation, particularly the staff and student privacy notices.

49. If a report of alleged harassment or sexual misconduct requires investigation under the Staff Disciplinary Procedure, no disciplinary action will be taken against an employee until the case has been fully investigated by a manager who is considered by the University to be, as far as reasonably possible, impartial and independent from the events giving rise to the report. This manager will be trained appropriately in investigating reports of harassment and sexual misconduct.

50. The University may consider suspension from work appropriate during the investigation, depending on the nature and initial evidence presented within the report. Suspension does not constitute a disciplinary sanction.

51. If a report of alleged harassment or sexual misconduct requires investigation under the Code of Practice on Student Discipline, no disciplinary action will be taken until the case has been fully investigated by a relevant local manager (as directed by the Executive Dean of School, FE Principal or Sixth Form Principal). This manager

will be trained appropriately in investigating reports of harassment and sexual misconduct. It may, however, be appropriate for contingency arrangements to be put into place while an investigation is carried out. This could include amendments to teaching timetables or allowing a student to study remotely for a period. Wherever possible, reducing disruption to a student's academic experience will be prioritised.

52. The University may consider suspension from studies appropriate, depending on the nature and initial evidence presented within the report. Suspension does not constitute a disciplinary sanction.

53. Where an investigation is deemed necessary, it will be conducted in accordance with the Staff Disciplinary Procedure or the Code of Practice on Student Discipline, as appropriate.

Outcome of a formal complaint/disciplinary case

54. Anyone directly affected by a decision made following a report of alleged harassment or sexual misconduct under this policy, including the reporting party, responding party and witnesses, will be directly informed of the decision and the reasons for it. Under the Code of Practice on Student Discipline and the Staff Disciplinary Procedure, a full range of outcomes are possible. This information will normally be provided within five working days of the conclusion of the relevant disciplinary or other process.

55. Where the Reporting Party is told the outcome they will be asked to respect confidentiality with regards to the outcome.

Support Available

56. The University is committed to providing dedicated support for members of its community affected by these issues, including the reporting and responding parties and any witnesses. Support information is outlined at the dedicated section of the University's website on supporting students who may have experienced an incident of harassment or sexual misconduct. Support available to students includes internal and external support providers.

The University's Deputy Head of Student Support (Sexual Misconduct and Harassment), a trained Sexual Violence Liaison Officer Manager leads a team of appropriately trained individuals who have the knowledge and skills to appropriately meet the needs of students and staff who are affected by sexual violence/misconduct, including students who may have different needs informed by their protected characteristics.

The team leads on case management and on supporting the reporting party and reported party on allegations of harassment or sexual misconduct while an investigation takes place. Additionally, they will be able to support external referrals to specialist organisations to ensure reporting parties receive as much support as

required. As outlined earlier, investigators and those leading disciplinary procedures linked to alleged incidents of harassment and sexual misconduct will have undertaken appropriate external training to support this work.

Specialist support is available to students who have alleged and/or experienced harassment or sexual misconduct at any time throughout the process, whether or not they decide to make a formal report about an incident and regardless of whether or not the incident has taken place on the University's premises. This includes personal support, such as counselling, and academic support in relation to decisions about attendance, continuation, suspension or cessation of study.

Victimisation

57. The University will not tolerate any form of victimisation against someone who has raised or witnessed a complaint, or supported a complaint, or for cooperating in an investigation, or challenging unacceptable behaviour, or in each case is believed to have or is believed to be likely to take such steps.

58. If a formal complaint of victimisation is made about a student's or staff member's behaviour it will be fully investigated and dealt with in accordance with the Code of Practice on Student Discipline and the Staff Disciplinary Procedure. Any aggravating factors, such as abuse of power, will be considered when deciding what disciplinary action to take.

Vexatious complaints

59. Submitting a complaint that is not in good faith or providing false or misleading information in any investigation of complaints is also prohibited. If a complaint is found to be vexatious, it will be dealt with in accordance with the Code of Practice on Student Discipline or the Staff Disciplinary Procedure (as appropriate).

Confidentiality

60. Confidentiality is very important in dealing with cases of alleged unacceptable behaviour. The Reporting Party, the Reported Party and senior staff handling the report should only divulge information to relevant people on a 'need-to-know' basis, i.e. information should not generally be divulged beyond the parties involved in the case or investigation and any essential support required by either the Reporting Party or the Reported Party. However, students will never be asked to sign a 'non-disclosure agreement' or 'NDA' restricting the ability of a student to disclose information about an allegation of harassment and/or sexual misconduct.

Review of Comprehensive Single Course of Information

61. This document will be reviewed at regular intervals, in line with the annual review of student-facing documentation, and its effectiveness will be monitored and any changes which are identified as needed will be implemented. Historical versions of this document will also be available on request.

Related Procedures

- Management of Disclosures and Disclosure Information Policy (Reviewed every two years)
- Admissions Policy (Reviewed annually)
- Social Media Policy (Reviewed every two years)
- Code of Professional Conduct on Staff-Student Relationships (Reviewed every two years)
- Code of Practice on Student Discipline (Reviewed annually)
- Staff Grievance Policy (Reviewed every two years)
- Staff Disciplinary Policy (Reviewed every two years)
- Safeguarding Policy (Reviewed annually)
- Wellbeing Policy (Reviewed annually)
- Universities UK Accommodation Code of Practice (Reviewed every three years – EXTERNAL)