



## HARASSMENT AND SEXUAL MISCONDUCT POLICY AND PROCEDURE

<b>Policy owner:</b>	Registrar & Chief Administrative Officer
<b>Implementation date:</b>	August 2025
<b>Review date:</b>	August 2026
<b>Related policies and procedures:</b>	Dignity at Work and Study Policy Data Protection Policy Equal Opportunities Statement Equality and Diversity Policy Non-Academic Misconduct Policy Privacy Notice Safeguarding Policy

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## Version History

Version	Author	Revisions made	Date
1.0	Continuous Improvement Manager	Review and addition of information relating to OfS Condition E6.	July 2025
2.0	Continuous Improvement Manager	Update as Wellbeing, Skills and Diversity have been rebranded to the Wellbeing Hub and have a new email address.	December 2025

### 1. Policy Statement

- 1.1 The university acknowledges that harassment and sexual misconduct encompasses a wide range of behaviours, any or all of which can intersect with other forms of sex and gender-based violence including domestic abuse, coercive or controlling behaviour and stalking. These behaviours can affect anyone, regardless of identity.
- 1.2 The University is committed to fostering a safe and respectful environment where such behaviour is not tolerated and where disclosures and reports are handled sensitively, thoroughly, and fairly.

### 2. Core Principles

The University of Buckingham is dedicated to creating a culture rooted in respect and accountability. The following principles guide our approach:

- **Respect and Dignity:** We expect all members of the University community to treat each other with respect and uphold a culture that recognises dignified interactions.
- **Acknowledging Impact:** We recognise the serious effects of harassment and sexual misconduct upon individuals' academic and professional lives, regardless of when the incident occurred.
- **Equity and Prevention:** We are committed to equality and diversity and will deliver consistent education and training to prevent such harassment and sexual misconduct.
- **Responsive Action:** All reports will be taken seriously and responded to by trained staff through transparent and fair processes.
- **Autonomy:** Individuals disclosing incidents will have agency in choosing how to proceed and will be supported in their choice.
- **Due Process:** When considering a report of harassment or sexual misconduct, the perception of the recipient, the circumstances surrounding the case and

whether it would be reasonable for the reported conduct to have the effect declared will be taken into account.

- **Impartiality:** Staff involved in handling cases will be properly trained and act with impartiality and discretion.
- **Support Services:** Students affected by harassment and/or sexual misconduct (whether they are the alleged victim or recipient, the alleged perpetrator, a witness or bystander) will have access to free, confidential support and counselling services through the Wellbeing Hub.
- **Continuous Learning:** The University commits to learning from each case to improve practice and ensure appropriate oversight and reporting.

### 3. Legislative context

3.1 In addition to the Office for Students Condition of Registration E6: Harassment and Sexual Misconduct, this policy is underpinned by the following legislation:

- [The Equality Act \(2010\)](#)
- [The Protection from Harassment Act \(1997\)](#)
- [The Data Protection Act \(2018\)](#)
- [The Care Act \(2014\)](#)

3.2 The following University's policies and procedures were also taken into consideration:

- Data Protection Policy
- Dignity at Work and Study Policy and Procedure
- Safeguarding Policy

### 4. Scope

4.1 This policy applies to all students (including those studying with our collaborative partner institutions) irrespective of mode of study (i.e. distance learning), duration of study (full time or part-time) or award (credit bearing or non-credit bearing) and is applicable to all levels of study (including, for example: PhD research, apprenticeships, foundation or undergraduate degree etc.).

4.2 This policy applies to all members of staff (including visiting academics, casuals, emeriti, honoraries and contractors).

4.3 This policy applies to all incidents of harassment and sexual misconduct, as well as related behaviours such as:

- Domestic abuse
- Coercive or controlling behaviour
- Retaliation

- Malicious reporting

**Access to support:** All students and staff will have equal access to internal and external support services, regardless of when or where the incident(s) occurred.

**Applicability:** This policy covers incidents that occur both on and off University premises, as long as the reporting party is a current student or staff member. The University's relevant disciplinary procedures will apply accordingly.

**Legal implications:** Some forms of misconduct may also constitute criminal offences. In such cases, both internal and external processes may follow.

## 5. Definitions

### 5.1 Sexual Misconduct

- a) Sexual misconduct is attempted or actual conduct of a sexual nature that is unwanted and is perceived by the recipient as a violation of their dignity and/or an act of intimidation. This includes activity which may take place online (including but not limited to, inappropriate use of social media, cyberstalking, sending unwanted explicit material).
- b) A single isolated incident can be considered as harassment and/or sexual misconduct.
- c) Sexual misconduct can take many forms and includes, but is not limited to:
  - Sexual acts without consent (sexual assault/rape)
  - Unwanted sexual touching or comments
  - Indecent exposure (in-person or online, such as sending unsolicited explicit images)
  - Repeated unwanted following or stalking (including cyberstalking)
  - Sharing intimate images without consent (including 'sextortion')
  - Degrading or inappropriate events (such as 'upskirting').

### 5.2 Harassment

- a) Harassment can take many forms and occurs when a person or group of subjects engage in unwanted and unwarranted conduct which has the purpose or effect of violating another's dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment.
- b) Harassment is often defined as the act of systematic and/or continued unwanted actions of one party or group, including threats and demands; however, an isolated incident or threat could amount to harassment if it causes distress.

- c) Harassment may also breach other legislation and may in some circumstances be a criminal offence, e.g. under the provisions of the Protection from Harassment Act 1997.
- d) The Equality Act 2010 prohibits harassment related to the following protected characteristics: age, disability, gender reassignment, marital or civil partner status, pregnancy or maternity, race, colour, nationality, ethnic or national origin, religion or belief, sex or sexual orientation.
- e) The Protection from Harassment Act 1997 (Section 1) makes it unlawful to pursue a course of conduct which you know or ought to know would be harassment, which includes causing someone alarm or distress.

### 5.3 Domestic Abuse & Coercive Control

This includes psychological, physical, sexual, financial, or emotional abuse between intimate partners or family members, regardless of gender or sexuality.

### 5.4 Other Breaches

**Complicity:** Supporting or enabling sexual misconduct and harassment.

**Retaliation:** Threats or coercion in response to a report.

**Malicious Reporting:** Knowingly making false allegations against someone.

## 6. Consent

Consent must be freely given, informed, and continuous. It cannot be assumed from past behaviour, silence, or lack of resistance. Consent cannot be given under coercion, threat, manipulation, or incapacity (including due to intoxication or unconsciousness). "No" always means "No," and unclear or non-verbal cues do not constitute "Yes."

## 7. Confidentiality

The University will maintain confidentiality where possible. Information may be shared only with relevant internal or external parties, and only with the consent of the Reporting Party, unless required to prevent harm (to themselves or to others) or comply with legal obligations. Unauthorised sharing of confidential information will be treated as a violation of this Policy.

## **8. Equality and Diversity**

- 8.1 The university recognises that anyone can experience sexual misconduct or violence, although in the UK women and members of the LGBTQ+ community are more likely to be affected.<sup>1</sup>
- 8.2 The University recognises that experiences of sexual misconduct may intersect with other forms of harassment and discrimination, and it addresses these through separate policies on Staff and Student Relationship Policy, Dignity at Work and Study Policy and Procedure and the Safeguarding Policy.

## **9. Expectations of all Staff and Students**

- 9.1 The University is committed to fostering a diverse, inclusive, and welcoming community where all individuals are treated with dignity and respect. We each share responsibility for maintaining an environment that upholds these values.
- 9.2 When responding to a disclosure, staff and students are expected to act with care and thoughtfulness. They should listen attentively, take concerns seriously, be patient and open-minded, and respect individual choices. While encouragement to seek advice and support is appropriate, no one should feel pressured to do so.
- 9.3 All members of the University are expected to contribute to a culture of accountability, mutual respect, and inclusivity. Speaking up when necessary is part of that commitment.

## **10. Freedom of Speech**

- 10.1 We recognise that during academic tuition and discussion, there may be certain topics that some may find offensive. These topics, which could be controversial and/or sensitive in nature, are pedagogically relevant, form part of the course content and are intended to inform healthy academic debate.
- 10.2 Exposure to sensitive and/or controversial topics is not a form of harassment or sexual misconduct, and the University will facilitate academic expression as part of our commitment to the principles of freedom of speech.
- 10.3 The Equality Act 2010 recognises protected characteristics and staff and students must conduct themselves in a manner that recognises this. We will not tolerate abuse, malicious targeting or intimidation of an individual or group of

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<sup>1</sup> [The Office of National Statistics](#)

individuals. Academic expression should always remain relevant and respectful.

- 10.4 The University prohibits the use of Non-Disclosure Agreements (NDAs) in cases of harassment and/or sexual misconduct and will never ask students or staff to sign one in these circumstances.

## 11. Procedure Guidelines for Students

- 11.1 Many students may find it difficult to think clearly about a situation which is causing them distress, or if they are facing a new or challenging environment. As a student, one of the first steps you might want to take is to try to review and reflect on the events that made you feel harassed, their effect on your self-esteem and how this is affecting your ability to study.

- 11.2 You can formally raise your concern in several ways:

- You can make a report via the university's [Report and Support](#) system online.
- You can raise your concern with your Personal Tutor (or other member of staff such as your Faculty Dean or the Head of Student Services), you could do this face-to-face, via email or Microsoft Teams.
- You can raise your concern with the [Student Casework](#) team
- You can raise your concern with the [Wellbeing Hub](#).
- You can contact Campus Security (24/7) on 07860 834802.
- You can raise your concern with one of the University's Safeguarding Leads:
  - Chris Payne, Registrar & Chief Administrative Officer (Designated Safeguarding Lead)
  - Laura Whitty, Head of Student Services (Deputy DSL – Students)
  - Emma Ward, Head of Apprenticeships (Deputy DSL – Apprentices)
  - Barnaby Lenon, Dean of Education (Deputy DSL – Education Students)
  - Diane Jackson-Gould, Director of HR (Deputy DSL – Staff)

- 11.3 Whether you choose to report online through Report & Support or via a member of staff, make sure you are clear about the nature of the harassment, how it has impacted you and the individual(s) involved. To progress your report, staff members will inform the Student Casework Manager. The information you provide will be treated with confidence and in accordance with Data Protection legislation (see paragraph 6.) An incident does not have to be formally reported for it to amount to harassment or sexual misconduct.

- 11.4 Similarly, where harassment or sexual misconduct may have occurred away from university premises, and/or by person(s) not connected to the University, you will still be offered sources of support through the [Wellbeing Hub](#).
- 11.5 If you have experienced or witnessed a single (or repeated) incident(s) of harassment and/or sexual misconduct and you have disclosed this (via Report and Support or to a member of university staff), you will be made aware of the sources of support available to you. This may include following Mitigating Circumstances procedures for example, as well as support via the [Wellbeing Hub](#), who can be contacted at any time. Support will also be offered regardless of whether there is sufficient evidence to progress to disciplinary proceedings or not.
- 11.6 If you are a student who has been accused of harassment and/or sexual misconduct, support will be available to you through the [Wellbeing Hub](#). Where you have disclosed any allegations to a member of university staff, they will also ensure that you are aware of the sources of support available to you.
- 11.7 The University prohibits the use of Non-Disclosure Agreements (NDAs) in cases of harassment and/or sexual misconduct and will never ask students or staff to sign one. If you are being pressured to sign, or have signed, an NDA by an external party, please inform the Student Casework Manager who may contact the Legal Services team for advice.
- 11.8 To progress a report, the Student Casework Manager may propose the following:
- a. arrange for either themselves or another appropriate member of staff to help you address the alleged harassment or misconduct informally; or
  - b. arrange mediation between the parties involved; or
  - c. refer the case for investigation under to the Student Non-Academic Conduct Policy and Disciplinary Procedures.

## **12. Procedure Guidelines for Staff**

- 12.1 Members of staff are asked to treat any incidents of sexual misconduct and/or harassment that is reported to them directly with respect, and to advise the student of the reporting routes open to them if they wish to take the report further.
- 12.2 Staff are encouraged to direct affected students to the [Wellbeing Hub](#) for immediate support, and with consent from the affected student, to contact the Student Casework team on their behalf to escalate the matter. It may also be necessary to consider other areas of support, such as the Mitigating Circumstances procedure.

- 12.3 Where a student who has been accused of harassment and/or sexual misconduct discloses this to you, you must listen and reassure them that support is available through the [Wellbeing Hub](#). It may also be necessary to consider other areas of support, such as the Mitigating Circumstances procedure.
- 12.4 Similarly, where you are approached by a student who has witnessed harassment and/or sexual misconduct, you must listen and reassure them that support is available through the [Wellbeing Hub](#). It may also be necessary to consider other areas of support, such as the Mitigating Circumstances procedure. For other interventions designed to support the student's academic journey, please contact the Head of Student Services.
- 12.5 The University prohibits the use of Non-Disclosure Agreements (NDAs) in cases of harassment and/or sexual misconduct and will never ask students or staff to sign one. If you are made aware of a student being pressured to sign, or having signed, an NDA by an external party in a case of harassment and/or sexual misconduct, you must inform the Student Casework Manager who may contact the Legal Services team for advice. If you are being pressured to sign an NDA by an external party, please inform the Director of Human Resources who may contact the Legal Services team for advice.
- 12.6 Where a student has reported harassment and/or sexual misconduct that has occurred off-site or by person(s) not connected to the university, it is essential to direct them to sources of support via the [Wellbeing Hub](#), as although the ability of the University to act may be limited, we will offer support. Academic support may be required and provided through the Mitigating Circumstances procedure.
- 12.7 Where an incident of harassment and/or sexual misconduct is reported to have taken place between current students, it may be reasonable, where possible, to make academic adjustments to avoid further contact. In this instance academic and exam timetables should be scrutinised with action taken as appropriate. The Head of Academic Services will have oversight of these arrangements in liaison with the relevant Faculty Registrar. For other reasonable adjustments that support the student's academic journey, please contact the Head of Student Services.
- 12.8 Additionally, you may find the following policies helpful: Staff and Student Relationships Policy, Dignity at Work and Study Policy and Procedure and the Safeguarding Policy.

### 13. Sources of Support

The University may refer students to the [Wellbeing Hub](#) where qualified staff can support victims, witnesses and alleged perpetrators of harassment and/or sexual misconduct (providing they are registered students at the University). The team can be reached via [wellbeinghub@buckingham.ac.uk](mailto:wellbeinghub@buckingham.ac.uk).

Further sources of support include:

- Sexual Assault Referral Centre  
[Find a Referral Centre](#)
- Thames Valley Police  
[Tea and Consent Video](#)
- Samaritans  
[www.samaritans.org](http://www.samaritans.org)
- Victim Support  
[www.victimsupport.org.uk](http://www.victimsupport.org.uk)
- NAPAC (National Association for People Abused in Childhood)  
[www.napac.org.uk](http://www.napac.org.uk)
- National Rape Crisis  
[www.rapecrisis.org.uk](http://www.rapecrisis.org.uk)
- The Survivors Trust  
[www.thesurvivorstrust.org](http://www.thesurvivorstrust.org)
- Mankind  
[www.mkcharity.org](http://www.mkcharity.org)
- Domestic Violence  
[www.womensaid.org.uk](http://www.womensaid.org.uk)
- [www.mensadviceline.org.uk](http://www.mensadviceline.org.uk)
- Refuge (Independent Sexual Violence Advocacy)  
[www.refuge.org.uk](http://www.refuge.org.uk)
- Safe (Support for Young People)  
[www.safeproject.org.uk](http://www.safeproject.org.uk)
- NHS 111  
[www.nhs.uk/111](http://www.nhs.uk/111)

### 14. Training

- 14.1 The University will provide mandatory online training for all students and staff. You will receive an invitation to access your training module via your University of Buckingham email address.

- 14.2 Additionally, senior staff as well as staff who are likely to handle disclosures of harassment and sexual misconduct (key staff) will receive specialist training. This includes all of the University's Designated Safeguarding Officers. Information will be sent to you via your University of Buckingham email address.
- 14.3 The University recognises that some students and staff may have been affected by past experiences of harassment and sexual misconduct and for them participation in mandatory training may be detrimental to their wellbeing or mental health. If this applies to you, please contact the Student Casework Manager (students) or the Director of Human Resources (staff).

## **15. Record Keeping**

- 15.1 Records of offences will be held by the Student Casework Team.
- 15.2 Information in respect of disciplinary offences must be reported as necessary to the relevant School, University Service(s) and/or Professional, Statutory and/or Regulatory Bodies (PSRBs).
- 15.3 The Student Casework Manager will compile an annual report of all non-academic misconduct cases (including harassment and sexual misconduct) for submission to Senate at the end of each calendar year. This will be used to analyse trends and address any systemic issues.