



# Harassment and Sexual Misconduct Policy

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## 1. Policy aims and scope

- 1.1 Everyone has the right to feel safe and welcome at Southampton Solent University. Abuse, bullying, harassment, discrimination or sexual violence are not accepted. If you or someone you know has experienced any incident of harmful behaviour, we encourage you to report it confidentially so that we can offer support.
- 1.2 This policy sets out how the University aims to reduce the risk of harassment and sexual misconduct in the University community by:
  - 1.2.1 Reinforcing the University's expectations around the unacceptability of harassment and sexual misconduct;
  - 1.2.2 Providing students with clarity and confidence around the processes in place to deal with harassment and sexual misconduct;
  - 1.2.3 Setting out relevant reporting mechanisms and how the University will respond to reports of harassment and sexual misconduct;
  - 1.2.4 Setting out the support available to anyone involved in an incident of harassment and sexual misconduct;
  - 1.2.5 Outlining the required training to support students and staff to comply with this policy.
- 1.3 This policy applies to all students on courses provided in any manner or form by, or on behalf of, Southampton Solent University.
- 1.4 This policy covers harassment and sexual misconduct alleged to have been carried out by a student or member of staff of the University, or by a third party. Where a report under this policy relates to the conduct of a third party who is a member of the public, the University may have little scope to take action, but will provide support to any student affected as set out in section 6 below.
- 1.5 Reports of harassment or sexual misconduct made in good faith will be taken seriously and dealt with in accordance with this policy. Students or members of staff about whom reports have been made will be presumed to be innocent until proven to have committed a disciplinary offence on the balance of probabilities.
- 1.6 In developing this policy the University has consulted with representatives of the Students' Union.
- 1.7 This policy should be read in conjunction with the University's [Safeguarding Policy](#), Under 18 Policy, [Student Disciplinary Procedure](#) and [Student Complaints Procedure](#).

## 2. Definitions

The following definitions include instances of harassment, bullying and sexual misconduct regardless of where they have taken place, this can be in person, off campus, or online.

### 2.1 Harassment

#### 2.1.1 Harassment is defined as:

- (i) Unwanted behaviour or conduct related to a protected characteristic that (a) violates someone's dignity; or (b) creates an intimidating, hostile, degrading, humiliating or offensive environment for that person, where in the circumstances it is reasonable for the conduct to have that effect;
- (ii) A course of conduct (i.e. two or more instances of verbal or non-verbal conduct and/or speech) which alarm or cause distress, which the person knows or ought to know amounts to harassment.

- 2.1.2 Under the University's definition, we understand harassment to include domestic violence and abuse (which can also involve control, coercion and threats) and stalking.
- 2.1.3 We would also consider harassment to include any incidents of physical violence towards another person(s) on the basis of a protected characteristic, and hate crimes, such as those criminal offences which are perceived by the victim or any other person to be motivated by hostility or prejudice based on a person's protected characteristic or perceived protected characteristic.
- 2.1.4 In determining whether behaviour amounts to harassment, the University will take into account its duties to secure freedom of speech and academic freedom and will apply a rebuttable presumption that students being exposed to any of the following is unlikely to amount to harassment:
  - (i) The content of higher education course materials, including but not limited to books, videos, sound recordings, and pictures.
  - (ii) 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.

## **2.2 Bullying**

- 2.2.1 Unwanted behaviour from a person or group that is either (i) offensive, intimidating, malicious or insulting; or (ii) an abuse or misuse of power that undermines, humiliates or causes physical or emotional harm to someone. In determining whether behaviours amount to bullying, the University will take into account its duties to secure freedom of speech and academic freedom.

## **2.3 Sexual Misconduct**

- 2.3.1 Any unwanted or attempted unwanted conduct of a sexual nature which includes, but is not limited to:
  - (i) sexual harassment;
  - (ii) sexual assault;
  - (iii) rape;
  - (iv) physical unwanted sexual advances;
  - (v) intimidation, or promising resources or benefits in return for sexual favours;
  - (vi) distributing private and personal explicit images or video footage of an individual without their consent.

# **3. Academic Freedom & Freedom of Speech**

- 3.1 In applying all its policies, the University will 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 and environment.
- 3.2 This policy will be interpreted and applied in a manner compatible with the University's [Code of Practice: Academic Freedom and Freedom of Speech](#). In particular, no member of academic staff will be subject to disciplinary action as a consequence of exercising their right to freedom of speech or academic freedom within the law.

## 4. Responsibilities and conduct

- 4.1 Harassment and sexual misconduct are unacceptable behaviour and will not be tolerated at the University. The University will take disciplinary action in accordance with its relevant procedures which may ultimately lead to expulsion from the University, or dismissal in the case of a member of staff.
- 4.2 The University will also take action where there is an abuse of power i.e. 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, bullying and harassment. Abuse of power may also occur in the context of a close personal or intimate relationship. Therefore, staff must not:
- 4.2.1 Engage in intimate personal relationships including sexual behaviour with someone with whom they are in a position of trust. Whilst a young person can consent to sexual activity once they reach the age of 16, the Sexual Offences Act 2003 makes it a criminal offence for a person to engage in sexual activity of any kind with a person under the age of 18, where the adult is in a position of trust;
  - 4.2.2 Engage in an inappropriate private conversation via social media with a student. All correspondence via online methods such as WhatsApp must be conducted in a professional manner and in line with the University [Staff Behaviour](#) and [ICT Internet Usage Policies](#);
  - 4.2.3 Do something (i.e. a personal task) for a child or adult with care and support needs or student at risk if they have the ability and capacity to do it for themselves. If somebody has a disability any tasks should only be done for them with their consent and their full understanding.
- 4.3 With the exception of excluded relationships, any relevant staff member is prohibited from having an intimate personal relationship with one or more students. A 'relevant staff member' means a member of staff who has direct academic responsibilities, or other direct professional responsibilities, in relation to that student. Further detail can be found in the [Personal Relationships at Work Policy](#).

## 5. Reporting harassment and sexual misconduct

- 5.1 The University takes allegations of harassment and sexual misconduct seriously and will respond to them proportionately under the relevant procedures. We encourage any student, staff member or visitor to disclose any incidents of this nature to us via our [Report + Support form](#). Anyone can do so anonymously, but that may limit the support we can offer or the action we can take. We therefore encourage the reporting party to share their details with us so we can discuss the options for formally reporting (both to the University and to the police if they wish to do so) and ensure that they are offered support if the incident has had an impact on their wellbeing. Anyone can also report incidents to us that they witnessed even if they were not directly impacted by them. Anyone can also report any incidents to us by emailing [safeguarding@solent.ac.uk](mailto:safeguarding@solent.ac.uk) or [contacting the Student Hub](#) by email, phone or visiting in person.
- 5.2 If you have a concern that someone has experienced any type of harmful behaviour you can report this via Report and Support. We will only contact you if we need further information. We will always reach out to the person you are concerned about to provide advice, help and support.

- 5.3 You can report incidents regardless of where and when the harmful behaviour was experienced including historic incidents and harmful behaviour online.
- 5.4 You can report and seek support for harassment or sexual misconduct that occurs within a relationship with a relevant staff member, regardless of whether that relationship is permitted. You will not be penalised by the University for participating in a relationship with a relevant staff member and will be protected from retaliation by the staff member if you report harassment or sexual misconduct.
- 5.5 The online form has been designed to be quick and easy to use. As you complete the report, further questions will appear and many of these will have drop-down fields. If you are happy to share your contact details, we will ask you for your name, contact number and email address. You will be asked where and when the incident happened, the type of incident you are reporting and what you'd like to happen after you have submitted your report. In addition, you can upload supporting evidence with your report. If you are making a report on behalf of someone else, you will be asked for their name and whether they have consented to this report.
- 5.6 You can choose to make an anonymous report. It is not possible to identify any individuals from the data collected in an anonymous report. At the end of the report, you will be signposted to general advice and support that may be of help to you. We will compile anonymous aggregated data reports from the information you provide. The University will use the information you provide to help us understand what kinds of incidents are taking place within our community.
- 5.7 Submitting a report with contact details is your way to access safeguarding support. It is not a tool for triggering an investigation under our disciplinary processes. However, there may be certain circumstances where we will need to disclose information that you have shared with us:
- i. If your life or the lives of others is at risk.
  - ii. If the individual affected is under 18.
  - iii. If we are required to do so by law e.g. if a student shares information relating to criminal activity or planned criminal activity.
- 5.8 The information that is shared is securely stored in the University's student case management system and can only be seen by the Safeguarding Team. We will always keep this information confidential unless there is imminent risk of harm or we have consent to share.

## 6. Support following incidents of harassment and sexual misconduct

- 6.1 **Safeguarding:** Our Safeguarding Team can provide initial advice and support and will review any submitted Report + Support cases within two working days. The team will contact the reporting party (if contact details have been shared) and gather further information and assess the level of risk. Action will be taken, where appropriate, which may include: safety planning; information, advice & guidance; signposting to external services; referral to internal teams for additional support. The Safeguarding Team will provide non-judgmental advice, guidance and support both to the reporting party and the reported party if the latter is a current student.
- 6.2 **Student Hub:** Our Student Advice Team Leaders are trained Sexual Violence Liaison Officers (SVLOs) and can provide advice and guidance following a disclosure (current or historic), including discussing any impact on your studies, and options moving forward,

as well as practical support such as liaising with external support services. We can also provide advice and guidance around University procedures such as extenuating circumstances, attendance requirements and assessment support.

- 6.3 **Mental Health & Wellbeing team:** A free and confidential service available to all students. Our Mental Health Advisers can help liaise with external specialist services to ensure you receive the most appropriate support.
- 6.4 **Students' Union:** The Advice Service offers independent, confidential and free advice and guidance on University processes including appeals and complaints.
- 6.5 **Making a formal report:** Our Safeguarding Team and/or the Student Hub can support you in making a formal report to the University. Should you wish to formally report any incidents of harassment or sexual misconduct where the reported party is a student then you can do so through the [Student Disciplinary Procedure](#). If the reported party is a member of University staff or a third party, you can do this through the [Student Complaints Procedure](#). For advice and support with these procedures, you can visit the Student Hub or the Students' Union.
- 6.6 **Reporting to the police:** Our Safeguarding Team and/or the Student Hub can also support you in making a report to the police. Many incidents of alleged harassment and sexual misconduct will also amount to a criminal offence. A student can choose to report an alleged incident of harassment or sexual misconduct to the police at any time, whether or not they have made a report under this policy. The two processes are separate and could lead to different outcomes: a report to the police may lead to the reported person being convicted of a criminal offence, whereas a report under this policy may lead to expulsion from the University, or dismissal in the case of a member of staff. The University will not put any pressure on the student but will support them in reaching a decision on whether to report to the police.

## 7. Outcomes

- 7.1 The reported party will be informed of the outcome of a disciplinary process in accordance with the relevant University procedure. Anyone else directly affected by a decision made following a report of alleged harassment or sexual misconduct under this policy, including the reporting party and witnesses, will be provided with relevant information about the decision and the reasons for it. This information could include:
- 7.1.1 what steps were taken to investigate the report;
  - 7.1.2 a summary or high-level description of the evidence made available to the decision-maker(s), or a copy of that evidence;
  - 7.1.3 who made the decision(s);
  - 7.1.4 what measures may be put in place to prevent the issue that led to the report from happening again.
- 7.2 The University will never use non-disclosure agreements (NDAs) in relation to any incident of harassment or sexual misconduct.

## 8. Training for students and staff

- 8.1 All students are expected to complete the online Consent module on an annual basis. This is supplemented by in-person Bystander training. Students who have previously experienced harassment or sexual misconduct and who may find the training content triggering can opt out of the training and will be provided with appropriate support.

- 8.2 All staff are expected to complete the online 'Addressing Harassment and Sexual Misconduct Affecting Students in Higher Education' training module as part of the Essentials training.
- 8.3 In addition, all staff who are involved in dealing with cases of alleged harassment and sexual misconduct, from the initial report through to investigation and disciplinary procedures, will receive appropriate specialist training.
- 8.4 The University is committed to evaluating the training provision on an annual basis to ensure it remains relevant, effective and underpinned by credible evidence.