

Sexual Harassment and Misconduct Prevention, Response and Intervention Policy and Frameworks.

UNIVERSITY OF WOLVERHAMPTON

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1. Introduction

The University of Wolverhampton (the University') is committed to providing a positive work and study experience for all our staff, students, apprentice learners and visitors, we will take steps that make a significant and credible difference to achieve this. Everyone should feel safe, with us providing an environment that is free from discrimination and affirms the rights of all our members to be treated with dignity and respect. Collective responsibility and a whole University response within the University community is needed to achieve this.

This Policy and associated frameworks have been approved by the University's Executive Board. It sets out the University's commitment and requirement to prevent sexual harassment, discrimination and victimisation at work and within study. Sexual harassment will not be tolerated and is unlawful. Complaints will be taken seriously and not ignored, regardless of someone's role or status. Aggravating factors, such as abuse of power will be considered in deciding what disciplinary action to take in cases where after investigation, a breach of our policies are found.

The University also recognises that some of our student and staff groups, are at increased risk owing to their third-party contact. Staff who regularly encounter students' visitors; members of the public, suppliers and contractors, may be more vulnerable. Students who engage in placement-based learning may also be at increased risk, in this context.

2. Purpose

This policy takes account of the Worker Protection (Amendment of Equality Act 2010) Act 2023, which has introduced a legal duty on employers to take reasonable steps to prevent sexual harassment of their employees (the 'preventative duty'), in addition to our E6 condition of registration with the Office for Students (OfS).

3. Principles

The objectives of this policy are presented across three distinct frameworks of **prevention**, **response** and **intervention** which set out the University's policy intentions into actionable strategies and plans. It offers a comprehensive source of information, supporting transparency in setting out how disclosures and reports can be made, our response and related support for individuals. We also set out our clear preventative measures.

The implementation of this policy is in accordance with the University's core values which are to be:

- **Accountable;** we take pride in what we do and how we do it, take responsibility for our actions and operate with transparency and integrity
- **Resilient;** we have a positive outlook; we are adaptable and recover from setbacks.
- **Inclusive;** we are welcoming, respectful, collegiate and supportive.
- **Ambitious;** we are imaginative, confident, innovative and deliver excellence.

4. Scope

This policy applies to all staff employed by the University, visiting lecturers/researchers, casual workers, agency workers, holders of honorary status, students, apprentice learners and students who are employed by the University. Governors and anyone else engaged by the University and any of its subsidiary companies who provide a service to either students, prospective students or partners.

This Policy covers all areas of the University business including any overseas sites that are in addition subject to any applicable local laws. The University will work with our UK and transnational education (TNE) partnerships to ensure they are actively working to prevent and address sexual harassment, aligning with new regulations and guidance from the Office for Students, along with a seeking a commitment to the principles of this policy in our partnership agreements.

The university recognises that our partnership agreements whether they are placement based, or franchise, are more likely to thrive if we define our strategic objectives and expectations for our students and apprentice learners. The university will seek assurances around partners approaches to preventing and responding to any number of safeguarding concerns, to include sexual harassment and misconduct. The university will continually conduct effective due diligence on external partners and third parties to mitigate against risks throughout the course of our partnership.

In cases of complaints or reports of sexual harassment or misconduct, the university expects partners to have their own reporting mechanisms for students and apprentice learners to report concerns or incidents, along with effective investigation procedures, this will be reviewed as part of the due diligence process. If any students or apprentice learners studying within a UK or TNE partnership institution are dissatisfied with the response and support, they receive, they can escalate to the university of Wolverhampton safeguarding team via safeguarding@wlv.ac.uk.

This policy applies to all alleged incidents, disclosed or reported, of Sexual Misconduct and/or Harassment. The University Safeguarding Policy will also apply if the reporting person is under 18 or a vulnerable adult (https://www.wlv.ac.uk/about-us/corporate-information/safeguarding/).

The procedures set out do not cover incidents of non-sexual harassment as the university has a separate policy, The Dignity at Work Policy and Procedure in relation to those matters.

If a conflict arises between this policy and framework and its procedures, and any other procedures of the University, then the Lead Sexual Misconduct and Harassment Officer (LSMHO), the University Secretary or a delegated authority, shall determine which procedure will be used.

5. Definitions

Sexual harassment is unlawful under the Equality Act 2010 ('the Act'). It is unlawful to treat someone less favourably because they have either submitted a complaint of sexual harassment or have rejected such behaviour or advances. The Act defines sexual harassment as unwanted conduct of a sexual nature that has the purpose or effect of violating an individual's dignity or creates an intimidating, hostile, degrading, or humiliating or offensive environment.

Sexual misconduct is a broad term encompassing unwanted sexual behaviour that violates personal boundaries, dignity, and consent. It includes a range of actions, from sexual harassment and assault to more subtle forms of unwanted sexual attention. Importantly, it's not limited to physical acts; it can also involve verbal, non -verbal, written conduct, and even online interactions.

5.1 Sexual Misconduct

- Sexual misconduct can involve a range of inappropriate and unwanted behaviours and acts of a sexual nature. It covers:
- All forms of sexual violence including sex without consent and 'Stealthing' (which is a form of rape where people agree to have sex with a condom and then lies about putting on a condom or removes it without the other person's permission.
- Sexual abuse (including online and image based abusive content);
- Non-consensual sexual touching.
- Sexual harassment (as defined in paragraph 5.2 below);
- Stalking.
- Making abusive or degrading remarks of a sexual nature in public or private.
- Unwanted kisses or hugs considered more than appropriate to express affection.
- Masturbation or public exposure.
- Intimidation related to distribution of personal content or footage online.

5.2 Sexual Harassment

Sexual harassment is unwanted behaviour of a sexual nature and is a form of sexual misconduct. The law (Equality Act 2010) protects the following people against sexual harassment at work:

- employees and workers
- contractors and self-employed people hired to personally do the work
- job applicants

To be sexual harassment, the unwanted behaviour must have either:

- violated someone's dignity
- created an intimidating, hostile, degrading, humiliating environment for someone

5.2.1 It can be sexual harassment if the behaviour:

- has one of these effects even if it was not intended
- intended to have one of these effects even if it did not have that effect

5.3 The following definitions also apply to this Policy:

5.3.1 Consent

Consent is defined as the agreement to participate in a sexual act where the individual has both the freedom and capacity to make that decision. It is important to recognise that consent cannot be assumed based on a previous sexual experience or previously given consent, and consent may be withdrawn at any time.

5.3.2 Freedom to consent

For consent to be present, the individual must freely engage in a sexual act. Consent is not present when submission by an unwilling participant results from the exploitation of power, or coercion or force, regardless of whether there is verbal or physical resistance.

5.3.3 Capacity to consent

Free consent cannot be given if the individual does not have the capacity to give consent. Incapacitation may occur when an individual is asleep, unconscious, semi-conscious, or in a state of intermittent consciousness, or any other state of unawareness that a sexual act may be occurring. Incapacitation may also occur on account of a mental or development disability, or as the result of alcohol or drug use.

5.3.4 Coercion or Force

Includes any physical or emotional harm or threat of physical or emotional harm which would reasonably place an individual in fear of immediate or future harm, with the result that the individual is compelled to engage in a sexual act.

5.3.5 Alcohol and/or Drug Use

Incapacitation arising from alcohol or drug consumption should be evaluated based on how the alcohol/drugs have affected the individual; signs of incapacitation may include, but are not limited to, one or more of the following:
· Slurred speech,
· Unsteady gait,
· Bloodshot eyes,
· Dilated pupils,
· Unusual behaviour,
· Blacking out,
· a lack of full control over physical movements,
· a lack of awareness of circumstances or surroundings, and/or
· An inability to communicate effectively.
Intoxication is never a defence for committing an act of Sexual Violence and/or Misconduct, or for failing to obtain consent. If there is any doubt as to the level or extent of one's own or the other individual's incapacitation, the safest approach is to not engage in a sexual act.

5.3.6 Disclosure

Disclosure means that an individual tells a member of the University community (such as student or staff member), that they have experienced Sexual Misconduct and/or Harassment (different from a formal complaint or report). The University encourages staff, students, apprentice learners and visitors to report any incidents of sexual harassment. The University also encourages staff, students, apprentice learners and visitors to report situations where they felt at risk, even if nothing happened.

5.3.7 Report

Is the sharing of information with a staff member of the University regarding an incident of Sexual Misconduct and Harassment experienced by that individual for the purposes of initiating the investigation process by the University (different from Disclosure).

5.3.8 Reporting Party

Is the person(s) who has been the subject of the alleged incident(s) of Sexual Misconduct and Harassment.

5.3.9 Responding Party

Is the person(s) whose behaviour it is alleged, amounted to an incident(s) of Sexual Misconduct and Harassment.

5.3.10 Witness

A witness is someone who has observed or has knowledge of the harassing behaviour or the circumstances surrounding it. This could be someone who directly witnessed the conduct or someone who has information about the situation or the impact it had on the victim.

6. Roles and Responsibilities

The University Secretary and Designated Safeguarding Lead is **the Lead Sexual Misconduct and Harassment Officer (LSMHO)** and is responsible for the application of this Policy and Frameworks. The Director of Student Life and Principal Safeguarding Lead is the **Deputy Lead Sexual Misconduct and Harassment Officer (DLSMHO).**

6.1 Deans and Directors

Each Faculty Dean, Professional Services Director, Heads of Departments/Schools, and all other leaders and managers have a duty to familiarise themselves with this policy and frameworks, to disseminate to their staff and to make every effort to ensure that Sexual Misconduct and/or Harassment does not occur, particularly in the areas of work for which they are responsible.

6.2 Initial Review Meeting

This Policy and its framework for **response** sets out **Initial Review Meetings (IRM)** as a core aspect of what happens when a report is received. This IRM enables the university to ensure that supportive measures are in place for all relevant individuals.

The IRM will be chaired by the **DLSMHO** and supported by the **Head of Operational Safeguarding**. The purpose of an IRM is to assess support needs and to consider how to protect the interests of all parties and members of the University community who may be affected by the case and to agree next steps. The Report will not be investigated at the IRM (further details on the purpose and content of this meeting can be located below).

The membership of the IRM will depend upon the nature of the alleged incident and will be determined by the Deputy Lead Sexual Misconduct and Harassment Officer, under the delegated authority of the Lead Sexual Misconduct and Harassment Officer.

6.2.1 The membership will include, as a minimum:

- Deputy LSMHO (Chair) or a nominee in their absence.
- A Directorate of Student Life nominee
- Director of Human Resources (or their nominee, for staff referrals) and/or
- The Associate Director of Student Complaints and Case work or appointed deputy in cases involving students or apprentice learners or a nominee in their absence.
- A senior representative from the school/s of the student/s named in the report
- A senior representative from the Faculty or Professional Services Directorate of the staff member named in the report.
- At the discretion of the chair, the panel may also include external bodies such as the police or Local Authority Designated Officer.

6.3 Employees, Students and Apprentice Learners

Are responsible for abiding by all expected standards of behaviors and conduct set out within this policy, including training requirements.

6.4 Human Resources

Are responsible for taking the lead on investigations involving members of staff and i.e. visiting lecturers, temporary staff members, third parties, where it has been decided that a case requires formal investigation following the initial review meeting.

6.5 Complaints and Student Casework

If they are a student or apprentice learner, the Complaints and Student Casework Team will take the lead role.

7. 8. 9 Policy and Frameworks for PREVENTION RESPONSE and INTERVENTION

7.1 PREVENTION

This section of the policy sets out a framework for prevention and the reasonable steps the university takes to prevent sexual harassment of staff, students and apprentice learners. This includes our expectations of staff, students and apprentice learners.

The Worker Protection (Amendment of Equality Act 2010) Act introduces a legal duty on employers to take reasonable steps to prevent sexual harassment of their staff. This covers sexual harassment by other people at work or by third parties, for example students and contractors.

Our E6 Conditions of registration focuses on preventing and addressing harassment and sexual misconduct towards students and apprentice learners. This includes preventative measures like the implementation of relevant policies and procedures, training, setting out expectations and monitoring compliance, setting out our stance on personal relationships, ensuring there is clear communication on all requirements, guidance and support available. In addition to ensuring freedom of speech principles are complied with appropriately and the disclosure of information is managed in the correct and appropriate manner.

7.2 Expectations of Staff

All employees are expected to promote a positive and inclusive workplace culture where sexual harassment is not tolerated and where complaints are dealt with promptly, efficiently and sensitively.

Deans or Directors of Central Services should have systems in place to manage risk and as part of this process they should anticipate scenarios specific to their work areas where employees may be subject to sexual harassment, identify any risk factors and put preventative measures in place. If sexual harassment occurs, they must act to stop it happening again.

To support this duty, a set of guidance with a template Risk Assessment can be found in **Appendix 1**

7.2.1 Risk factors include, but are not limited to:

• Meeting students alone (face to face or via online platforms, to include social media)

• An environment where people are drinking alcohol

• Work-related social events

• Social media contact between staff

• Power imbalances between staff

• Travelling for work, including overnight stay

7.2.2 Assess and take steps to reduce risk within varying contexts within the University environment

Undertaking a risk assessment will support compliance with the university preventative duty. When conducting a risk assessment, consider factors that might increase the likelihood of sexual harassment and the steps that can be taken to minimise them.

For example:

- Where are the power imbalances?
- Is there a lack of diversity in your teams?
- Is there job insecurity for a particular group or role?
- Are colleagues working alone or at night?
- Do your staff have student-facing duties?
- Are they engaged with events where drinking alcohol occurs?
- Are staff expected to attend external events, conferences or training?
- Do staff socialise outside of work?
- Do staff engage in crude or disrespectful behaviour at work?
- Note – The university Personal Relationships Policy sets out an expectation that staff members working within the same team or department, who are in an intimate or family relationship, declare this formally to their line manager and HR Business Partner (link to policy).

7.2.3 Examples of preventative measures include, but are not limited to:

Conduct regular 1-2-1s, run staff surveys and exit interviews, and have open door policies. Using such insights to then inform understanding of where gaps are, or any potential issues lie can then inform a decisive action plan. This should be discussed with the University Secretary and Designated Safeguarding Lead who is the Lead Sexual

Misconduct and Harassment Officer (LSMHO) and or the Director of Student Life and Principal Safeguarding Lead who is the Deputy Lead Sexual Misconduct and Harassment Officer (DLSMHO).

It is also important recognise that appraisals can be a valuable tool in safeguarding by providing a structured opportunity to discuss and assess an individual's knowledge, skills, behaviours and practices related to safeguarding matters. They can help identify areas where further training or support is needed and ensure that staff are equipped to recognise, respond to, and report safeguarding concerns effectively. Appraisals, particularly in the context of stress and coping, can be a useful framework for understanding and addressing sexual harassment in the workplace also.

7.2.4 Make sure that all team members are aware of:

- How they can report sexual harassment
- This Sexual Harassment and Misconduct – Prevention, Response and Intervention Framework.
- The consequences of breaching expected standards of conduct
- Their responsibility is to keep up to date with mandatory training

7.3 Training for Staff

To support our preventative duty aims, all university staff members are expected to complete our **Tackling Sexual Harassment** e learning module on a bi-annual basis. This module covers core content to include:

- UK Law on Sexual Harassment
- What sexual harassment in the workplace looks like
- Under reporting
- Workplace Culture
- Bystander Intervention
- Reporting Mechanisms

To support the university meeting the obligations in response to reports or complaints within the scope of this policy and frameworks, anyone allocated as Investigating Officer or Caseworker, as well as all Human Resources and Safeguarding colleagues, will have received enhanced training: **Supporting Safe, Fair and Trauma-Informed Responses to Sexual Misconduct and Harassment.**

7.3.1 Survivors Matter- Staff

The content of the **Tackling Sexual Harassment** e-learning module is designed to be helpful and informative, however we understand that those who have experienced sexual violence may find the content of this course difficult or upsetting, so we offer an opt-out for survivors.

Click here to access the opt-out form

If staff opt out, they will receive one confirmation email from the university with information about support that is available which includes reporting mechanisms within our single comprehensive source of information. The opt-out process is confidentially managed by our Safeguarding Team; however, the principal safeguarding lead will monitor trends and seek to explore any emerging pockets of opting out within teams or departments. Staff will receive reminders to complete the training and will therefore need to opt out on an annual basis.

7.4 Expectations of students and apprentice learners

The university expects students and apprentice learners to show proper concern in their behaviour generally and where this might reflect on the reputation of the University, and on its members.

Students and apprentice learners are expected to treat fellow students, staff and any authorised visitors to the university with courtesy and respect. The university does not tolerate harassment or abusive, offensive or threatening conduct, in person or online through any websites including, social networking sites or other forms of electronic media and communication.

Students are expected to raise concerns or complaints in an appropriate manner using the relevant procedures. Whilst students' behaviour within Halls of Residence will be subject to the specific terms of the accommodation contract, behaviour within Halls of Residence which represents misconduct as defined in our Student Code of Conduct (include link please) will be dealt with under its provisions.

7.4.1 Training for Students and Apprentice Learners

All university of Wolverhampton students and apprentice learners are invited to complete short online courses called **Consent Matters** and **Tackling Harassment.** Time will be dedicated to completing this content within all induction programmes. Further details on how to access the content can be found via this dedicated page.

The courses are aimed to understand our expectations, recognise acceptable boundaries, understand behaviour that may constitute sexual harassment and/or misconduct and learn how to support friends and colleagues. The course will show students and apprentice learners what consent looks and sounds like, how they can clearly communicate what they want, when consent can be given, when it can't, and how and when they might step in when consent is not present.

The university recognises that talking about sex and personal boundaries can be difficult, and through the completion of the programme we hope students and apprentice learners within all levels of their study, and whatever pathway through learning they are on, will learn how to recognise and ask for sexual consent, look out for others at the university, and find support when it's needed.

7.4.2 Survivors Matter- Students and Apprentice Learners

We run Consent Matters and Tackling Harassment for Students and Apprentice Learners because we want the University community to understand the importance of sexual consent. Consent Matters is designed to be helpful and informative, however we understand that those who have experienced sexual violence may find the content of this course difficult or upsetting, so we offer an opt-out for survivors.

Click here to access the opt-out form

If students or apprentice learners opt out, they will receive one confirmation email from the university with information about support that is available. The opt-out process is confidentially managed by our Safeguarding Team and no one else will be informed of the students or apprentice learners opting out.

7.5 Expectations for Third Parties and Visitors:

Adherence to University Policies:

Third parties and visitors are expected to comply with the university's policies and procedures related to sexual harassment and misconduct, just as students and staff are.

Respectful Conduct:

All individuals on campus are expected to treat each other with respect and dignity, and to refrain from any behaviour that could be considered harassing or offensive.

Reporting Obligations:

Third parties and visitors should be aware of the university's reporting mechanisms and are encouraged to report any incidents of harassment or misconduct they witness or experience to safeguarding@wlv.ac.uk

Cooperation with Investigations:

Individuals involved in or witnessing incidents should cooperate with any investigations conducted by the university.

7.6 Proactive Communications

All new and returning students, and apprentice learners, staff and all those in scope of this policy will be alerted to our single comprehensive source of information which identifies all relevant guidance, policies and support in relation to harassment and sexual misconduct.

All students and apprentice learners agree to abide by the University's Student Code of Conduct – which outlines expected behaviours with regards to a range of themes and issues, in addition to abiding to the relevant required behaviours outlined within the scope of this policy and associated frameworks.

Regular Staff and Student news articles encouraging staff, students and apprentice learners to report concerns and issues will be circulated; including information on how to access support regarding any experience of harassment and sexual misconduct and will draw attention to the single comprehensive source of information, which will provide all relevant detailed information and guidance. This information will be circulated throughout the academic year. The same updates will be disseminated to our university partners (to include placement providers) to remind them of the expectations we set out as a university.

Briefings will be hosted to support university leadership to enact their preventative duties in relation to this policy and frameworks. Bespoke team-based sessions will be offered in addition to this step.

In collaboration with the Students Union, all newly appointed Faculty Representatives will receive face to face training and briefings covering the intent and content of this policy and its frameworks.

The university will continue to work in partnership with local Sexual Assault Referral Centres and local charities

hosting awareness-raising events and targeted training for staff and students. This is in addition to the regular referral of individual student, apprentice learners and colleagues to these expert sources of support.

7.7 Monitoring and evaluating our actions

The university recognises that it is important to regularly evaluate the effectiveness of the steps we put in place to prevent sexual harassment in our university context and then implement any changes arising from that.

Examples of how we will assess the effectiveness of the steps we have taken:

- Reviewing informal and formal complaints data to see if there are any trends or issues and appropriate actions
- Surveying university community members anonymously on their experiences of sexual harassment, including whether they have witnessed or been subjected to harassment, whether they have or would in the future report it (and if not, why not) and what further steps they think we could take as a university.
- Comparing reported complaints with survey feedback to ensure we have an ability to review if our data is an accurate reflection of the level of sexual harassment in our context, and take appropriate actions, to include re-circulating our expectations and the support that is available.
- Hold lessons-learned reviews after any complaints of sexual harassment are resolved, and to be coordinated by the chair of that IRM.
- We will also review policies, procedures and training regularly with input from staff networks, trade unions and students to consider whether any changes are needed. This may occur sooner following feedback, legislation/regulation changes and a review of reported cases and outcomes.

7.8 Disclosure and Reporting channels

The university recognises that disclosing sexual harassment, misconduct or violence whether it's to someone you work with, someone who supports your study or another trusted person, is a significant step, and it's important that the university ensures we can approach this important and brave first step with care and understanding.

It is crucial to prioritise the well-being of the person making the disclosure and to handle the situation with sensitivity. To support this, some guidance has been outlined within **Appendix 2** of this document.

A Disclosure or Report can be made in one of the following ways:

- To a member of staff or fellow student or apprentice learner
- Via @ASK
- Via any remit within the Student Life Directorate
- Safeguarding email (safeguarding@wlv.ac.uk)
- If a student or apprentice learner to the Student Complaints and Case Work Team
- If a colleague, directly to their line manager or Human Resources Business Partner.
- Colleagues, Students and Apprentice Learners can also use our anonymous reporting route which can be found here
- The university encourages any governor, visitor, third party i.e. external speakers who may have experienced an issue within the scope of this policy to follow the safeguarding reporting channel to raise their concerns.

8. RESPONSE

8.1 This framework within our policy focuses on actions and guidance after a disclosure or report is received. The university acknowledges that receiving a disclosure of sexual harassment, misconduct and or violence can be

extremely difficult. The reaction of the first responder is crucial in determining whether the reporting party accesses ongoing support and how they experience that support going forward.

To support this, this framework offers some guidance within **Appendix 3** of this policy and framework **"Guidance on Receiving and Handling a Disclosure"**.

A Disclosure may relate to a Responding Party who is or is not a member of the university community. A Disclosure does not automatically result in a Report under this policy and framework. The University respects the right of the Reporting Party to choose how to take forward a Disclosure. Further guidance can be found in the section of this framework **"Requests not to act"** but should also be read in conjunction with **"Respect for Confidentiality and Confident Information Sharing".**

Staff who receive a Disclosure of Sexual Misconduct and/or Harassment should complete the On-line Referral Form as appropriate via our dedicated safeguarding pages (available via the sexual misconduct or harassment tile further down the page). They may, if the Reporting Party requests, omit the name of the Reporting Party and/or Responding Party. It is important to be clear regarding obligations of confidentiality and duty of care you have and that you will need to pass the disclosure on to university safeguarding. Reassure the reporting party that this does not automatically railroad them in to formalising their complaint, that can be explored in more detail with them.

Staff must ensure that all disclosures of incidents are passed to the email (safeguarding@wlv.ac.uk) as a matter of urgency, within the same day of the disclosure, or at least within the following 24 hour period.

If the reporting party makes a disclosure via the safeguarding email or reporting form, they will receive a response within 24-48 hours.

8.2 Staff who do not have IT access

The university acknowledges that some of our colleagues do not routinely use IT facilities as part of their day-to-day activities. This policy sets out an expectation that managers and directors of those areas communicate our reporting procedures and arrange access to the specific training set out within the prevention framework of this policy.

Those colleagues should be provided with a designated contact person so that they can escalate and report concerns to, even if they don't have IT access. Directors and managers should conduct risk assessment reviews, which will involve regularly reviewing and updating the risk assessment, especially when changes occur in work practices or staff numbers. The risk assessment should also set out a control measure to ensure that this policy and frameworks are communicated so that those colleagues are aware. **See Appendix 1**

8.3 After a Report is received

Following a Report the Head of Operational Safeguarding, in consultation with Principal Safeguarding Lead and Deputy Lead Sexual Misconduct and Harassment Officer (DLSMHO), the Director of Human Resources or the Associate Director of Complaints and Student Case work will provide the Reporting Party with their reporting options along with information on resources for specialist support.

The University recognises that the Reporting Party may require time and reflection before deciding if they wish to progress with a formal complaint. The Reporting Party will be given the option and support to do one or more of the following:

- Report to the Police
- Report to the University
- Make no report of the incident and/or

- Receive advice on the support that is available.

At all stages, the reporting party will be reminded that they can bring a trusted contact with them to any face to face or Microsoft Teams meetings.

8.3.1 Anyone who reports they have been targeted by someone engaging or attempting to engage in a sexual act without the Reporting Party's consent or sexually touching the Reporting Party without their consent, will be signposted to the local Sexual Assault Referral Centre (SARC) so that they may access services provided.

This will also allow the Reporting Party to make an anonymous report and have evidence stored while they choose if they want to make a report to the Police. The Reporting Party will also be signposted to information from the Sexual Assault Referral Centre on how to preserve evidence. It is therefore imperative that this signposting is offered as soon after the disclosure or report is received.

Students, apprentice learners and staff can access the local SARC through the Horizon – Sexual Assault Referral Centre

The SARC services include:

- 24/7/365 acute trauma-informed healthcare and support.
- Immediate over-the-phone rape and sexual assault support and signposting to specialist services.
- In-person rape or sexual assault crisis support and healthcare including access to medications, if needed.
- 24/7/365 Comprehensive Forensic Medical Examinations.
- Collection and storage of forensic samples.
- Comprehensive Risk Assessments.
- Referrals to specialist counselling and Independent Sexual Violence Advisors (ISVA) support.
- Follow-up calls after an appointment.

An individual will be offered these services based on their individual needs and they can choose to use as much or as little of their service as they wish.

Visitors need an appointment before attending the SARC in person. Please call them on 0330 223 0099 to make an appointment.
More information about appointments

If a report is in relation to an under 18-year-old, the university would contact West Midlands Regional Children and Young People Sexual Assault Service

To find a Sexual Assault Referral Centre (SARC) near you, you can use the NHS website to search for services based on your location.

Here's how to find a SARC:

- Go to the NHS website: Navigate to the NHS search tool for finding SARCs.
- Enter your location: You can either enter your postcode or allow the website to use your current location to find nearby services.
- Browse the results: The website will display a list of SARCs in your area, along with contact information.

Alternatively, you can use the following resources:

The Survivors Trust:
This website provides information about SARCs and allows you to search for services based on your location.

Rape Crisis England & Wales:
This organisation also provides information on SARCs and how to access them.

If you or someone you are supporting need immediate support:
Contact a SARC directly: You can find their phone number on the NHS website or through the other resources listed above.

Contact the 24/7 helpline: Many SARCs offer a 24/7 helpline for immediate support and guidance.
Consider the NSPCC helpline: If you are worried about a child, the NSPCC helpline can provide support and guidance.

8.4 Timescales

Whilst every effort will be made to comply with timescales, due to the complexity and or specific circumstances of a case, timescales may be extended. In such circumstances the individuals concerned will be advised of the reasons for any delay.

Consideration needs to be given to the nature of the investigation, the collation of evidence, number of witnesses involved, external criminal investigations (if applicable) which may cause unavoidable delays.

8.5 Documentation

It is important that notes are kept at all stages of this policy and frameworks. This includes at the disclosure stage. Notes obtained and recorded at the stages of disclosure need to be passed on to safeguarding@wlv.ac.uk

Where the University embarks upon an investigation it is important to note that, any information or material gathered during that investigation, may be likely to be requested by the Police in any future criminal proceedings.

For those undertaking such an investigation and who are supporting the reporting party, it is therefore important to ensure that the investigation will withstand the scrutiny to which it might be subjected in the Criminal Justice process later.

The Criminal Procedure and Investigations Act 1996 (CPIA) Code of Practice applies.

An important aspect of the CPIA is that it sets standards and procedures for investigators that:

- Regulate the investigation process
- Regulate the recording and retention of material that is found or is generated during an investigation.

"Persons other than police officers who are charged with the duty of conducting an investigation as defined in the Act are to have regard to the relevant provisions of the code and should take these into account in applying their own operating procedures." The CPIA Code of Practice 20 act

Guidance on such investigations can be obtained from the Office of the University Secretary.

A member of the University community may decide to submit a complaint which may result in the invoking of the disciplinary process, which could result in an investigation and discipline panel hearing, and later, potentially after some time, decide to report the sexual misconduct to the police. This would trigger a police investigation, where it is likely that all materials held by the university will be sought. This would include investigation materials and any notes retained from support sessions with specialist teams within the university such as mental health and wellbeing.

8.5.1 If you are unsure how to deal with an Initial Disclosure

The university recognises that our community members who may receive an initial disclosure, may be unsure about how they deal with the information. Staff must ensure that all disclosures of incidents are passed to the email (safeguarding@wlv.ac.uk) as a matter of urgency. Students and apprentice learners who receive a disclosure are encouraged to do the same. This principle applied to third parties, governors and senior leaders who hear, see, witness anything or are subject to any behaviour within the scope of this policy.

8.6 Respect for Confidentiality and Confident Information Sharing

Respect for confidentiality will treat information relating to the health and welfare of a student, apprentice learner or colleague as special category data and must be kept confidential, and only disclosed with consent, unless the vital interests of that individual require protection. This policy and frameworks are underpinned by such respect for confidentiality but also recognises the need to support confident information sharing to support its intentions.

For colleagues who are in a position of advising students, and apprentice learners, or in line management or peer support roles with colleagues, and offering them general pastoral support, should consider at the outset of a discussion whether it would be helpful to make clear whether the content is to be confidential and the extent of the confidentiality which can be afforded to any disclosures. For example – if a crime is disclosed or a safeguarding issue relating to children, then confidentiality cannot and should not be upheld.

8.6.1 When discussing confidentiality with individuals, the following should be made clear:

- Confidentiality will be respected, wherever possible.
- Consent will be sought, wherever possible, to any onwards disclosure of information; and
- There are limited circumstances in which information might be shared with a third party, e.g., taking account of the vital interests of others, or where an individual lacks capacity to consent.
- Only in such circumstances will members of the Support to Study, Mental Health and Wellbeing, Safeguarding, and Disability and Inclusion teams share confidential information with other parties, although they may use their own judgment on what to share with each other.
- If a crime is disclosed, this will be shared with the Police.
- Where concerns are raised by university staff, or students….? they should record consent at the point of the disclosure or at least a record of how such consent was provided and when, so that the University would be able to demonstrate that the individual had specifically agreed to the processing of their sensitive personal data in particular ways.
- Once consent has been obtained and a record made, it is the responsibility of the person passing on special category data to ensure it is done in accordance with the individuals explicit wishes.
- Transfer of such information should also be carried out in an appropriate secure manner to reduce the risk of inadvertent disclosure to unauthorised persons. This includes anyone within the University who does not need this information to offer support to the student.
- Secure transfers can include using password protection or encryption or sharing information via a link from OneDrive or SharePoint. Further information on secure transfers can be sought by contacting dataprotection@wlv.ac.uk

8.7 No Consent

If the individual chooses not to provide explicit consent to share their personal or special category data (data concerning health) or chooses to withdraw consent, this decision should be respected in most instances.

Where individuals have not provided consent to share data, a conversation will need to take place between the individual raising their issues and the individual obtaining this information, to review and understand the

implications of this. For example, this may hinder the support that the University can/may be able to provide through its support services.

However, there are exceptional circumstances when the individual's consent is withheld, or it is impracticable to try to obtain it, when confidentiality may lawfully be broken, and disclosure can be made to Safeguarding or Cause for Concern, processes relating to professional regulated courses and/or to external agencies.

These include:

- When the individual's health has deteriorated to the extent of threatening their personal safety or that of others.
- When the individual is at risk of serious abuse or exploitation.
- When the individual's behaviour is adversely affecting the rights and safety of others.
- Where the member of staff would be liable to civil or criminal procedure if the information were not disclosed (e.g., if a crime had been committed)
- Where the individual is either under 18 years or a vulnerable adult (see University Safeguarding Policy)
- In extreme circumstances, in the individuals 'vital interests' and where the University has justifiable concerns for the safety and/or life of the individual, the University will disclose information as required.
- Please see link to the University Safeguarding Page for guidance and support: Safeguarding - University of Wolverhampton (wlv.ac.uk)
- Please see link to the University Support to Study Policy for further guidance and support

8.8 Initial Review Meeting

Following the receipt of a report an Initial Review Meeting (IRM) will be held.

The membership of the Initial Review Meeting (IRM) can be found under the section "roles and responsibilities". An IRM will be conducted within a maximum period of **3 working days** from the time a report or complaint is received. The initial review meeting will not include representatives for the reporting or responding party, or those parties themselves. The purpose of the meeting is to review all information received to that date and conduct appropriate risk assessments and management plans which include consideration of the reporting parties wishes and feelings about appropriate next steps.

8.8.1 During the IRM, the members will:

Consider the academic, work, welfare and support needs of both Parties and of any other members of the University community directly involved in the Report and identify any actions required to ensure that those needs are met.

Undertake a risk assessment to determine whether any precautionary measures need to be put in place to ensure that a full and proper investigation can be carried out (either by the police or University) and/or implement measures to reasonably ensure the safety and wellbeing of those involved during an investigation carried out by the Police or University.

This meeting will determine what further action will need to be taken following evaluation and review of any disclosures. If it is determined that further investigation is required, it will be established whether it will be carried out within the remit of this policy or whether any other policies and /or procedures such as the disciplinary policy or the Student Code of Conduct and Disciplinary Procedure will need to be invoked.

Risk Assessment Templates can be found in Appendix 4, 5, and 6 of this policy.

8.8.2 Precautionary measures may include:

- Imposing conditions on the Responding Party and/or Reporting Party (for example, requiring either Party not to contact certain witnesses or requiring either Party to move accommodation or prohibiting either Party from going to certain places within the University at certain times of the day)
- Suspending the Responding Party in accordance with the applicable policy and procedure.
- Identify the members of staff within the University with responsibility for supporting the Reporting Party and Responding Party and, where appropriate, inform them of the outcome of the IRM
- Ensure that arrangements are in place to maintain confidentiality as appropriate
- Review the involvement of external agencies (e.g. Sexual Assault Referral Centre and the Police)
- Decide/make recommendations about what the next steps should be and determine how to carry forward the decisions and/or recommendations that are made
- Consider any other actions relevant to the alleged incident.

8.8.3 Actions arising out of the IRM may include (but are not limited to):

- The provision of further or different support to the parties involved. The support measures may relate to academic, work, housing, finance, health and wellbeing matters
- The imposition of precautionary measures on either Party pending the outcome of the criminal and/or disciplinary process
- A recommendation to the Offices of the Vice Chancellor that a suspension be imposed on the Responding Party under the applicable policy and procedure pending the outcome of criminal investigations/proceedings and/or internal investigations/disciplinary proceedings
- A recommendation to the Director of Human Resources or Associate Director of Complaints and Student Case Work that the alleged incident be investigated
- Appropriate communication with the parties involved
- Collection of further information necessary to inform future management of the situation
- A recommendation that an investigation into an alleged incident that has already commenced should be suspended or terminated
- Informing the Responding Party of the Report and the procedure for investigations and providing them with the option to participate in an investigation.
- Informing the reporting party of all actions that will be taken or will not be taken and why (actions that are in scope of the IRM meeting).

The risk assessment and any precautionary measures that are put in place will be reviewed monthly to assess the continued necessity and impact of the measures (these may be reviewed sooner depending on individual circumstances) and will be amended as appropriate. Additional IRM meetings may be convened by the DLSMHO as they believe necessary.

Where the IRM, on the recommendation of the Director of Human Resources or the Associate Director of Complaints and Student Case work, determines that an alleged incident should not be considered under this procedure, the respective departments shall provide the Reporting Party with written reasons for the determination and information about their right to request a review.

8.3.4Request for a review

In the event an IRM, on recommendation of the Director of Human Resources or the Associate Director of Complaints and Student Casework concludes that the Report does not meet the threshold for further investigation by the University, the Reporting Party may request a review of that decision, in writing to the University Secretary within 20 working days of notification of the decision.

A request for a review can be made on the following ground only and should include any supporting evidence: **New evidence that the IRM were not privy to and therefore could not have considered when reaching their determination.**

8.9 Requests not to act

A colleague, students or apprentice learners request not to act can be a complex situation. As a university who employs colleagues, we have a legal duty to take reasonable steps to prevent sexual harassment. As an Office for Students registered provider, we must meet registration requirements that set out a mandate to create a safer learning environment for students. This requires the University to demonstrate our commitment to tackling these issues effectively. In both instances, the university also needs to respect employee, student and apprentice learner confidentiality and autonomy.

Therefore, in cases where a report is received, but a request not to act accompanies or follows this, the University would carefully consider the implications of the request not to act, while still ensuring a safe and respectful work and study environment for all.

The following would be taken into consideration:

Confidentiality:
Employees, students and apprentice learners may request that certain actions not be taken to protect their privacy or avoid further distress.

Impact on Prevention:
However, a request not to act could hinder the University's ability to address the issue and prevent future incidents.

Balancing Act:
We must therefore balance the reporting party's wishes with our duty to protect other colleagues, students and apprentice learners.

If a disclosure is received by a line manager or role that supports students and apprentice learners, prior to it being formalised via Human Resources, Safeguarding or Complaints and Student Case work, the following steps should be followed in instances where the reporting party requests no action.

Acknowledge the Request:
Confirm that you have received and understood the request, and that you take it seriously.

Explain the Situation:
Clearly explain to the colleague or student, the legal obligations of the university and the potential impact of the request on the safety of the workplace and study environment
.
Explore Options:
Discuss alternative actions that might address the situation without compromising confidentiality or causing further harm. This will include that a report in to safeguarding will need to be made, but up on their request, their details can be anonymised.

Seek Advice:
A colleague or student can book a drop-in slot with the Head of Operational Safeguarding and seek to discuss the situation without revealing any identifiable details of the person at the centre of the concern. This is as important for that person's wellbeing who has received the initial disclosure or who has experienced sexual harassment, or assault.

An email can also be sent to safeguarding@wlv.ac.uk to request a meeting with the Principal Safeguarding Lead.

Document Everything:
Keep a detailed record of the request, the discussion, and any actions taken. Email them to the reporting party and ensure a copy is retained, reference that a detailed record has been retained within the referral to safeguarding and that it has been sent on to the reporting party.

8.9.1 Key Considerations:

Severity of the Incident:
The severity of the sexual harassment will influence the appropriate response. More serious incidents may require a more interventionist approach.

Employee's and Student/apprentice learners Wellbeing:
The employee's and students emotional state and psychological safety should be a priority.

Risk to Others:
The University must also consider the potential risk to other employees if the harassment is not addressed.

Workplace and Study Culture:
The University should strive to create a culture where reporting sexual harassment is encouraged and supported.

8.10 Investigations into Complaints or Allegations

Where the IRM, on the recommendation of the Director of Human Resources or the Associate Director of Complaints and Student Casework, agrees that a Report should be further investigated, a formal investigation will be undertaken as quickly as possible. All Parties involved will be expected to maintain appropriate levels of confidentiality. All information gathered/obtained/received by the IRM members will be provided to the appropriate investigating party to assist with the formal investigation.

The investigation will be undertaken in accordance with the applicable policy and procedure.

An Investigator will be appointed, and the Investigator/s will act promptly and tactfully, always observing appropriate levels of confidentiality. The Investigator/s will take appropriate measures to provide a safe, comfortable and supportive environment in which to discuss the Report with the Reporting Party, Responding Party and any witnesses during investigation meetings.

The Investigator/s may consult external parties to seek specialist advice as required while maintaining confidentiality. The purpose of the investigation meeting is to provide each party with a full and fair opportunity to explain or present their version of events. Investigation meetings will be conducted with sensitivity.

Underpinning principles of an investigation can be found in Appendix 7

8.11 Outcomes

The following section details some of the possible outcomes of an investigation. It also covers the intersection of police investigations.

No Action:
If the investigation finds insufficient evidence to support the allegations, no disciplinary/further action may be taken.

Informal resolution:
For incidents which can be discussed and addressed between the parties or by staff and the responding student or staff member, informal measures may be implemented, which may include precautionary measures, warnings, agreements.

Outcomes will be documented and stored appropriately according to Data Protection requirements, by the investigating party. All outcomes will be communicated in writing to relevant individuals involved in this process. All information gathered will be treated privately and confidentiality in accordance with Data Protection principles and University requirements, that fall within the scope of this policy.

Disciplinary Measures:
If the allegations are substantiated, the university may implement disciplinary actions, which could include:

- Verbal or written warnings: Formal warnings about the unacceptable behaviour.
- Training and supervision: Providing training to the responding party and/or increased supervision.
- Transfer or demotion: Moving the responding party to a different role or location if they are a staff member
- Suspension: Temporary removal from the workplace or study setting during the investigation.
- Dismissal: In serious cases, termination of employment or study may be the outcome.

8.12 Police investigations and judicial proceedings

This policy and its frameworks are designed to support the Reporting Party to disclose or report incidents of Sexual Misconduct and/or Harassment to the University, and to support the Reporting Party when they choose and assess the course of action that is most appropriate for them.

Where a criminal investigation or judicial proceedings are ongoing or are likely to commence in respect of a Disclosure or Report, the University can receive a Report of Sexual Misconduct and/or Harassment. In the interest of not causing impediment to the criminal proceedings, the University will not commence an internal investigation or will suspend an ongoing investigation. In all instances the University will undertake necessary precautionary action.

Reports of alleged incidents of Sexual Misconduct and/or Harassment will be considered at an Initial Review Meeting (IRM) including situations where the Reporting Party chooses not to report the matter to the Police. An IRM may also be called after the conclusion of a criminal investigation or judicial proceedings where there are issues outstanding which are pertinent to a member of staff, student, or apprentice learner.

A decision by the Police or Crown Prosecution Service (or other law enforcement agency) to take no further action in relation to a criminal matter or an acquittal at a trial does not preclude the University from acting under any policy/procedure and does not mean the Reporting Party has made a vexatious or malicious report.

In all cases, the University will advise the Reporting Party that it does not have the legal investigatory powers of the Police and cannot decide on criminal guilt. An internal investigation is focused exclusively on whether a breach of the established University policies and procedures has occurred.

The internal process cannot therefore be regarded as a substitute for a Police investigation or criminal prosecution.

Where a member of staff, student or apprentice learner has been convicted of a criminal offence or accepts a Police caution in relation to behaviour that falls within the scope of this framework, the conviction/caution will be taken as conclusive evidence that the behaviour took place, and the IRM panel members will reconvene to consider the appropriate next steps, which may include initiating internal processes and disciplinary action.

8.13 Preventing and Reporting further harassment or victimisation during an investigation

8.13.1 Preventing victimisation

To prevent further harassment or victimisation during a sexual harassment investigation, the university will immediately take steps to protect the reporting party and witnesses, maintain confidentiality, and consider temporary measures like separating employees, students or apprentice learners. Additionally, within initial discussions a clear reporting procedure will be reiterated if any concerns arise during the investigation.

Guiding principles to consider protecting the Reporting Party and Witnesses:

Separate individuals:
If possible, temporarily move the reporting and responding parties to different locations or time tabled teaching to prevent further interaction.

Maintain confidentiality:
Avoid discussing the complaint openly in the workplace or study setting to prevent stigmatisation or victimisation.

Provide support:
Offer emotional support and signpost to support services available and consider if the reporting party wishes to report the matter to the police, supporting them if they choose to do so.

No retaliation:
Ensure that the reporting party and any witnesses are not subjected to any form of retaliation or victimisation for coming forward, which will be supported by clearly communicated boundaries and standards of expected conduct by the responding party, and the potential consequences for breaching those standards.

8.13.2 Reporting concerns related to victimisation

The University recognises that it takes courage to make a complaint, and the University undertakes to treat complaints seriously and sympathetically and to act promptly.

The University undertakes to make every effort to ensure that members of staff, students or apprentice learners who make a complaint of Sexual Misconduct and/or Harassment will not subsequently be subject to victimisation.

Any complaint from a member of staff about such behaviour should be brought directly to the attention of the Human Resources Business Partner with responsibility for the Faculty or Directorate.

Any complaint from a student about such victimisation should be brought directly to the attention of the Associate Director of Complaints and Student Casework.

8.13.3 Concerns related to Ostracism

Ostracism, or social exclusion, can be a significant consequence of sexual harassment allegations within a university setting, impacting both the accuser and the accused. Victims may face ostracism from peers, colleagues, or even the broader university community due to fear, stigma, or negative perceptions surrounding their allegations. Conversely, the accused may experience social isolation and exclusion, particularly if formal or informal sanctions are applied.

Ostracism of the Reporting Party:

Fear of negative perceptions:

The reporting party may fear being judged or stigmatized by their peers or colleagues for reporting sexual harassment, leading them to remain silent or face social isolation.

Perceived lack of support:

Students or colleagues who report sexual harassment may experience a lack of support from their social circles or even from university staff, leading to feelings of isolation and loneliness.

Potential for professional harm:

In professional settings, those who report sexual harassment may fear facing negative consequences in terms of promotion or career advancement.

Ostracism of the Responding Party:

Social isolation:

Individuals accused of sexual harassment may face social isolation from their peers, colleagues, or social groups, even before formal investigations or disciplinary actions.

Impact on professional life:

Accusations of sexual harassment can lead to the responding party being excluded from professional opportunities, conferences, or collaborations, impacting their career.

Formal and informal sanctions:

The university may impose sanctions like suspension, termination, or restrictions on participation in university activities, leading to social exclusion.

Addressing Ostracism:

Confidentiality and support:

The University recognises that it must prioritise confidentiality in handling harassment complaints and enact risk assessments for both parties and provide support services for both reporting and the responding individuals.

Promoting open communication:

The University will encourage open communication and dialogue about sexual harassment and create a culture of support and respect.

Consequences of Ostracism:

Psychological distress:

Ostracism can lead to feelings of isolation, loneliness, anxiety, and depression for both the reporting and responding parties.

Reduced trust and social capital:

Ostracism can erode trust within the university community and reduce social capital, making it harder for individuals to form relationships and collaborate.

Negative impact on mental health:

Ostracism can have a significant negative impact on mental health, leading to emotional distress and potentially affecting academic and work-related performance.

Preventing Ostracism

To prevent further harassment or ostracism during a sexual harassment investigation, the university will immediately take steps to protect the reporting party and witnesses, maintain confidentiality, and consider temporary measures like separating employees, students or apprentice learners. Additionally, within initial discussions a clear reporting procedure will be reiterated if any concerns arise during the investigation.

8.14 Further Safeguarding Considerations

If a colleague, student or apprentice learner is also a regulated person, such as someone who is required to be "fit and of good character" by the Nursing and Midwifery Council, the university may need to report concerns or findings to the regulator. Such a report may impact an employee's, students or apprentice learners' regulatory status and their ability to continue working in a regulated role. In the first instance, a report to the Local Authority Designated Officer will be made, where a position of trust meeting will then be convened.

Therefore, this policy also sets out a reminder to colleagues who are regulated, that if they encounter any allegations outside of their workplace context, that they are duty bound to inform the university as their employer without delay, even if any conclusions of an investigation are not yet known.

The same guiding principles apply to students or apprentice learners who are studying a programme that will lead to regulated status, examples include but are not limited to, teaching, nursing, midwifery, paramedic science, pharmacy.

8.15 After a sexual harassment or misconduct investigation concludes

The focus shifts to supporting those affected and preventing future occurrences. This includes sharing the investigation report with IRM Chair, making decisions based on the findings, and providing support for both the reporting and responding party and any witnesses, while also taking preventative measures like reviewing policies/procedures and training.

Some or all the following steps will be considered and enacted:

Sharing the Investigation Report and Outcomes:

Report Delivery:
The investigator should provide a written report to relevant parties, including the reporting party and potentially the responding party.

Confidentiality:
Data protection compliance will be upheld when sharing the report. Sensitive personal information might need to be redacted or withheld. Please see **Data Protection, Information Sharing**

Decision-Making:
The report will detail how the investigation has informed decisions about next steps to include any disciplinary action, if any, or other appropriate actions.

Supporting the Reporting Party:

Individual Support:
The university will offer practical and emotional support to the reporting party, potentially including counselling services or referrals to external organisations.

Workplace and Study Adjustments:
The university will consider workplace and study adjustments or accommodations to support the reporting party's well-being and ability to work or study.

Follow-up:
Regular check-ins with the reporting party are deemed crucial to ensure they are receiving adequate support and to address any ongoing concerns.

Supporting the Responding party (if applicable):

Fair Treatment:
The responding party, if found to have engaged in misconduct, is entitled to fair treatment and support throughout any disciplinary process.

Opportunity to Respond:
The responding party will be given the opportunity to respond to the findings and disciplinary action.

Training:
Depending on the findings, additional training or awareness-raising sessions may be appropriate.

Individual Support:
The university will offer practical and emotional support to the responding party, potentially including counselling services or referrals to external organisations.

Workplace and Study Adjustments:
The university will consider workplace and study adjustments or accommodations to support the responding party's well-being and ability to work or study (if applicable).

Follow-up:
Regular check-ins with the responding party are deemed crucial to ensure they are receiving adequate support and to address any ongoing concerns.

8.16 non-disclosure agreements

The University would only use confidentiality agreements (also known as confidentiality clauses, non-disclosure agreements, NDAs, or gagging clauses) with colleagues where it is lawful, necessary and appropriate to do so.

The University would not put employees under pressure to sign a confidentiality agreement. The university acknowledges that the employee will need time to read and reflect on any confidentiality agreement. They may also wish to discuss it with a trade union representative, solicitor or other appropriate adviser if they are unsure as to its meaning or effect.

The University would not seek to use any confidentiality agreements with students

9. INTERVENTION

Every step outlined within this policy and its frameworks, includes principles of support and intervention. The university recognises the importance of trusted sources of support and guidance at all stages and through all lenses of experiences.

The university recognises that it can be very distressing for the reporting party, and if you have been accused of sexual violence, sexual harassment and/or sexual misconduct.

As set out within this framework, the university will not make assumptions on the relative merits of a report. No party will be considered 'at fault' until a report has been reviewed and/or investigated. All those involved will be treated fairly and offered advice and support.

This section of the framework makes specific reference to the avenues of support for university community members.

9.1 General Support and Signposting

Help after rape and sexual assault: the nhs.uk website provides helpful information about where to find support if you have experienced sexual assault and/or violence.

Sexual assault referral centres (SARCs): offer medical, practical and emotional support to anyone who has been raped, sexually assaulted or abused. SARCs have specially trained doctors, nurses and support workers.

ACAS: helpline for anyone experiencing workplace-related issues including sexual harassment.

Sexual harassment at work advice – Rights of Women – Rights of Women have free legal advice lines for women who have experienced domestic abuse, sexual violence and sexual harassment at work.

24/7 Rape and Sexual Abuse Support Line (247sexualabusesupport.org.uk): this 24/7 helpline can provide immediate support if you have experienced sexual misconduct.

The HM Government website provides a list of support services for anyone who has experienced sexual violence and abuse. Call 0808 500 2222. They can also arrange access to an independent sexual violence advisor, as well as referrals to mental health support and voluntary sector sexual violence support services. If you're struggling and need someone to talk to, you can also contact: Samaritans, LGBT Foundation

Galop supports LBGT+ people who have experienced abuse and violence.

Rape Crisis England and Wales: this 24/7 helpline can provide immediate support if you have experienced sexual misconduct. Further information is available on their rape crisis advice page 'supporting a survivor'.

Rape Crisis Scotland: this 24/7 helpline that can provide immediate support if you have experienced sexual misconduct.

The Survivors Trust has 120 member organisations based in the UK and Ireland which provide specialist support for women, men and children who have survived rape, sexual violence or childhood sexual abuse. The Survivors Trust also has a free, confidential national helpline 0808 801 0818 or text: 07860 022 956 and a separate survivor resources website at https://tstresources.org/

SurvivorsUK supports male and non-binary survivors of sexual violence, providing counselling, practical help and community on your healing journey.

Victim Support provides independent, free and confidential advice to victims of crime.

Citizens Advice provide information about your legal rights in the workplace if you are experiencing sexual harassment.

Equality and Human Rights Commission: technical guidance on sexual harassment and other forms of harassment at work.

Equality Advisory and Support Service: helpline to advise on issues related to equality and human rights

Information Commissioner's Office: for information and advice on data protection.

Law Works: to find free advice, representation, and online resources.

Protect: free, confidential whistleblowing advice.

Recruitment and Employment Confederation: for information on recruitment practices and standards, including agency workers' rights.

TUC represents affiliated trade unions. The TUC website provides guidance on workplace issues for workers and union representatives and has a trade union finder tool for those considering joining a trade union.

A list of support services on the Government's website: for victims of sexual violence and abuse.
Getting help for domestic violence and abuse – nhs.uk provides practical advice and help to recognise the signs and where to get help.

9.1 Specific Internal Support and Advice for Employees

The University offers various support services for its staff, which can be found via the Employee wellbeing hub
We offer an Employee Assistance Programme (EAP):

- Provides confidential support via a telephone advice line and up to six sessions of counselling per issue per year.
- Accessible to all staff members,
- Offers support for staff and their family members

In partnership with Care First, the university offers a confidential emotional and practical assistance tailored to employees' unique needs. Counsellors are available 24/7 via our telephone helpline and our online support facility is available Monday - Friday 08:00 am - 10:00 pm and weekends 09:00 am - 05:00 pm.

How to access our EAP Service
Phone: 0808 168 2143
Website: link can be found here
Website login details: Username: uowemployee Password: employee

9.3 Specific Internal Support and Advice for Students and Apprentice Learners

Students and apprentice learners can access support for harassment and/or sexual misconduct in a variety of different ways, depending on what they feel most comfortable with:

WLV Student Life Connect

The University has invested in a newly developed student support platform in collaboration with Care First called WLV Student Life Connect. This is a counselling, information and advice service offering support for issues arising at university, home, or work.

This is a **FREE, CONFIDENTIAL, INDEPENDENT**, and **IMPARTIAL** source of support for you, as an undergraduate, post graduate taught, post graduate research student, or an apprentice learner.
Here you can access advice, guidance, and support on a wide range of care issues, health issues, benefits and entitlements, relationships, childcare, anxiety, depression and more. The platform also offers legal advice and information from legal specialists.

Guidance is available on debt management and finances and even support with issues such as unresolved parking tickets. We know that it is often these kinds of issues which pose a risk to a student's ability to study and succeed.

The service can be accessed via our own WLV dedicated phone line and webpage with an online chat function 24/7, 365 days a year.

Telephone: 0333 212 0672
24 hours a day, every day of the year. Free, confidential and independent support, counselling and information services

Online
Online resources and support: www.carefirst-lifestyle.co.uk
Username: uowstudent
Password: student

Students and apprentice learners are welcome to drop in to one of our ASK desks ASK@WLV - University of Wolverhampton where colleagues will be able to provide some initial assistance and then signpost students or apprentices to the appropriate support.

Students and apprentice learners may also choose to speak directly with teams within the Student Life Directorate which include our dedicated team of mental health and wellbeing specialists.

Within study: Support can be provided to ensure the continued academic engagement of any student or apprentice learner involved in an investigation, or similar process, where a student wishes to continue studying. Academic and/or assessment arrangements may be changed as appropriate during such a process in line with our Extenuating Circumstances policy.

9.4 Supporting a peer or colleague tips

Specific guidance is set out earlier within this framework, and in **Appendix 2** focusing on how to respond to a disclosure. The university also recognises that our colleagues, students and apprentice learners may find themselves in a supporting role to a reporting party.

- It is important to recognise that their encounter with you is one part if their processing.
- You can educate yourself on the options for resources and sources of support and discuss them with the person effected.
- Regardless of your best intentions and concerns, you won't be their sole source of support.
- It is important to reflect on your own limitations and know when to ask for help for yourself
- Do take care of yourself and engage in self-care.

10. Legal Considerations

10.1 Freedom of Speech

This policy and its frameworks, and any associated policies should be read in conjunction with the University **Freedom of Speech Code of Practice**. Freedom of speech means that everyone has the right to express lawful views and opinions freely, in speech or in writing, without interference.

A healthy academic environment is one where debate is positively encouraged, where a wide range of ideas can be considered and examined both in the academic curriculum and in the wider life of the University.

Freedom of speech within the law is protected. This means that speech will not be protected if it contravenes some other law. Illegal or unlawful acts will not be tolerated by the university.

Hate speech is communication that attacks or demeans individuals or groups based on characteristics like race, religion, or gender. While free speech is a fundamental right, it is not absolute and can be restricted when it incites violence, discrimination, or poses a threat to others.

The University has a duty to protect its staff, students and apprentice learners from unlawful discrimination, harassment, intimidation or threats of violence on the grounds of race, sex, age, religion or philosophical belief, sexual orientation, disability, gender reassignment, marriage and civil partnership, or pregnancy or maternity.

However, the provisions of the Equality Act 2010 should not be interpreted to undermine freedom of speech and academic freedom. As a result, there are likely to be elements of the academic and work environment of the University which could include exposure to views that some may find offensive.

Therefore, the freedom of speech principles underpinning this framework include a rebuttable presumption that the university assumes that the exposure of colleagues, students and apprentice learners to course materials, and statements made, and views expressed by a person as part of teaching, research or discussions about any subject matter connected with the content of a course, are unlikely to constitute harassment.

Here's a more detailed breakdown:

10.1.1. Free Speech

Definition:
The right to seek, receive, and impart information and through any media

Scope:
Encompasses a wide range of opinions and expressions, including those that are offensive or unpopular.

Limitations:
While generally protected, free speech can be restricted when it involves defamation, incitement to violence, threats, or obscenity.

Example:
Political speech, and artistic expression are often cited as examples of protected free speech.

10.1.2 Hate Speech

Definition:
Communication that attacks or demeans a person or group based on attributes like race, religion, ethnicity, disability or sexual orientation.

Characteristics:
Often involves dehumanisation, demonisation, and the portrayal of the targeted group as "the other" or an enemy.

Impact:
Can incite discrimination, hostility, and violence, and can cause significant psychological harm to individuals and communities.

Examples:
Racist slurs, religious insults, and threats based on sex are examples of hate speech.

10.1.3 Key Differences

Intent:
Free speech focuses on expressing ideas, while hate speech is often intended to cause harm and discrimination.

Impact:
Free speech can be offensive or unpopular, but hate speech is intended to create an environment of fear and hostility.

Legality:
While free speech is generally protected, hate speech can be restricted by law when it crosses the line into incitement to violence or discrimination.

10.2 Data Protection

Under the data protection legislation, personal data is any information relating to an identified or identifiable living individual (Article 4(1), UK GDPR). This Policy anticipates that most information relating to a specific case is likely to be personal data of the responding and/or the reporting party; for example, the outcome of disciplinary proceedings, sanctions imposed, evidence relied on throughout the investigation and in any hearing, the fact that an allegation has been made and the specific details of any allegation.

When deciding whether and how to share personal data in sexual harassment or misconduct cases, the university will consider the wider regulatory framework to which they are subject, considering all the relevant legislation on balance. Examples of key relevant regulations are set out below:

- Human Rights Act 1998 (HRA 1998) and the European Convention on Human Rights (ECHR). In particular, the right to family life (Article 8, ECHR), prohibition of discrimination (Article 14, ECHR), right to education (Article 2 of the First Protocol, ECHR).
- Equality Act 2010 (EA 2010).
- Employment law, including the Employment Rights Act 1996, common law and applicable case law.
- Privacy law, including the common law duty of confidentiality and the tort of the misuse of private information. (e) Defamation law.
- Criminal law. In some harassment cases, the behaviour may constitute a criminal offence, and there may be a police investigation.
- Legal duties in relation to the disclosure of information; for example, in respect of safeguarding and prevent, including as set out in the Safeguarding Vulnerable Groups Act 2006 and the Counterterrorism and Security Act 2015.
- The rule of law and principles of natural justice, in particular the right to a fair hearing and to respond to allegations, and common law duties of care including in relation to safety and welfare of staff and students

The university recognises that a ‘risk-averse approach’ to sharing information, particularly related to the outcomes of an investigation can serve as a hinderance to our ability to deliver effective redress to those making

a complaint in cases of sexual harassment. This could act as a barrier to encouraging students, apprentice learners and staff to report. This also represents a missed opportunity by the university to promote the consequences of unacceptable behaviour more widely and increase the confidence students, apprentice learners and colleagues have in the university's complaints system.

This policy focuses primarily on sharing personal data on outcomes and/or sanctions imposed in harassment complaints, investigations and disciplinary processes. Each case will be considered on a case-by-case basis, but in all cases the university will make distinction between outcomes and sanctions when sharing information with the reporting party.

10.3 Information Sharing

In many cases, it will be appropriate to treat information relating to outcomes and sanctions differently due to the degree of sensitivity of the information to the parties involved.

Outcomes refer to the resolution of the complaint. This could be that the complaint has been upheld, appropriate action has been taken or that a responding party will no longer be on campus. An outcome relates to both the reporting party (as it is the outcome of their complaint) and the responding party (as it is the outcome of any investigation against them). The university will follow best practice which states that information about outcomes should be shared with reporting parties, wherever possible and is lawful to do so, so that they can see that their complaint has been dealt with and investigated.

A **sanction** can be imposed on a responding party because of a disciplinary process, and could include an apology, warning, training, dismissal or expulsion. Sanctions imposed are personal to the responding party, and the potential impact of sharing a sanction is likely to be more significant than the sharing of an outcome, both to the reporting party and the responding party. Greater care will therefore be taken when deciding whether to share information about a sanction, considering the potential impact of the sharing on both the reporting party and the responding party. On a case-by-case basis and where appropriate, subject to the requirements of data protection legislation, the university will consider informing the reporting party of any sanctions imposed.

10.4 Reporting outcomes and thematic trends

This policy outlines and reflects the universities recognition of the importance of best practice and that universities should create and maintain an anonymous record of reports made. This is statistical data collected for reporting purposes such as the development of reports for senior management and governing bodies and recording trends and providing institutions with intelligence to inform their understanding of the type and scale of sexual harassment and misconduct, which will help to facilitate targeted preventive and response measures and inform policies and general practice.

The University recognises that this is separate and distinct from creating a reporting system that allows reporting parties to make reports anonymously and universities to investigate or otherwise address anonymous reports where possible. Our record of reports made for statistical purposes will be kept anonymous, as it is not necessary to identify the individuals to which each report relates to run statistical reports on the data. Truly anonymous data is not personal data and therefore falls outside of the data protection legislation's scope and can be held without triggering the application of the data protection legislation.

In creating our university system for statistical purposes, the university has recognised the need to ensure that the information can be recorded in a truly anonymous form. This means making sure that no individual can be identified (or re-identified) from the information retained, or by combining that information with other information which might be available (including personal knowledge of individuals), and that no references (for example, pseudonyms or reference numbers) can be used to connect data collected back to individuals.

The university will always consider how such a statistical record should be created to ensure anonymity and that the record is an accurate reflection of what has happened, whilst remaining anonymous. For example, the university will wait until the end of a disciplinary process to add an incident to the centralised record, when a decision has been made. Universities may also wish to determine categories of incidents against which reports can be recorded for reporting purposes and to review trends, whilst maintaining anonymity.

Even if the information to be held is anonymous, it is still necessary, as part of our obligations and principles relating to transparency in the data protection legislation, to notify individuals that their personal data will be anonymised and used in this way.

The university central record will be fed in to and held by the University Secretary and maintained by the principle safeguarding lead. The Data Protection Act does not cover aggregate data, but the university recognises and will uphold safeguarding that it must be ensured that small numbers held within aggregate data sets do not inadvertently identify individuals.

11. Exceptions

The University is committed to providing a safe environment for students, apprentice learners, staff and visitors and adopts a zero-tolerance approach to incidents of sexual misconduct and/or harassment. There are no exceptions.

12. Amendments

This Policy was approved by the University's Executive Board on 08 July 2025. The University may change this Policy at any time, and where appropriate. Where a policy is not due for review, but is found to require updating, it will remain published, unless the reasons for review are rendered obsolete.

13. Information and Resources

This policy should be read in conjunction with the following policies and guidance

The Policy and Frameworks apply to all alleged incidents, disclosed or reported, of Sexual Misconduct and/or Harassment. The University Safeguarding Policy will also apply if the reporting person is under 18 or a vulnerable adult.

This Policy and Framework does not cover incidents of non-sexual harassment as the University has a separate policy, dignity at work and study policy, and procedure in relation to those matters.

The university has a Personal Relationships Policy which should be read in conjunction with this policy and frameworks.

This Policy and Frameworks should be read in conjunction with the university EDI policy and associated resources and schemes.

The University is committed to the highest standards of integrity, probity, and accountability. It seeks to conduct its affairs in a responsible manner, considering the proper use of public funds, the requirements of its funding bodies, and the standards required in public life, the 'Seven Principles of Public Life' (Nolan Principles).

The University will act honestly, ethically, transparently, and within the law. The University is committed to providing a safe environment for students, apprentices, staff and visitors, and adopts a zero-tolerance approach to behaviours which relate to suspected wrongdoing or dangers at work, without exception. To support this, please see the Speak up Policy.

All policies can be located via the University Policy Hub:

https://www.wlv.ac.uk/about-us/corporate-information/wlv-policies/

or through the staff intranet site.

Guidance adopted supporting the review of this policy and framework

Sexual harassment and harassment at work: technical guidance | EHRC

Changing the culture: tackling staff-to-student sexual misconduct

staff-to-student-misconduct-strategic-guide-02-03-22.pdf

Condition E6: Harassment and sexual misconduct - Office for Students

Freedom of speech - Office for Students

Office of the Independent Adjudicator for Higher Education - OIAHE

Criminal Procedure and Investigations Act 1996 (section 23(1)) Code of Practice

The use of confidentiality agreements in discrimination cases | EHRC

Microsoft Word - University Risk and Needs Assessment Case Studies Guide.docx

14 Contact

For guidance, support and queries regarding this policy please contact Dr Clare Dickens
Email: clare.dickens@wlv.ac.uk

For general queries, please contact the Corporate Compliance Team via email: compliance@wlv.ac.uk.

VERSION	2.0	**AUTHOR/OWNER**	Policy Author – Director of Student Life Policy Owner- University Secretary
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Appendix 1 Guidance on completing a preventative departmental/team risk assessment

Guidance on completing a preventative departmental/team risk assessment
Preventing sexual harassment

Introduction

This guidance is designed to help Deans. Directors and Heads of Department complete a preventative work-related sexual harassment risk assessment. The assessment can cover both large or small groups of staff for example a small team or a whole department.

The risk assessment should be undertaken within the context and definitions set out in the University's Sexual Harassment and Misconduct – Prevention, Response and Intervention Framework.

Overview
There are four main stages to completing a sexual harassment risk assessment:
Completing the risk assessment and action plan

Step one: Consider the risks of sexual harassment happening Anticipate risk factors specific to your team/department when staff may be subject to sexual harassment in the course of their employment. You should also include situations where you are aware that sexual harassment has taken place. Complete the template risk assessment, adding local controls. Review the risk assessment and action plan regularly. Consider the risks for sexual harassment happening across area/team

Complete the action plan Risk factors include, but are not limited to:
• Lone/out of hours working
• An environment where people are drinking alcohol
• Work-related social events
• Social media contact between staff
• Power imbalances between staff
• Travelling for work, including overnight stays
• Cultural norms in the workplace

This step should also include risks of students, contractors and other third parties sexually harassing staff.

Step two: Complete the risk assessment adding in local control measures specific to your team
Use the partially completed risk assessment template, which includes organisational level control measures, and add your own more specific local control measures. Local control measures to help manage risk could include:

▪ Making it clear to all members of your team/department (including students as appropriate) that you will not tolerate sexual harassment
▪ Encouraging staff to report any incidents of sexual harassment
▪ Encouraging staff to report situations where they felt at risk, even if nothing happened
▪ Setting standards of behaviour for work social events

Remember to involve the wider team in this risk assessment process.

Step three: Complete the action plan

Once your risk assessment is complete, think about what 'reasonable steps' to prevent sexual harassment are required. Do you need to introduce extra control measures? Add these to your action plan. Prioritise the areas you feel have a higher level of risk; focusing on these will have the greatest impact.

What is reasonable is dependent on the facts and circumstances of each situation. Some examples of potentially relevant factors in determining what is reasonable are:

- The size and resources of the employer
- The nature of the working environment
- The sector the employer operates in
- The risks present in that workplace
- The nature of any contact with third parties, for example, type of third party, frequency, environment
- The likely effect of taking a particular step and whether an alternative step could be more effective
- The time, cost and potential disruption of taking a particular step, weighed against the benefit it could achieve
- Whether concerns have been raised with an employer that sexual harassment has taken place (it would likely be reasonable for the employer to take steps to investigate and ensure it does not happen again)
- Compliance with any relevant regulatory standards (for example, standards set by the Financial Conduct Authority or Nursing and Midwifery Council)
- Whether steps taken appear to have been effective or ineffective, for example, if a further incident of sexual harassment occurs after steps have taken, this may indicate that additional and / or alternative action should be considered.

Both the risk assessment and action plan should be discussed with the team being assessed, as they may be able to offer valuable insights and suggestions for additional controls or the actions required.

Step four: Review the risk assessment and action plan

We recommend that you review your risk assessment every 12 months. However, some circumstances will require a review sooner. These could include:

- Increasing numbers of staff experiencing sexual harassment
- Increasing staff absence
- Staff survey/exit interviews results indicating concern or an area requiring investigation Summary

Remember to:

- Involve the team in developing the preventative risk assessment and action plan. Staff involved in the work are well placed to understand the risk areas and identify the most appropriate measures to control these.
- Communicate the risk assessment and action plan once complete.
- Use the action plan, responsible, and date columns in the risk assessment template to record additional measures needed, assign responsibility and track progress.
- Review the local preventative risk assessment and action plan in 12 months (or sooner).
- Contact your HR Business Partner Team or Safeguarding if you need further advice.

Preventative department/team work-related sexual harassment risk assessment and action plan

Area covered:
Date completed:
Completed by:

Supportive Scoping and Checklist to conduct with Teams:

1) Working environment

Questions to consider	Yes	No	High, Medium, Low Risk	Possible Preventative Action
Do staff report a culture of banter or casual sexism which is hard to challenge?				
Are members of staff required to work at night?				
Do members of staff work alone or in isolated workplaces?				
Specifically, do members of staff work alone at night?				
Do staff interact with third parties (e.g. contractors or members of the public) at work?				
Are staff expected to work with third parties alone?				
Do members of staff have to leave their main place of work				

often for work-related activities?				
Are there certain members of staff who are often placed on night shifts or lone shifts or shifts with only one other member of staff?				
Do staff members work in high-pressured, competitive or stressful environments?				
Is alcohol consumed or served whilst staff are working?				
Are members of staff expected to socialise with third parties e.g., at events or conferences with contractors or clients?				

2) People

Thinking about who experiences the above, are they…	Yes	No	Notes – are some groups being placed in certain environments, are there any patterns between characteristics and working environment?
Women			
Young staff members and interns, student roles?			
Disabled staff			
LGBTQ+ staff			
Global Majority staff?			
migrant workers including those who may not be confident to make a complaint in English?			
agency staff including freelancers and those on zero-hours or temporary/short-term contracts?			

3) Outside the working environment

Questions to consider	Yes	No	High, Medium, Low Risk	Possible Preventative Action
Do staff often				

socialise?				
Is alcohol present when staff socialise?				

4) Management Structure and Reporting Process

Questions to consider	Yes	No	High, Medium, Low Risk	Possible Preventative Action
Are there strong hierarchies in the team/ department with some people who have a lot more power than others?				
Do staff members have limited networks or not many ways of interacting with more than one line manager?				
Does the workforce within the team or department have a lack of diversity? Or is it segregated amongst vertical and horizontal occupations and levels?				
Does the leadership and management of your department have a lack of				

diversity? Think of key characteristics such as class, ethnicity, disability and gender.				
How are decisions regarding ways of working, working patterns, shifts, work loading etc. decided across your team or department? Is there a consistent and/or formal approach across different teams or is the approach more informal? Who has responsibility for deciding hours, working patterns or rotas?				
Is there clear signposting to staff on who they can talk to, besides their line manager, if they are having issues at work?				
Do staff members know who the trained people are that they can report an incident of sexual harassment to?				
Do staff members				

know the informal reporting process for sexual harassment?				
Do staff members know the formal reporting process for sexual harassment?				
Do freelancers, agency workers and self-employed contractors have access to safe reporting mechanisms and know who they can report directly to?				
Do staff members know what sexual harassment is?				
With the support of HR and Safeguarding- Do informal and anonymous reports of sexual harassment outnumber formal reports made to the management team? Low rates of formal reporting can be a sign of distrust in management and in the reporting measures; this is why it is				

recommended to conduct regular climate surveys.				
With the support of HR and Safeguarding- Within the organisation, how many reports of sexual harassment are the management team aware of in the last three years?				
Are there any trends or hotspots in the management team's records of sexual harassment reports over the last three years?				

5) Our Team or Departments Top Five Actions for AY XX XX

Action 1	
Action 2	
Action 3	
Action 4	
Action 5	

Risk Factors	Institutional control measures in place	Local control measures in place	Action plan to include owners	Response	Target Date	Status
Lone working Staff may face increased risks of sexual harassment due to limited supervision or support.	Specific guidance on risk assessment for lone working is in place and the requirement to conduct a specific risk assessment is set out by the university Risk Assessment Policy Specific guidance on research necessitating off site or lone working is offered					
Power imbalance Staff who are in subordinate positions, including early career researchers and apprentices, may be at higher risk of experiencing sexual harassment. This is because the power imbalances that exist in such in such relationships can create	The university has adopted a robust Sexual Harassment and Misconduct Prevention, Response and Intervention Policy and Frameworks that includes clear examples of sexual harassment and a comprehensive reporting procedure. The policy contains multiple reporting channels to ensure that staff can safely report incidents of sexual					

opportunities for exploitation. It may also be more difficult for individuals in these subordinate positions to speak up due to fear of negative consequences or retaliation.	harassment, even if the harasser is in a position of power. The inclusion of multiple reporting channels ensures impartiality and protection against negative consequences or retaliation to include how to report and prevent victimisation. The policy is accessible to all staff. All university staff members are expected to complete our Tackling Sexual Harassment e learning module on a bi-annual basis. This module covers core content to include: •UK Law on Sexual Harassment •What sexual harassment in the workplace looks like •Under reporting •Workplace Culture •Bystander Intervention •Reporting Mechanisms					
Presence of alcohol Staff attending work related social events/conferences where alcohol is consumed may be more vulnerable to sexual	The university has adopted a robust Sexual and Misconduct Harassment Prevention, Response and Intervention Policy and Frameworks that includes clear examples of sexual					

harassment. Alcohol consumption can impair judgement and lower inhibitions, potentially leading individuals to behave in ways that they would not in a sober state.	harassment and a comprehensive reporting procedure. University Conduct Procedure includes sexual harassment as behaviour that may constitute misconduct.					
Third party contact Staff working who regularly come into contact with students, visitors, members of the public, suppliers and contractors, may be more vulnerable to sexual harassment due to a higher frequency of interactions.	The university Sexual Harassment Prevention, Response and Intervention Policy and Frameworks explicitly addresses third party sexual harassment. Guidance and risk assessments on activity such as field trips or outreach require consideration of sexual harassment of staff.					
Cultural norms in the workplace A workplace culture that tolerates certain attitudes, inappropriate behaviours and stereotypical views where employees are not treated with dignity and respect may make staff more vulnerable to sexual harassment.	The university has a staff charter that promotes a positive and respectful work environment aligned to our university values strengthening our role as a place of opportunity and transformation. The charter sets out four key principles: **Accountable** - We take pride in what we do and how we do it,					

	take responsibility for our actions and operate with transparency and integrity. **Resilient** - We have a positive outlook; we are adaptable and recover from setbacks. **Inclusive** - We are welcoming, respectful, collegiate and supportive. **Ambitious** - We are imaginative, confident, innovative and deliver excellence. This Charter (ARIA) has been developed in collaboration with colleagues from across the organisation and is designed to be memorable, simple, and demonstrable. Our Staff Charter provides: • a unified cultural framework which sets the expectations and guiding principles for all employee behaviour • a framework that is owned and role modelled by all employees • defines how individuals and team members					

	work and interact together • defines the behaviours that underpin the values contributing to a positive, productive work environment • promotes cooperation, respect, and open communication. The university has adopted a robust Sexual Misconduct and Harassment Prevention, Response and Intervention Policy and Frameworks that includes clear examples of sexual harassment and a comprehensive reporting procedure.					
Social media contact between staff Staff may engage in unwanted and inappropriate contact with colleagues via online interactive communication platforms such as Facebook, X, and LinkedIn.	The university has a suite of policies which make reference to acceptable IT use and includes in places social media use and communications. The university has adopted a robust Sexual Harassment Prevention, Response and Intervention Policy and Framework that includes clear examples of sexual harassment					

	and a comprehensive reporting procedure. University Conduct Procedure includes sexual harassment as behaviour that may constitute misconduct to include taking place via online interactions to include via social media.					
Lack of diversity A lack of diversity in senior leadership and managerial roles can result in a significant power imbalance, which may lead to women and groups from other underrepresented backgrounds throughout the organisation feeling marginalised, more vulnerable to sexual harassment and less empowered to speak up due to fear of retaliation.	The University has a robust policy framework covering acceptable behaviours, sexual harassment and sexual misconduct. This includes clear examples of sexual harassment and a comprehensive reporting procedure. There are multiple reporting channels to ensure that staff can safely report incidents of sexual harassment, even if the harasser is in a position of power. The inclusion of multiple reporting channels ensures impartiality and protection against negative consequences or retaliation. The University has an EDI Policy statement and a range of supporting policies					

Failure to respond appropriately to reports of sexual harassment	Guidance on responding to disclosures and reports is included in Our Sexual Harassment Prevention, Response and Intervention Policy. HRBP, Safeguarding, Student Complaints and casework, Student Life teams have all received enhanced training and are equipped to advise managers on how to respond to complaints					
Team members who do not routinely have access to IT or need to use IT as a part of their role	The university has adopted a robust Sexual Harassment Prevention, Response and Intervention Policy and Framework that includes specific consideration for those colleagues and teams who do not have access to IT or need to use IT as part of their role.					

Appendix 2 –**Some guiding principles to consider when making a disclosure:**

Choose a safe and supportive environment:
Find a private and comfortable space where you feel safe and can speak freely.

Inform the person you trust:
If you're comfortable, confide in someone you trust, such as a friend, family member, or colleague.

Understand your rights and options:
Familiarise yourself with your employer's or study providers policies on sexual harassment and reporting procedures.

Document everything:
Keep detailed records of what happened, including dates, times, locations, and the nature of the harassment or misconduct.

Consider your next steps:
Decide whether you want to report the harassment to us as your university, you could seek legal advice or pursue other options.

Seek support:
Consider reaching out to support services like helplines, counselling, or advocacy groups. A comprehensive list of such support services can be found in the intervention section of this policy and framework.

Important considerations:

Confidentiality:
While confidentiality is important, there may be limits to it, especially if there are concerns for the safety of yourself or others.

Safety:
If you feel unsafe, prioritise your safety and consider reporting the harassment to the appropriate authorities.

Timeframe:

If you wish to preserve evidence, be aware of any relevant time limits for reporting or pursuing legal action. Know that you can access a Sexual Assault Referral Centre (further information on this can be located below) where such evidence can be collected and retained on your behalf, even if at this stage you do not wish to formalise a complaint via the police.

Support:

Remember that you are not alone and there are people who can help you through this process

Appendix 3 – Guidance on Receiving and Handling a Disclosure

The university is committed to providing a positive work and study experience for all our staff, students, apprentice learners and visitors, and will take steps that make a significant and credible difference. Everyone should feel safe, with us providing an environment that is free from discrimination and affirms the rights of all its members to be treated with dignity and respect. Collective responsibility and a whole university response within the university community is needed to achieve this.

A test of our workplace and place of study culture will include a reporting parties' ability to make a disclosure to someone they trust within our university context. It is a crucial first step to receive the support they need and deserve. The university recognises that this can be a difficult situation to be in, often underpinned by fear that we will say or do the wrong thing which will make matters worse. To increase confidence, this short set of guidance has been developed.

All university staff members are also expected to complete our Tackling Sexual Harassment e learning module on a bi-annual basis. This module covers core content to include:

- UK Law on Sexual Harassment
- What sexual harassment in the workplace looks like
- Under reporting
- Workplace Culture
- Bystander Intervention
- Reporting Mechanisms

What is a disclosure?

A disclosure involves a person sharing an incident or experience of harassment or sexual misconduct. This may be a recent incident, or it may have occurred in the past. It may involve another university community member, or it may not. Every experience and disclosure will be different, and there isn't one specific way to respond, but there are some guiding principles which can help you to frame your response and ensure you have covered all bases.

It is important to reflect that you may not recognise a disclosure at first, and the affected person may not use terms such as 'bullying', 'harassment', 'assault' or 'misconduct' to describe their experience. However, it is important to listen and allow them to describe their experience in their own words.
Receiving a disclosure Sharing an experience of bullying, harassment or sexual misconduct is an act of trust. Therefore, it is important to reflect that you have clearly created the right environment for them to feel they can be open with you, and it is important that you remember that the affected person is not to blame.

Consider the following when receiving a disclosure:

- Think about the space and environment you are in and if it is private and confidential, away from distractions. Ask the person if they feel comfortable where they are, and act on any suggestions for a change of location.
- Encourage them to talk without putting words in their mouth and resist filling in any gaps in their speech. Be prepared for pauses or long silences
- Reassure them it is not their fault, and they are not alone
- Focus on listening rather than asking questions. If you do ask questions, make sure they are open questions and avoid asking 'why'
- It is important to believe the person. You are not there to cast judgement or to start making any assessment on the validity of their claims.
- State your boundaries and clarify what kind of support (if any) you can provide going forward. It is useful to frame your response as "my role is X, and I do not want to be in a position where I let you down, and you do not receive the support you need and deserve"
- Remind them that they have options about what to do next
- Provide available support and reporting options, as this can help with their next steps
- Be clear regarding obligations of confidentiality and duty of care you have and that you will need to pass their disclosure on to university safeguarding. Reassure them that this does not automatically railroad them in to formalising their complaint, that can be explored in more detail with them.

- The person who is disclosing may set out their intentions for formalising their complaint at the get go, or throughout the conversation. Respect the affected person's decision as to next steps and do not interpret this as a possible indication that what they are saying is not true.

Listening and Responding

Give the person your full attention. Respond calmly and patiently. Using open-ended questions and requests, when possible, give the person giving the disclosure the opportunity to share more information about what they can recall. This method helps their brain retrieve information from a traumatic event(s) and offers them more control as they recount a time when they were possibly violated and had no control.
Don't question the person's account and avoid asking direct questions about their experience, such as 'What happened next?' or questions that imply judgement such as 'Why did you walk home that late at night on your own?'

Appropriate questions include:

- How are you feeling?
- Do you feel any better now you have told someone?
- Would you like to talk to me or someone else about this?
- Do you need medical attention?
- Can I ask when this happened?
- Do you know the options available to you?
- Would you like to discuss these options with me or with someone else like a Student Life Colleague in Student Services?

Outline the next steps to include reporting options

A Report can be made in one of the following ways:

- Via any remit within the Student Life Directorate
- Safeguarding email (safeguarding@wlv.ac.uk)
- If a student or apprentice learner to the Complaints and Student Case Work Team
- If a colleague, directly to their line manager or Human Resources Business Partner.
- Colleagues, Students and Apprentice Learners can also use our anonymous reporting route which can be found here

Some dos and don'ts if you receive a disclosure

Do:

- Make factual notes about what the person affected told you. It is best to stick to guiding principles of **who, where, what and when.**
- Record the options you discussed with the person
- Record the actions the person decides to take
- Record how the person said they were feeling and how it's affecting them
- Store the notes in a secure way.

Don't:

- Write notes while the person is disclosing, if you feel you must, communicate this and what your intent is, which will be to ensure they do not miss any important details. A tip may include sitting with the person side by side so that they can see what you are writing and can be part of the process of documenting what they are saying.
- Add your own thoughts of feelings about the person or the incident
- Share your notes with other colleagues who don't need to be involved

Practice compassionate boundaries, reflect on the boundary of your role and practice self-care

The most important thing you can do is listen to the person and take their disclosure seriously.
Compassionate boundaries involve setting limits in a way that is both kind and firm, acknowledging your own needs while also respecting the needs of others. It's about communicating your needs and expectations clearly and respectfully, allowing for open dialogue, and finding compromises where possible. This approach fosters healthier, more sustainable relationships by promoting self-care and clear communication.

If you are concerned for someone's safety then you may help them to act, without forcing them to do so.
Sometimes it may be enough to acknowledge that they have shared the experience with you. If you need additional support, contact safeguarding@wlv.ac.uk

This guidance strongly advocates a de-brief session for the person who has received a disclosure It can be difficult to hear experiences of harassment or sexual misconduct, and it is important to acknowledge your feelings, practice self-care and seek support. You may have feelings about the incident, or opinions about what the person should do – these are important to acknowledge for your own self-care but not to share with the person who is telling you about what happened. Remember, you can still seek support following a disclosure without breaching obligations of confidence.

Appendix 4 Risk Assessment Reporting Party

It is important to identify the possible risks and needs from the information gathered or presented so far, and consider how that information may have been collected, and how more information may be collected, if needed, in the future.

Common risks and needs:
• Mental health
• Sexual health
• Emotional well-being
• Accommodation

Other risks and needs include:
• Campus security
• Evidential risks
• Academic or work-related impacts

The Initial Review Meeting Panel will meet to review any risk assessment conducted and complete the wider organisational risk assessment.
Other risks the Panel may identify would include:
• Third party safety
• Communications
• Reputation

Reporting Party Risk Assessment and Mitigation Plan

RISK ASSESSMENT AUTHOR:		**DATE OF COMPLETION:**	

Type of Risk or Need	**Summary of Risk or Need**	**Action taken or to be taken including action owner**	**Further Mitigations considered and severity of risk identified**	**Review Date**
Category of risk/ need: Personal and Individual Risks and Needs				
Personal and Individual Requirements as set out within their report or disclosure				
Harm from others				
Health and Medical				
Mental Health & Psychological Wellbeing				
Coping Mechanisms, Social & Cultural Support				
Alcohol and Drug Use				
Known Self-Harm or Previous Suicide Attempts				
Reporting Emotional Intensity or a feeling their life is not worth living				
Safeguarding				
Immigration or Residence				
Category of risk/ need: University/ Academic Life /Working Life - Risks and Needs				
Employment and Study				
Accommodation and Housing				
Finance				
Out of Term Time – Or on Annual Leave				
Category of risk/ need: Disciplinary/ Criminal Justice Risks and Needs				
Risk(s) to university				

Community				
Risk to the person who received the disclosure				
Risk to the colleague allocation to support the reporting party				
University Disciplinary Processes				
Criminal Justice System Processes				
Professional Judgement – any identified conflicts of interest				

Further Notes and Outcomes

Appendix 5 Risk Assessment Responding Parting

It is important to identify the possible risks and needs from the information gathered or presented so far, and consider how that information may have been collected, and how more information may be collected, if needed, in the future.

Common risks and needs:
• Mental health
• Sexual health
• Emotional well-being
• Accommodation

Other risks and needs include:
• Campus security
• Evidential risks
• Academic or work-related impacts

The Initial Review Meeting Panel will meet to review any risk assessment conducted and complete the wider organisational risk assessment.
Other risks the Panel may identify would include:
• Third party safety
• Communications
• Reputation

Responding Party Risk Assessment and Mitigation Plan

RISK ASSESSMENT AUTHOR:		DATE OF COMPLETION:	

Type of Risk or Need	Summary of Risk or Need	Action taken or to be taken including action owner	Further Mitigations considered and severity of risk identified	Review Date
Category of risk/ need: Personal and Individual Risks and Needs				
Personal and Individual Requirements as set out within the report or disclosure from the reporting party as well as any other known needs				
Harm from others				
Health and Medical				
Mental Health & Psychological Wellbeing				
Coping Mechanisms, Social & Cultural Support				
Alcohol and Drug Use				
Known Self-Harm or Previous Suicide Attempts				
Reporting Emotional Intensity or a feeling their life is not worth living				
Safeguarding				
Immigration or Residence				
Category of risk/ need: University/ Academic Life /Working Life - Risks and Needs				
Employment and Study				
Accommodation and Housing				
Finance				
Out of Term Time – Or on Annual Leave				
Category of risk/ need: Disciplinary/ Criminal Justice Risks and Needs				
Risk(s) to university Community				
Risk to the colleague allocation to support the responding party				

University Disciplinary Processes				
Criminal Justice System Processes				
Professional Judgement – any identified conflicts of interest				

Further Notes and Outcomes

Appendix 6 Initial Review Panel Meeting Risk Assessment

The Chair reminds all present to sustain confidentiality, all aspects to the Equality Act 2010 will be adhered to and should minutes need to be shared with someone outside of the meeting, that permission needs to be sought from the Chair prior to this taking place. The intention of an Initial Review Meeting (IRM) is to:

• Share relevant and accurate information about the report, the reporting and responding party

Process

• Agree actions to be taken, by whom and by when to include an outcome of the IRM.

• Agree suitable risk assessments where appropriate for all concerned who are involved with the allegation.

Those present are reminded that this meeting is strictly confidential. Discussions should not be shared outside of the meeting. All attendees should develop procedures to ensure that the minutes are retained in a confidential and appropriately restricted manner. The minutes will aim to reflect that all individuals who are discussed at the meetings should be treated fairly, with respect and without improper discrimination. All decisions undertaken at the meetings will be informed by a commitment to equal opportunities and adhering to all areas of the Equality Act (2010) in relation to race, ethnicity, gender, gender identity, sexuality, sexual orientation, age, faith, and ability/disability and all the protected characteristics from this legislation.

Minutes of this meeting could be shared as part of criminal, civil or disciplinary proceedings, or as part of investigations concerning whether an individual should be barred from working with children and/or adults with care and support needs. If further disclosure is felt essential, permission must be sought from the Chair. The minutes should not be photocopied or shared without the agreement of the Chair.

RISK ASSESSMENT – Initial Review Meeting Panel

RISK ASSESSMENT AUTHOR:		**DATE OF COMPLETION:**	
Review of Risk Assessments for Reporting & Responding Parties:			

Type of Risk or Need	**Summary of Risk or Need**	**Action taken or to be taken including action owner**	**Further Mitigations considered and severity of risk identified**	**Review Date**
Category of risk/ need: Organisational Risks and Needs				
Third Party				
Similar Incidents				
Academic or Work Adjustments				
Planned Communications				
Social (and other Media) Issues				
Reputational Issues				
Category of risk/ need: Disciplinary/ Criminal Justice Risks and Needs				
Disciplinary Investigation Issues				
Disciplinary Panel Issues				
Precautionary Action/ Necessary Precautionary Measures				
Legal Risks				
Evidential Risks				
Risks Associated with University Systems/ Processes				
Timeline Record Keeping and Information Sharing				
Fitness to Practice Issues – Placement or Regulated Activity				

Criminal Justice System Processes				
Professional Judgement				

Further Notes and Outcomes

Appendix 7 Underpinning principles of investigations

Investigations into sexual harassment allegations will be prompt, thorough, and impartial, with a focus on gathering evidence, interviewing relevant parties, and documenting the process. The university's goal is to determine the facts, assess credibility, and ensure a fair outcome while protecting all involved parties.

Key aspects of how a sexual harassment or misconduct investigation will be enacted:

Promptness:
Investigations will be initiated as soon as possible after a complaint is made and the IRM offers indication an investigation should proceed.

Impartiality:
The investigator(s) will be unbiased and independent, ensuring a fair process for all involved.

Confidentiality:
Maintaining confidentiality throughout the investigation is deemed crucial to protect the privacy of all parties and prevent further harm.

Evidence Gathering:
Collecting relevant documents, emails, and witness testimonies will be a core part of the investigatory procedure.

Interviews:
Separate interviews will be conducted with the reporting party, the responding party, and any witnesses.

Documentation:
Detailed records of all steps taken, including dates, times, participants, and questions asked, will be maintained.

Fairness and Objectivity:
The investigation will be conducted fairly and objectively, based on the evidence, not on assumptions or biases.

Outcome:
The investigation will conclude with a clear summary of findings, and any necessary disciplinary action will be taken in line with university policy and relevant legal requirements.

Important considerations:

Employer's duty:
Employers have a legal duty to protect employees from harassment and to take complaints seriously.

Vicarious liability:
Employers can be held liable for the actions of their employees, even if they were not directly involved in the harassment.

Consequences of mishandling:
Failing to investigate a sexual harassment complaint properly can lead to legal action, reputational damage, and a toxic work or study environment.

Employee and Student, and Apprentice Learners rights:
Employees and students who report sexual harassment are protected from retaliation, through legislation and or regulations. The University aims to create a culture where individuals feel protected and able to raise concerns through the appropriate channels.

Review and Improvement:

Every investigation provides an opportunity to review and improve policies and training to prevent future incidents.

To support the university meeting the obligations set out immediately above, anyone allocated as Investigating Officer or Caseworker, as well as all Human Resources and Safeguarding colleagues, will have received enhanced training: **Supporting Safe, Fair and Trauma-Informed Responses to Sexual Misconduct and Harassment.** A Single central record of those who have completed this training will be retained by the Principal Safeguarding Lead and anyone who has not completed this training cannot be allocated as an investigating officer or case worker in such cases.