

Harassment and sexual misconduct policy

1. Introduction

Walbrook is committed to providing an environment in which all members of our community (including staff, students, apprentices, and visitors) feel safe and are respected, and to preventing and removing any type of harassment or sexual misconduct, including sexual harassment, sexual violence, and sexual abuse.

We're committed to supporting individuals who've experienced any form of harassment or sexual misconduct, and will provide a supportive and confidential environment for them to report the incident. We'll ensure they're listened to and understand the options available to them. We'll only share information internally or externally with the reporting party's express permission, or in exceptional circumstances to either safeguard members of the Walbrook community and fulfil our duty of care, or to discharge our duties as required by law.

2. Purpose of this policy

This policy details how we'll

- provide an environment in which all members of our community feel safe and are respected
- set out our expectations around the unacceptability of harassment and sexual misconduct
- provide a supportive culture which encourages disclosure of incidents
- support any member of the Walbrook community who's experienced any form of harassment or sexual misconduct
- respond to reported incidents which violate this policy.

3. Definitions

Harassment, including sexual harassment, is defined in Section 26 of the Equality Act 2010 as any 'unwanted behaviour or conduct [of a sexual nature] which has the purpose or effect of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment because of, or connected to, one or more of the following protected characteristics: age, disability, gender reassignment, race, religion or belief, sex, and sexual orientation.'

3.1 People can be subjected to harassment on a wide variety of grounds. Some examples are based around the following themes

- gender
- sexual (sexual in nature)
- sexual orientation
trans-sexualism (gender reassignment)
- being married, unmarried or a civil partner
- race, nationality, ethnic origin, national origin or skin colour

- disability itself or a reason relating to it
- age
- employment status, e.g., part-time, fixed-term
- membership or non-membership of a trade union
- carrying out health and safety duties
- religion or religious beliefs or lack of either
- deeply held personal beliefs or lack of them
- political beliefs
- criminal record
- health, e.g., long-term or recurring medical conditions, AIDS/HIV sufferers
- physical characteristics
- social class.

Harassment is normally characterised by more than one incident of unacceptable behaviour, particularly if it reoccurs, once it's been made clear by the victim that they consider it offensive. One incident may constitute harassment, however, if it's sufficiently serious. Harassment on any grounds, including the above, will not be tolerated.

Please remember what's acceptable to one person may not be acceptable to another. If a colleague indicates that they don't find your behaviour, conduct or language acceptable, respect their views.

Examples of harassment include

- verbal – crude language, open hostility, offensive jokes, suggestive remarks, innuendoes, rude or vulgar comments, malicious gossip, and offensive songs
- non-verbal – wolf-whistles, obscene gestures, sexually suggestive posters / calendars, pornographic material (both paper-based and generated on a computer, including offensive screensavers), graffiti, offensive content shared on emails, mobile phones, social media, etc (where colleagues could come into contact with said content)
- physical – unnecessary touching, patting, pinching or brushing against another person's body, intimidating behaviour, assault, and physical coercion
- coercion – pressure for sexual favours (e.g., to get a job, a favourable grade or promotion) and pressure to participate in political, religious or trade union groups, etc.
- isolation or non-cooperation and exclusion from social activities
- intrusion – following, pestering, spying, stalking, etc.

3.2 Sexual misconduct means any unwanted or attempted unwanted conduct of a sexual nature and includes but is not limited to

- sexual harassment as defined by section 26(2) of the Equality Act 2010
- assault as defined by the Sexual Offences Act 2003
- rape as defined by the Sexual Offences Act 2003.

4. Scope of the policy

This policy covers all members of the Walbrook community, including, but not limited to, current students, apprentices, staff, visitors, and contractors.

The policy will apply to harassment and sexual misconduct which meets any of the following criteria

- occurring on Walbrook property
- occurring away from Walbrook property
- occurring whilst a student is engaged in any Walbrook-related activity (including placements and trips)
- occurring whilst a member of staff is engaged in any work-related activity (including both formal and informal work outings)
- occurring via electronic means including, but not limited to, internet, email, social media sites, chat rooms, text messages, and instant messaging
- resulting in a legal or police investigation, charge or conviction of an offence
- posing a risk to Walbrook or members of its community and/or reputational damage.

Please note that this list is non-exhaustive, and we'll investigate any incident of harassment or sexual misconduct where there's a duty to do so.

Walbrook's safeguarding policy will apply if the reporting person is under 18 or a vulnerable adult.

We reserve the right to redirect formal complaints into alternative procedures, such as through other relevant policies.

To remain consistent with the freedom of speech principles, the exposure of students to course materials, and statements made, and views expressed by a person as part of teaching, research or discussions about any subject matter which is connected with the content of their higher education course, are unlikely to constitute harassment, unless otherwise demonstrated that these matters do in fact amount to harassment.

5. Our commitment to the Walbrook community

At all times, we'll treat all members of our community with dignity and respect, and it's expected that all members of our community will share in this responsibility for creating and maintaining an environment which upholds the respect of everyone.

We'll actively respond to all reports of harassment and sexual misconduct and will ensure that all reports are carefully and thoughtfully addressed by relevant trained staff members through a process that's transparent and clearly communicated to the individuals involved.

We'll support anyone in our community who's subject to any form of harassment or sexual misconduct and ensure that the reporting party and the reported party are listened to and responded to in a safe, supportive, and trusting environment.

At all times we'll ensure the dignity of all those involved in any investigations or disciplinary proceedings.

We'll make clear how to report an incident of harassment or sexual misconduct, the options available and the support that can be provided is detailed in our comprehensive source of information available on our [website](#). You have the option of using our reporting form or reporting the incident in person. We'll respect the right of the individual reporting an experience to choose how to take forward their disclosure, including if they decide not to make a formal complaint. We'll only share information internally or externally with the reporting party's express permission, or in exceptional circumstances to either safeguard members of the Walbrook community and fulfil our duty of care, or to discharge our duties as required by law.

Where necessary, we'll work together with external agencies to help and support those impacted.

Walbrook staff will be trained as appropriate to their roles. We'll ensure that all staff are informed of how to receive and signpost a report of harassment or sexual misconduct in a sensitive way.

Formal complaints will be investigated by trained investigators or external agencies, contracted to conduct the investigation on behalf of Walbrook.

Students facing allegations falling within the scope of this policy will also be provided with a named staff member who they can contact for support. Support is also available from the Student Support and Wellbeing team.

All reports considered under the accompanying procedures will be assessed on the balance of probabilities in line with the disciplinary procedure.

All staff involved in the process will act with impartiality and discretion at all times.

Walbrook has in place a Freedom of Speech Code of Practice designed to promote academic freedom, freedom of expression and inclusion and to create an environment in which knowledge can be advanced and debate and challenge can be widened, not restricted. Nothing within this document should be read as undermining or conflicting with the Freedom of Speech Code of Practice; and that in case of any conflict the Freedom of Speech Code of Practice will take precedence. To access the Freedom of Speech Code of Practice, please click [here](#).

The Office for Students (OfS) operates a free speech complaints scheme. Under that scheme, the OfS can review complaints about free speech from staff members and visiting speakers. Information about the complaints that the OfS can review is available on its [website](#).

6. Promoting a Culture of Respect and Preventing Misconduct

Walbrook is committed to not only responding to harassment and sexual misconduct but to proactively preventing it. We aim to create a respectful, inclusive and safe environment for all staff and students.

Preventative measures include:

- Mandatory training for students and staff on harassment and sexual misconduct, including bystander intervention techniques.
- Visible reporting routes and resources promoted through student induction, and our [comprehensive source of information](#).

7. Action against sexual harassment and sexual violence

Walbrook will conduct confidential and independent investigations in response to allegations of harassment and / or sexual misconduct as appropriate under the relevant policy or procedure (see section 8: related policies and procedures). Investigations will at all times comply with the General Data Protection Regulation 2018.

Where an allegation of harassment and / or sexual misconduct is upheld, this will normally result in disciplinary action. Disciplinary action may also be taken if allegations of sexual harassment or sexual violence are found to be malicious or vexatious. We'll ensure that all parties are fairly treated in accordance with the relevant legislation, no matter where they are. For further information, please refer to our [Disciplinary Policy](#).

8. Data recording

All harassment or sexual misconduct incidents which are reported will be recorded, along with the relevant outcome(s). Any student incident will be recorded by the Safeguarding team and any employee incidents recorded by the People Team. This data will be reviewed annually, and any trends monitored and addressed.

9. Monitoring and Policy Review

This policy will be reviewed annually and updated in response to:

- Feedback from students and staff
- Analysis of incident data and case trends
- Developments in best practice and regulatory guidance

Walbrook will publish anonymised, high-level data on reports received and actions taken, to ensure transparency and support continual improvement.

We'll learn from our experiences and regularly review this policy, informed by data trends and with input from independent external experts to ensure it remains relevant.

10. Related policies and procedures

This policy should be read in conjunction with the below policies and procedures, which can be located on our [website](#):

- respect at work policy
- equality and diversity policy
- safeguarding policy
- prevent duty guidelines
- IT acceptable usage policy
- visiting speaker policy and visiting speaker code of conduct
- staff disciplinary policy
- student disciplinary policy
- freedom of speech code of practice
- relationships Between Employees and Students Policy

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