

Harassment and Sexual Misconduct Policy

1 Context

- 1.1 This policy sets out Walbrook's approach to addressing harassment and sexual misconduct. 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 violence, and abuse.
- 1.2 We will not only investigate any allegation of harassment and sexual misconduct but will also aim to prevent such behaviours occurring. This includes proactive steps we take to provide:
- 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.
- 1.3 What one person may consider to be acceptable behaviour may not be acceptable to another individual. Each member of the Walbrook community must consider their language, behaviour and conduct in all in-person or online interactions and respect others' views.
- 1.4 This Policy covers all members of the Walbrook community including, but not limited to, current students apprentices, staff, visitors and contractors. It covers any instances of harassment or sexual misconduct that occur in person or online (e.g. internet, email, social media, chat rooms, text messages, instant messaging) on Walbrook property, away from Walbrook property, while a student is engaged in any Walbrook-related activity (including placements and trips) and while a member of staff is engaged in any work-related activity (including formal and informal work outings).
- 1.5 We will also act where and alleged or actual case of harassment or sexual misconduct:
- Has resulted in a legal or police investigation, charge or conviction of an offence
 - Poses a risk to Walbrook or members of its community and/or reputational damage
- 1.6 The contexts set out above are non-exhaustive and Walbrook will investigate any allegation of harassment or sexual misconduct where there are grounds to do so. Our Safeguarding Policy will apply if the reporting person is under 18 or a vulnerable adult.

2 Principles

- 2.1 The Policy principles are as follows:
- Walbrook will provide an institutional environment that focuses on respect for others

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- We will ensure that all staff are informed of how to sensitively receive and signpost a report of harassment or sexual misconduct.
- We will support any member of our community who has experienced harassment or sexual misconduct.
- Reports of harassment or sexual misconduct will be investigated by Walbrook in accordance with the Student Misconduct and Disciplinary Policy or Staff Disciplinary Policy.

3 Definition of harassment

- 3.1 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.'
- 3.2 Examples harassment behaviour includes but are not limited to a person's gender, sexuality, marital status, national origin or skin colour, existence or non-existence of religious beliefs or a health condition. Other examples include membership or non-membership of a Trade Union, employment status (e.g. part-time), political beliefs, having a criminal record, physical characteristics or social class.
- 3.3 Examples of inappropriate behaviours include but are not limited to:
- 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 encounter such 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.
- 3.4 Harassment on any grounds, including the examples above, will not be tolerated. One instance of inappropriate behaviour may constitute harassment. Repeated instances will demonstrate a pattern of inappropriate behaviour, including where an individual has previously highlighted that the other person's actions are unacceptable to them.

4 Freedom of Speech or harassment

- 4.1 Walbrook has 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 Harassment and Sexual Misconduct Policy 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](#).
- 4.2 The Office for Students (OfS), which is the Higher Education regulator for England, operates a free speech complaints scheme. Under that scheme, the OfS can review a complaint about free speech from staff members and visiting speakers. Information about the complaints that the OfS can review is available on its website.

5 Definition of sexual misconduct

- 5.1 Sexual misconduct is 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.
- 5.2 Examples of sexual harassment and sexual assault are included in those behaviours listed in Section 17.3 as well as in the Student Misconduct and Disciplinary Policy or Staff Disciplinary Policy. Sexual misconduct of any type will not be tolerated.

6 Reporting harassment or sexual misconduct

- 6.1 We are committed to supporting any individual within the Walbrook community who has experienced any form of harassment or sexual misconduct, and we will provide a supportive and confidential environment for them to report the incident. We will ensure that the reporting person is listened to and understands the options available to them. We will also respect an individual's right to choose how they wish to take forward their disclosure, including if they ultimately decide not to make a formal complaint.
- 6.2 Information about how to report an allegation of harassment or sexual misconduct is available on our website, including the option to report in person or via a reporting form. Further information about reporting, confidentiality and anonymous reporting is provided in the Student Misconduct and Disciplinary Policy and Staff Disciplinary Policy. We will 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 UK law. We will also work in partnership with external agencies to help and support any individuals impacted by alleged harassment or sexual misconduct.
- 6.3 If an individual has been subject to alleged harassment or sexual misconduct, if they are reporting the alleged harassment or sexual misconduct of another person, or if an allegation of harassment or sexual misconduct has been made against them, confidential support is available. Student Services offers this support to students, and the People Team offers this support to staff.
- 6.4 It is particularly important for an individual to seek support if the situation is impacting negatively on their wellbeing or mental health. We will also offer support to any member of the Walbrook community affected indirectly by the alleged harassment or sexual misconduct.

7 Investigations

- 7.1 Investigating an allegation of harassment or sexual misconduct will be undertaken by trained investigators or external agencies, contracted to conduct the investigation on behalf of Walbrook.
- 7.2 The investigation process and the basis upon which an outcome is determined is set out in the Student Misconduct and Disciplinary Policy or Staff Disciplinary Policy.

8 Data Recording

- 8.1 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 Policy Monitoring and Review

- 9.1 This Policy will be reviewed annually and updated in response to feedback from students and staff, analysis of incident data and case trends, and developments in sector best practice and changes to regulatory guidance.
- 9.2 Walbrook will publish anonymised, high-level data on reports received and actions taken, to ensure transparency and support continual improvement to our approach in addressing harassment and sexual misconduct.

10 Related policies and procedures

- 10.1 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 Misconduct and Disciplinary Policy
 - Freedom of Speech Code of Practice
 - Relationships Between Employees and Students Policy