

### INTRODUCTION

#### **All College staff have a responsibility to behave in line with the requirements of this policy.**

All members of College staff are entitled to be treated with dignity and respect in our place of work. This means freedom from sexual harassment, feeling safe and supported, and having access to redress if such behaviour does arise.

Sexual harassment can take many forms, but whatever form it takes, it is unlawful under the Equality Act 2010, and the College **will not** tolerate it.

**If you have been sexually harassed, or you have witnessed sexual harassment, we encourage you to tell us so that we can deal with the matter swiftly.**

The law requires employers to take reasonable steps to prevent sexual harassment of their workers. The College must take action to prevent sexual harassment from occurring and have clear reporting procedures for our staff to make a complaint about sexual harassment.

Instances of sexual harassment or victimisation may lead to disciplinary action including termination of employment.

The College's Governing Body has overall responsibility for this policy but may delegate elements of implementation or decision making to other senior managers.

This policy is reviewed regularly to ensure it remains up to date and to monitor its effectiveness. Any changes required will be implemented and communicated to all staff.

### A) SCOPE

The College deplores all forms of sexual harassment and seek to ensure that the working environment is safe and supportive to all those who work for us. This includes employees, workers, agency workers, volunteers and contractors in all areas of the College.

### B) DEFINITIONS

Sexual harassment is **unwanted 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 for that person.** It also covers treating someone less favourably because they have submitted to or refused to submit to unwanted conduct of a sexual nature, or that is related to gender reassignment or sex.

Sexual harassment may be committed by a fellow worker, an agent of an organisation, or third-party. It does not need to occur in person. It can occur via digital means including social media sites or channels e.g. WhatsApp.

Someone may be sexually harassed even if they were not the target of the behaviour. Examples of sexual harassment include, but are not limited to:

- a) sexual comments or jokes, which may be referred to as 'banter';
- b) displaying sexually graphic pictures, posters or photos;
- c) suggestive looks, staring or leering;
- d) propositions and sexual advances;
- e) making promises in return for sexual favours;
- f) sexual gestures;
- g) intrusive questions about a person's sex life or a person discussing their own sex life;

- h) sexual posts or contact in online communications including on social media;
  - i) spreading sexual rumours about a person;
  - j) sending sexually explicit emails, text messages or messages via other social media;
  - k) unwelcome touching, hugging, massaging or kissing.
- 1) Victimization is subjecting someone to detriment because they have acted, are suspected of acting, or intend to do an act which is protected under discrimination and harassment laws. It is not necessary for the person to have undertaken the protected act in order for detrimental treatment to be considered as victimization.
- 2) The protected acts are:
- making a claim or complaint under the Equality Act 2010 (for example, for discrimination or harassment);
  - helping someone else to make a claim by giving evidence or information in connection with proceedings under the Equality Act 2010;
  - alleging that someone has breached the Equality Act 2010, or
  - doing anything else in connection with the Equality Act 2010.
- 3) Examples of victimization may include:
- Failing to consider someone for promotion because they have previously made a sexual harassment complaint;
  - Dismissing someone because they accompanied a colleague to a meeting about a sexual harassment complaint;
  - Excluding someone from work meetings because they gave evidence as a witness for another employee as part of an employment tribunal claim about harassment.

## **C) CIRCUMSTANCES WHICH ARE COVERED**

This policy covers behaviour which occurs in the following situations:

- a) a work situation;
- b) a situation occurring outside of the normal workplace or normal working hours which is related to work, for example, a working lunch, a business trip or social functions;
- c) outside of a work situation but involving a colleague or other person connected to the College, including on social media;
- d) against anyone outside of a work situation where the incident is relevant to your suitability to carry out the role.

## **D) WHAT TO DO IF YOU ARE SUBJECT TO SEXUAL HARASSMENT OR VICTIMISATION**

**The College is committed to ensuring that there is no sexual harassment or victimisation in our workplace.**

Allegations of sexual harassment and victimisation will be treated as a disciplinary matter, although every situation will be considered on an individual basis and in accordance with the principles of our disciplinary procedures (For details of the College disciplinary procedures, please refer to the Staff Handbook (non-academic staff) or the College By-Laws (academic staff)).

### **1) Informal complaint**

- a) The College recognises that complaints of sexual harassment or victimisation can be of a sensitive or intimate nature and that it may not be appropriate for you to raise the issue through our normal grievance procedure. In these circumstances you are encouraged to raise such issues with a senior colleague of your choice (whether or not that person has a direct supervisory responsibility for you) as a confidential helper. This person cannot be the same person who will be responsible for investigating the matter if it becomes a formal complaint.

- b) If you experience sexual harassment and you feel comfortable to do so, you should make it clear to the harasser on an informal basis that their behaviour is unwelcome and ask the harasser to stop. If you feel unable to do this verbally then you should hand a written request to the harasser, and your confidential helper can assist you in this.
- c) In addition, you may also choose to raise concerns during your regular communication with your manager, for example, in a one-to-one meeting. Your manager will listen to you and take your concerns seriously if you do this but may encourage you to follow the reporting procedures set out below.

## 2) Formal complaint

- a) Where the informal approach fails, or you do not wish to use the informal procedure, you should bring the matter to the attention of your line manager and/or the HR Manager as a formal written complaint and a confidential helper can assist you in this.

If possible, you should keep notes of what happened so that the written complaint can include:

- the name of the alleged harasser;
  - the nature of the alleged harassment;
  - the dates and times when the alleged harassment occurred;
  - the names of any witnesses; and
  - any action already taken by you to stop the alleged harassment.
- b) On receipt of a formal complaint, the College may take action to separate you from the alleged harasser, if appropriate, to enable an uninterrupted investigation to take place. This may involve a temporary transfer of the alleged harasser to another work area, or suspension with contractual pay until the matter has been resolved.
  - c) The manager dealing with your complaint will invite you to attend a meeting, at a reasonable time and location, to discuss the matter and carry out a thorough investigation. The meeting will normally be held within five working days of receipt of your complaint, where practicable. You have the right to be accompanied at such a meeting by your confidential helper, or another work colleague of your choice, and you must take all reasonable steps to attend. Those involved in the investigation will be expected to act in confidence and any breach of confidence may be dealt with under the disciplinary procedure.
  - d) On conclusion of the investigation, the decision of the investigator and the details of their findings, will be sent to you in writing. This will normally be within ten working days of the meeting with you, where practicable.
  - e) You have the right to appeal against the findings of the investigator. If you wish to appeal, you must inform the appeal manager, who will be named within your outcome letter within five working days. You will then be invited to a further meeting. As far as reasonably practicable, the College will be represented by a more Senior Manager than attended the first meeting (unless the most Senior Manager attended that meeting).
  - f) Following the appeal meeting, you will be informed of the final decision in writing, normally within ten working days, where practicable.
  - g) Regardless of the outcome of the procedure, the College is committed to providing the support you may need. This may involve mediation between you and the other party, or other measures to manage the ongoing working relationship.
  - h) You will not be victimised for having brought a complaint.

## E) WHAT TO DO IF YOU WITNESS SEXUAL HARASSMENT OR VICTIMISATION

- 1) If you witness sexual harassment or victimisation, you are strongly encouraged to take appropriate action to address it. You should not take any action that may put you at risk of sexual harassment or other harm. If you feel able, you should intervene to prevent the matter continuing. If you are not able to do this, your action may include offering support to the person who has been sexually harassed and encouraging them to report the incident or reporting the incident yourself.
- 2) If reporting an incident, you should bring the matter to the attention of your line manager and / or the HR Manager in writing.
- 3) Your concerns will be handled by a member of the Senior Management team who will talk to the person subject to sexual harassment sensitively and compassionately to determine how they want the matter to be handled.

#### **F) THIRD-PARTY SEXUAL HARASSMENT**

- 1) Third-party sexual harassment occurs when College Staff are subjected to sexual harassment by someone who is not part of our workforce but who is encountered in connection with work. This could include our students, suppliers, members of the public, clients, friends and family of colleagues, delegates at a conference, audiences, self-employed contractors etc.
- 2) Third-party sexual harassment of College Staff is unlawful and will not be tolerated, and the law requires employers to take steps to prevent sexual harassment by third parties.
- 3) The law does not provide a mechanism for individuals to bring a claim of third-party harassment alone. However, failure for an employer to take reasonable steps to prevent third-party sexual harassment may result in legal liability in other types of claims.
- 4) To prevent third-party sexual harassment from occurring, we will inform third parties of our zero-tolerance sexual harassment policy within our contracts, documentation, and other forms of communication.
- 5) If you have been subjected to third-party sexual harassment, you are encouraged to report this as soon as possible to your line manager and / or the HR Manager, in writing.
- 6) Should a third-party sexually harass a member of our workforce, we will warn them about their behaviour and / or ban them from the College site. Any criminal acts will be reported to the police.
- 7) The College will not tolerate sexual harassment by any member of our staff against a third-party. Instances of sexual harassment of this kind may lead to disciplinary action including termination of employment.

#### **G) DISCIPLINARY ACTION**

- 1) If the decision is that the allegation of sexual harassment or victimisation is well founded, the harasser/victimiser will be liable to disciplinary action in accordance with our disciplinary procedure up to and including summary dismissal. An employee who receives a formal warning or who is dismissed for sexual harassment/victimisation may appeal by using our disciplinary appeal procedure.
- 2) When deciding on the level of disciplinary sanction to be applied, the College will take into consideration any aggravating factors affecting the case. One example of aggravating factors is an abuse of power over a more junior colleague.
- 3) However, if it is concluded, following investigation, that a complaint is both untrue and has been brought with malicious or vexatious intent, disciplinary action will be taken against the complainant.

#### **H) TRAINING**

- 1) The College will provide training to all our staff on sexual harassment to ensure there is a clear understanding of, amongst other things, what sexual harassment is and how it may occur, that it will not be tolerated, expected levels of behaviour, how they can report any incidents of having

been sexually harassed or having witnessed it and that acts of harassment will be dealt with under the disciplinary procedure potentially resulting in dismissal.

- 2) The College will ensure that all levels of management are trained on implementing this policy including preventing and managing sexual harassment in the workplace, and the procedure to follow if an allegation is reported.
- 3) The College will regularly review the effectiveness of our training.
- 4) The College will provide refresher training, as appropriate.

**I) COLLEGE EMPLOYEE ASSISTANCE PROGRAMME**

Further support is available by contacting our Employee Assistance Programme which provided by Health Assured.

Health Assured provide a confidential 24-hour telephone counselling service, which can be accessed by calling 0800 028 0199; or on-line at <https://wisdom.healthassured.org/login>; or via the 'Wisdom' app (Please note that St Hilda's College's 'sign up code' for the app is MHA281829).

**Approved by Governing Body on 19 February 2025**