

## SEXUAL HARASSMENT AND SEXUAL ASSAULT

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### 1. Sexual Harassment Policy

Sexual harassment encompasses many of the specific policy definitions listed in this Code of Conduct. Sexual harassment is a form of sex discrimination. It is defined as “unwelcome conduct” of a sexual nature, including, but not limited to, sexual advances, requests for sexual favours, and other verbal or physical conduct of a sexual nature when:

- a. submission to or rejection of such conduct is made either explicitly or implicitly a term or condition of an individual’s status in a programme, club/society, or activity; or
- b. such conduct is sufficiently pervasive, offensive, or abusive to have the purpose or reasonable effect of interfering with an individual’s educational performance, or creating an intimidating, hostile, or offensive educational environment.

The effect of the conduct will be evaluated based upon the perspective of a reasonable person in the position of the complainant. “Unwelcome Conduct” is considered conduct to be undesirable or offensive to the individual if that person did not request, consent to, or invite the particular conduct.

Some examples of sexual harassment include, but are not limited to:

- a. Unwanted sexual advances, requests for sexual favours or propositions of a sexual nature;
- b. Direct or implied threats that submission to sexual advances is a condition for status in a programme, club/society, or activity; recommendations; etc.
- c. Unwelcome verbal, physical, online, or printed/written conduct of a sexual nature which an individual regards undesirable or offensive, including, but not limited to, sexually explicit jokes and statements, questions, or remarks about sexual activity or experience.
- d. Physical assault, including rape.

### 2. Consensual Relationships Policy

The University’s Consensual Relationships Policy provides guidance on managing close personal relationships between employees and students. These relationships must be handled with transparency to avoid real or perceived conflicts of interest, abuses of power, or breaches of professional boundaries.

Key points include:

- a. Employees are strongly discouraged from entering into personal or romantic relationships with students over whom they have academic, pastoral, or administrative responsibility.
- b. Employees must not connect with students under the age of 18 on personal social media platforms (e.g., Facebook, Instagram, LinkedIn), to preserve professional boundaries.
- c. For students aged 18 and over, employees should use professional discretion when engaging via social media and follow the University’s policies on conduct and relationships.
- d. If a personal relationship develops, the employee must disclose it immediately to their manager or equivalent authority. The student must be informed of this disclosure.
- e. Appropriate adjustments must be made to prevent any actual or perceived conflict of interest.

This may include reassigning teaching, assessment, research supervision, or pastoral duties.

- f. Failure to disclose a relationship may lead to formal disciplinary action.
- g. Employees or students adversely affected by a personal relationship may raise concerns informally with HR, a manager, or student affairs, or formally through grievance or complaints procedures if needed.

### 3. Sexual Misconduct Policy

- a. Sexual misconduct is the term used by the University to encompass non- consensual behaviour, including sexual assault, non-consensual sexual contact, non-consensual sexual intercourse, and sexual exploitation. These are all forms of unwanted actual or attempted sexual activity and are violations of the University's Student Code of Conduct.
- b. **Sexual assault** is defined as a physical sexual act or acts committed against a person's will and consent, or when a person is incapable of giving active affirmative consent, incapable of appraising the nature of the conduct, or incapable of declining participation in, or communicating unwillingness to engage in, a sexual act or acts. Sexual assault is an extreme form of sexual harassment. Sexual assault includes what is commonly known as "rape," whether forcible or non-forcible, including what is commonly called "date rape" and "acquaintance rape," fondling, statutory rape, and incest. For statutory rape, the age of consent in the United Kingdom is 16 years old. Sexual assault can be committed by any person regardless of the gender or sex assigned at birth of any of the parties involved or implicated. Nothing contained in this definition shall be construed to limit or conflict with the sex offenses enumerated in local borough and UK law, which shall be the guiding reference in determining if alleged conduct is consistent with the definition of sexual assault.
- c. **Affirmative consent** is a knowing and voluntarily mutual decision among all participants to engage in sexual activity. Consent can be given by words or actions, as long as those words or actions create clear permission regarding willingness to engage in sexual activity. Silence or lack of resistance in and of itself does not demonstrate consent. The definition of consent does not vary based upon a participant's sex, sexual orientation, gender identity, or gender expression.
- d. Consent to any sexual act or prior consensual sexual activity between or with any party does not necessarily constitute consent to any other sexual act. Consent is required regardless of whether the person initiating the act is under the influence of drugs and/or alcohol. Consent may be initially given but

withdrawn at any time. Consent cannot be given when a person is incapacitated, which occurs when an individual lacks the ability to knowingly choose to participate in sexual activity. Incapacitation may be caused by the lack of consciousness or being asleep, being involuntarily restrained, or if an individual otherwise cannot consent. Depending on the degree of intoxication, someone who is under the influence of alcohol, drugs, or other intoxicants may be incapacitated and therefore unable to consent. Consent cannot be given when it is the result of any coercion, intimidation, force, or threat of harm. When consent is withdrawn or cannot be given, sexual activity must stop.

- e. Affirmative consent may be withdrawn at any time without fear of retaliation. Retaliation is defined as any intimidating, harassing, or retributive action including, but not limited to, violence, threats of violence, property destruction, adverse educational or employment consequence, and bullying of any person for reporting a violation or for participating in any way in the investigation or conduct process.
- f. **Non-consensual sexual contact** means the deliberate touching of another person's intimate body parts, however slight, with any body part or object, by a person of any gender upon another person of any gender, regardless of the sex assigned at birth, that is without active affirmative consent and/or by physical force, violence, threat of violence, intimidation, or coercion. Using force, violence, threat, intimidation, or coercion to cause a person to touch his or her own or another person's intimate body parts is also considered non-consensual sexual contact.
- g. **Non-consensual sexual intercourse** means any sexual penetration, however slight, with any body part or object by a man or woman that is without active affirmative consent and/or by force. Intercourse includes, but is not limited to, vaginal penetration, anal penetration, and oral sex (mouth to genital contact or genital to mouth contact), no matter how slight the penetration or contact.
- h. **Sexual exploitation** means taking non-consensual sexual advantage of another person, and includes causing or attempting to cause the incapacitation of another person in order to gain a sexual advantage over that person; prostituting another person; recording, photographing, or transmitting

identifiable images of private sexual activity and/or intimate body parts of another person; allowing third parties to observe the sexual acts of others without the actors' active affirmative consent; engaging in voyeurism; and/or knowingly or recklessly exposing another person to significant risk of sexually transmitted infection.

- i. **Incapacitation** means the physical and/or mental inability to make informed, rational judgments about participating in sexual activity. Persons who are not merely under the influence of drugs or alcohol but incapacitated as a result of the consumption of alcohol or other drugs, persons who are unconscious, asleep, or otherwise physically helpless, and persons under the legal age of consent (16) can never give active affirmative consent. Persons who do not have the capacity to understand the act, its nature, and possible consequences of the act can never give affirmative consent.

Incidents of sexual misconduct including bullying and harassment as well as sexualized behaviour can be reported anonymously (or by a named individual) using [Report and Support](#).

## VERSION MANAGEMENT

Responsible Department:			
Approving body: Academic Board			
Version no.	Key Changes	Date of approval	Date of effect
1	As per the Student Code of Conduct changes + Report & Support Platform	3 June 2025	1 September 2025
		<b>Restricted access?</b> <i>Tick as appropriate</i> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	