

Harassment and Sexual Misconduct Policy and Procedure for Students

Includes Sexual Violence, Domestic Abuse and Gender-Based Violence



Content Warning: This document contains references to sexual violence, sexual misconduct, domestic abuse and gender-based violence

1. Purpose

- 1.1 In line with Bath Spa University's core values, this policy demonstrates our commitment to the prevention of, and our response to, incidents of harassment and sexual misconduct.
- 1.2 At its foundation, this policy promotes dignity and respect; Bath Spa University is committed to the provision of a safe, inclusive environment and takes all reasonable steps to prevent and respond to harassment and sexual misconduct.
- 1.3 If a student or member of staff feels that they are at risk of harm or are a survivor of harassment, sexual violence and/or domestic abuse, we encourage them to seek information, guidance and/or support from the University. Such behaviour is a breach of the University's Student General Regulations and is thoroughly investigated.
- 1.4 The procedural aspects of this document detail the specific means by which Bath Spa University investigates formal reports relating to harassment and/or gender-based violence, where the Responding Party is a Bath Spa University student.

2. Definitions

2.1 Harassment

Harassment is defined as being subject to unwanted behaviour or conduct 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
- Sexual Orientation

Harassment can incorporate domestic violence and abuse, which can encompass control, coercion, threats, and stalking. It also includes incidents of physical violence towards another based on a protected characteristic, and hate crimes, such as those criminal offences which are perceived by the victim or any other person, to be motivated by hostility or prejudice.

2.2 Consent

A person agrees to sexual contact by choice, with the freedom and capacity to make that choice (Sexual Offences Act 2003). Consent must be given freely and with capacity - capacity is impaired or not present if the person is under the influence of alcohol, drugs, unconscious, asleep or coerced. A person may not have capacity if they have a disability (e.g. learning difficulty, physical disability or mental health condition). Consent is an enthusiastic 'yes' to sexual contact indicated verbally and/ or through body language. Consent needs to be checked throughout sexual activity. It should stop if a person stops indicating consent and they should not be pressurised to continue.

2.3 Domestic Abuse

Any incident of controlling, coercive, or threatening behaviour, violence, or abuse between individuals who are intimate partners, ex partners or family members.

2.4 Disclosure

The Reporting Party telling the University about an incident of alleged harassment or sexual misconduct.

2.5 Gender-Based Violence, GBV

Harmful acts directed at an individual based on their gender, including sexual violence, harassment, and domestic abuse.

2.6 Report

The Reporting Party making a formal complaint to the University about an incident of alleged harassment or sexual misconduct.

2.7 Reporting Party

Person who informs the University about an incident of harassment or gender-based violence against them.

2.8 Responding Party

The person who the Reporting Party has named as the perpetrator of harassment or gender-based violence against them.

2.9 Sexual Violence

Any act of a sexual nature committed against someone's will, including but not limited to rape, sexual assault, and coercion.

2.10 Sexual Misconduct

Any behavior of a sexual nature or sexual contact that is unwanted or without consent, including sexual harassment, rape, sexual assault, coercion, stalking, intimate image abuse and voyeurism. It includes acts committed during sex which were not consented to e.g. choking/ strangulation, violent or

rough sex, stealthing (removing condom without consent) and coercion to engage in specific acts such as oral or anal sex or acts common in pornography.

2.11 Sexual Harassment

Unwanted behaviour of a sexual nature that violates the dignity of an individual, creates an intimidating, hostile, degrading, or offensive environment. It includes (but not limited to) catcalling, following, making unnecessary and unwanted physical contact, sexual jokes and comments, giving unwelcome personal gifts, wolf-whistling, leering, derogatory comments, unwelcome comments about a person's body or clothing, asking unwelcome questions about a person's sex life and/or sexuality, engaging in unwelcome sexual propositions, invitations and flirtation, making somebody feel uncomfortable through displaying or sharing sexual material. It can be in the form of emails, visual images (e.g. sexually explicit pictures displayed in a shared environment), social media, telephone, text messages and image based sexual abuse such as revenge porn and upskirting.

A single incident or persistent behaviour can both be harassment. It is irrelevant whether or not the Reporting Party has previously objected to the Responding Party's behaviour.

2.12 Student

Any individual registered on a programme of study being delivered by the University, including undergraduate, postgraduate, part-time, short courses and community-based provision.

2.13 Sexual Violence Liaison Officer, SVLO

A member of BSU staff who has been specifically trained and is accredited to offer advice and guidance to any student who has experienced gender-based violence including sexual violence and domestic abuse.

3. Policy

3.1 Scope

- 3.1.1 This policy and procedure applies to all alleged incidents of harassment, domestic abuse, and sexual misconduct where the Responding Party is registered with Bath Spa University as a student, including franchise students studying at an Educational Partner institution.
- 3.1.2 This policy and procedure is applicable if the Responding Party is a student. The Reporting Party may be a Bath Spa University student, staff member, contractor, or member of the public.

- 3.1.3 If the Responding Party is a member of staff or contractor, Human Resources will take action under the Sexual Violence and Misconduct Procedure for Staff and the Staff Disciplinary Policy.

3.2 Guiding Principles

- 3.2.1 Bath Spa University understands harassment, sexual violence and domestic abuse as a gendered issue that forms part of wider violence disproportionately affecting women, girls, LGBTQ+ students and other minoritised communities. Bath Spa University also understands that anyone can be a survivor or perpetrator of this behaviour.

- Our approach to harassment, sexual violence and domestic abuse outlined in this document aligns with Bath Spa University's strategic values: to provide a supportive learning community which treats students with respect, to enhance wellbeing and support good mental health.
- Bath Spa University is committed to supporting the safety and welfare of all its students and staff on the grounds of deep-rooted belief and social responsibility, as well as its legal obligations.
- Bath Spa University adopts a trauma-informed approach, based on developing in-depth awareness of how trauma can affect our students and staff, both individually and as a community. We acknowledge the impact that trauma has on regaining safety and trust.
- We use a trauma-informed approach to cultivate a greater sense of safety, trust, support, inclusivity and accessibility throughout the campus environment.
- All reports of harassment, sexual violence and/or domestic abuse will be taken seriously. The reporting process is built around principles of fairness, dignity and confidentiality. All those involved in the reporting process are informed of and connected to relevant support services.

4. Procedure

4.1 Purpose

- 4.1.1 This procedure outlines how the University addresses incidents of harassment, sexual violence, domestic abuse, and sexual misconduct involving student members of the University community. It should be used in conjunction with the Student Disciplinary Procedure

4.2 Support for Students

- 4.2.1 Both the Reporting and Responding Parties have access to support, including where no formal report is made to the University or Police. This includes

Student Wellbeing Services, with dedicated advisors assigned to each party; referral to external specialist agencies, and the Students' Union Advice Centre provides independent advice.

4.3 Disclosures and reports

- 4.3.1 Students may choose to disclose or formally report incidents of harassment, sexual violence, domestic abuse, or misconduct.
- 4.3.2 A disclosure does not initiate a formal investigation, whereas a Report will lead to an investigation under the Student Disciplinary Procedure.
- 4.3.3 The University respects the right of the Reporting Party to choose how to take forward a Disclosure (i.e. to formally report to the University and/ or the police or not). The University may take action against a Reporting Party's wishes where there are Safeguarding concerns in accordance with the Safeguarding Policy, this includes when a student is involved who is under 18. This will be discussed with the Reporting Party.
- 4.3.4 Staff who receive a Disclosure of Sexual Violence, domestic abuse or harassment must report this using the Sexual Violence/Domestic Abuse referral form on My Services or contact Student Wellbeing Services.
- 4.3.5 A Sexual Violence Liaison Officer (SVLO) will advise and support the Reporting Party to review options:
 - Reporting to the Police
 - Reporting to the University under the Student Disciplinary Procedure
 - Not making a report of the incident and/or
 - Receiving advice on the support that is available

4.4 Reporting Process

- 4.4.1 A formal Report initiates the disciplinary process. A case will not be investigated unless the Responding Party has been identified and the Reporting Party consents to proceed with the report, unless there are significant Safeguarding concerns. or significant risk of harm identified to the Reporting party or others.
- 4.4.2 Reports are confidential and shared only on a need-to-know basis.
- 4.4.3 Where Safeguarding concerns arise, referrals to external agencies (e.g. Police, Social Services) may be required, with students informed.
- 4.4.4 The Reporting Party can start the reporting process in several ways by:
 - Requesting their SVLO refer the matter to the University Student Discipline Office
 - Contacting the University Student Complaints Office directly by emailing complaintsofficer@bathspa.ac.uk.

- 4.4.5 The Reporting Party will be invited to meet with the University's Student Casework Investigator, who is trained in handling incidents of sexual violence and misconduct.

4.5 Risk Assessment

- 4.5.1 Upon receiving a report, the University will conduct a risk assessment to determine any precautionary measures. These could include no-contact contracts, restrictions on access to certain facilities, relocation of accommodation, or temporary suspension of the Responding Party.
- 4.5.2 Following completion of the Risk Assessment, the investigation will begin promptly, with the aim of concluding within 60 working days.

4.6 Investigation Process

- 4.6.1 All involved parties must maintain confidentiality and not discuss or share details of the case outside the investigation. However, they may seek advice and support from staff members in Student Wellbeing, their Students' Union Advice Centre, close family members, or a friend. Breaches of confidentiality, such as discussing the case with other students in person or online, may result in disciplinary action.
- 4.6.2 The purpose of the investigation is to give each party a fair opportunity to present their account. Investigations follow trauma informed principles, and the Reporting Party and Responding Party will not attend the same meeting.
- 4.6.3 The Reporting Party can be accompanied at the meeting by a representative from the Students' Union, a family member, or a friend to provide support (not to advocate on behalf of the Reporting Party). If they are being supported by an Independent Sexual Violence Adviser (ISVA) from an external agency, their ISVA can be present.
- 4.6.4 The Investigator will explain the Student Disciplinary investigation process, review the Report details, and explore any immediate actions to reduce risk, such as if both parties are on the same course or live in the same accommodation.
- 4.6.5 The Investigator will discuss with the Reporting Party what they hope to achieve from the process, clarifying what is possible within the scope of the Student Disciplinary Procedure. Support options will be outlined, along with an estimated timeline for the investigation, including how and when progress updates will be provided.
- 4.6.6 The Reporting Party should bring any relevant evidence, such as photographs, videos, screenshots, or voice notes, to this meeting. They should also inform the Investigator of any witnesses, including those who may have seen events before or after the incident, as well as during the incident itself. It is important to note that proceeding with the case does not depend on the number of witnesses or the amount of evidence provided.

- 4.6.7 After the meeting, the Investigator will write up the Reporting Party's Statement. This is shared with the Reporting Party, who is asked to confirm its accuracy, and they are given the opportunity to make changes. At this stage, the Reporting Party will confirm their preferred next steps.
- 4.6.8 If the Reporting Party has named witnesses, the Investigator will contact them for statements where appropriate. Witness statements will be shared with both parties. Anonymity cannot be granted if the witness can be identified through their testimony.
- 4.6.9 The Responding Party will receive written notice of the report, a copy of the Reporting Party's Statement if appropriate, and any evidence. They must attend a meeting with the Investigator, typically within two weeks of receiving this information, and they may submit a written response at least two days before the meeting. Following this meeting, the Investigator will produce a transcript of the meeting.
- 4.6.10 Once the University's Student Casework Investigator has met with all relevant parties and gathered all the evidence, they will prepare an Investigation Report outlining their findings. The outcome will be decided on the balance of probabilities, and may be:
- No breach of the Student Disciplinary Procedure—no further action will be taken, though support will continue for both parties.
 - Possible misconduct—the case should proceed to a Student Disciplinary Panel Hearing. See [Student Disciplinary Procedure](#) and the Gender Based Violence Framework for more information about how Student Disciplinary Panel hearings work. In cases where the investigation report is agreed by both parties, the case may be dealt with summarily.

4.7 Outcome

- 4.7.1 After hearing and reading evidence in the Student Disciplinary Hearing, the Panel will determine, based on the balance of probabilities, i.e. is it more likely than not, whether misconduct occurred. If the Responding Party is found to be responsible for the reported misconduct, penalties will be imposed, considering the seriousness and circumstances of the misconduct including any mitigating circumstances.
- 4.7.2 Both the Reporting Party and Responding Party will be informed of the outcome separately, with the option to receive the decision in writing, by phone, via video meeting, or in person. Both parties will also receive a letter via email summarising the case outcome, penalties applied, and ongoing support options.
- 4.7.3 If both parties attend the Hearing, they will receive a copy of the Panel Chair Report, summarising the decision and any penalties.

4.8 Penalties and Appeals

- 4.8.1 For further details of the Disciplinary process including potential penalties and the appeals process please see Student Disciplinary Procedure.

4.9 Police Investigations

- 4.9.1 If a Police investigation is underway, the University may suspend its internal investigation until this is concluded. The University may still take precautionary measures, such as no-contact contracts, or temporary suspension, to ensure the safety and wellbeing of students.
- 4.9.2 If the Police or Crown Prosecution Service decide to take no further action or the Responding Party is acquitted after a trial, the University can still act under this procedure and the criminal process does not prejudice the disciplinary outcome.
- 4.9.3 The University does not have the same powers as the Police and cannot determine criminal guilt. The internal process considers cases based on the balance of probabilities and is not a substitute for a Police investigation or criminal prosecution, which has a higher burden of proof (i.e. beyond reasonable doubt).

Document Details

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Responsible Officer: Director of Student Wellbeing Services

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Related Policies and Procedures: Student Disciplinary Procedure, Sexual Violence and Misconduct Procedure for Staff, Safeguarding Policy

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