

# SEXUAL MISCONDUCT POLICY

January 2025

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## Summary

### What is this document about?

This document outlines the University of Portsmouth's policy on sexual misconduct, including definitions, reporting procedures, support services, and disciplinary actions.

### Who is this for?

This policy is for all students, employees, contractors and visitors of the University of Portsmouth. Staff and students studying at Partner institutions (including UoP London) will be covered under their own local policies and procedures. We will maintain a directory of these arrangements to ensure compliance with the regulations.

### How does the University check this is followed?

The University Safeguarding Board oversees the implementation of this policy and reports to the University Executive Board.

### Who can you contact if you have any queries about this document?

For queries about this document, contact [SSSDirectors@port.ac.uk](mailto:SSSDirectors@port.ac.uk).

### Executive summary

This policy outlines the University's commitment to preventing and addressing sexual misconduct, providing support for survivors and those accused, and maintaining a safe environment for all members of the University community.

The Sexual Misconduct Procedure can be found at:

<https://policies.docstore.port.ac.uk/policy-290.pdf>

# 1. Introduction

- 1.1. The University of Portsmouth is committed to providing a safe and secure environment that promotes equality, diversity and inclusion for all students, employees and visitors. We strive to maintain a culture of prevention through appropriate and consistent education and training.
- 1.2. The University takes reports of sexual misconduct very seriously. This policy is intended to provide all parties - survivors, their supporters, and alleged perpetrators of sexual misconduct - with information about support available, reporting options, and the University's response procedures.
- 1.3. This policy encompasses all aspects of Sexual Misconduct including misuse of institutional power or issues of unequal relationships between students and staff.
- 1.4. If you are unsure about any aspect of this policy, you should contact [SSSDirectors@port.ac.uk](mailto:SSSDirectors@port.ac.uk).
- 1.5. This policy should be read in conjunction with the [Student Conduct Policy](#), [Staff Student Relationship Policy](#) and the [Sexual Misconduct Procedure](#) documentation.

# 2. Intersectionality and Diverse Student Needs

- 2.1. The University recognises that experiences of sexual misconduct can be influenced by various intersecting factors, including but not limited to race, ethnicity, gender identity, sexual orientation, disability, religion, and socioeconomic background. We are committed to ensuring that our prevention, reporting, and support mechanisms are accessible and appropriate for all students, acknowledging the unique challenges faced by different groups.
- 2.2. Our approach to addressing sexual misconduct will be continuously reviewed and adapted to meet the diverse needs of our student body. This includes providing tailored support services, culturally sensitive training for staff, and inclusive awareness campaigns that reflect the experiences of all students. We will actively seek input from diverse student groups to inform our policies and practices, ensuring that our response to sexual misconduct is equitable and effective for all members of our university community.

# 3. What is Sexual Misconduct?

- 3.1. For the purposes of this policy, sexual misconduct is defined as any unwanted conduct of a sexual nature. This includes, but is not limited to:
  - Sexual harassment (as defined by [Section 26 \(2\)](#) of the Equality Act 2010)
  - Unwanted behaviour or advances that create an environment where a person feels intimidated, threatened, degraded, humiliated, or offended. This can include, but is not limited to:
    - Inappropriate or unwelcome touching, groping, or physical contact
    - Sexually suggestive comments, jokes, or innuendos
    - Displaying sexually explicit materials
    - Persistent unwanted sexual attention or propositions
    - Sexual gestures or leering
    - Intimidation, or promising resources or benefits in return for sexual favours
  - [Sexual assault](#) (as defined by the Sexual Offences Act 2003)
  - [Rape](#) (as defined by the Sexual Offences Act 2003)

- [Distributing \(or threatening to distribute\) private and personal explicit images](#) or video footage of an individual without their consent (as defined by the Criminal Justice and Courts Act 2015)

3.2. Sexual misconduct can occur:

- In person, by letter, telephone, text, email or other electronic means and/or social media
- Between individuals of any gender identity or sexual orientation
- By someone known to the victim or by a stranger
- In any location on or off campus.

## 4. General Principles

4.1. The University is committed to creating a safe environment in which the rights and dignity of all members of the University community are valued and respected, in line with the [OfS Condition of Registration](#).

4.2. We recognise the significant impact that sexual misconduct can have on individuals, their supporters and the community. We acknowledge the potential harmful effects on studies and employment, regardless of when the experience occurred.

4.3. We will promote a culture in which any incident of sexual misconduct will not be tolerated and will be actively challenged.

4.4. All disclosures of sexual misconduct will be treated confidentially and with sensitivity. They will be considered through our internal disciplinary procedures as outlined in the [Sexual Misconduct Procedure](#) and the [Student Conduct Policy](#).

4.5 We will actively respond to all reports of sexual misconduct and will respect the rights of the individual disclosing an incident to choose how to take the matter forward.

4.6 We believe that no person should suffer the effects of sexual misconduct alone, and will ensure that there is dedicated specialist support for all individuals involved.

4.7. All University staff will be made aware of this policy and supporting [Sexual Misconduct Procedure](#). They will be offered training appropriate to their role, in line with the [OfS Condition of Registration](#)

4.8. We will work with local partners and organisations to support our work in this area. In working with external experts, we seek to continuously improve our policies and practices according to sector guidance and our own experiences of cases.

## 5. Responsibilities

5.1. The Director of Student Support Services holds overall responsibility for this policy.

5.2. If a member of the University community is a survivor of sexual misconduct, the University will take all reasonable steps to ensure their physical safety and facilitate their access to appropriate specialist support. We will show regard to their feelings and respect their decisions. We actively encourage and support individuals affected to come forward, to disclose with confidence and seek help.

5.3. Where the Reporting Party or Responding Party is on a placement as part of their studies, the relevant faculty Associate Dean (Students), as first point of contact, will liaise with the placement provider to assess

whether the student can safely continue on placement during the investigation. The University will conduct its own risk assessment, taking into account the placement provider's decision. Responsibilities and information sharing between the University and placement provider will be agreed upon in advance.

5.4. We will manage expectations and possible outcomes for all parties involved in sexual misconduct cases.

5.5. We will ensure all students who've experienced sexual misconduct have equitable access and support to both external and internal specialist support services. The University has trained Sexual Violence Liaison Officers (SVLOs) who will take all reasonable steps to ensure students feel safe, and will facilitate their access to appropriate specialist support, while respecting their feelings and decisions.

5.6. We will ensure there is a set discipline procedure for handling sexual misconduct cases for staff and students, set out in the [Student Conduct Policy](#), the [Staff Student Relationship Policy](#) and the staff [Disciplinary Procedure](#) in line with OfS guidance.

## 6. Consent

6.1. Consent represents the cornerstone of respectful and healthy intimate relationships. We strongly encourage members of our community to communicate openly, honestly and clearly about their actions, wishes and intentions, and to do so before engaging in intimate conduct.

6.2. Consent is defined as where a person has the freedom and capacity to make the choice whether or not to agree to the sexual activity free from any pressure. This can be considered in two stages:

1. Whether a person had the capacity (i.e. the age and understanding) to make a choice about whether or not to take part in the sexual activity at the time in question;
2. Whether they were in a position to make that choice freely, and were not constrained in any way. This is particularly relevant when an individual is intoxicated by alcohol or affected by drugs.

6.3. Assuming that the person had both the freedom and capacity to consent, the crucial question is whether they agreed to the activity by choice. Consent can be withdrawn at any point.

6.4. Consent must be voluntarily given and may not be valid if a person is being subjected to actions or behaviours that elicit emotional or psychological pressure, intimidation, or fear.

## 7. Staff-Student Relationships

7.1. The University prohibits intimate or close personal relationships between staff and students and comprehensive guidance can be found in the [Staff Student Relationship Policy](#).

7.2. Where staff become enrolled as students during their employment at the University, they will be defined for the purposes of this policy as an employee. In cases where a student undertakes casual employment or volunteers alongside their studies, they will still be classified as students under this policy.

7.3. Any breach of this [policy](#) by a staff member will be treated as a serious disciplinary matter and may result in sanctions up to and including dismissal.

## 8. Support for Reporting and Reported Students

8.1. The University is committed to supporting both sexual misconduct survivors (reporting students) and those accused of sexual misconduct (reported students) and in all cases they will be able to access support from a trained Sexual Violence Liaison Officer (SVLO).

8.2. Support will be available to reporting students regardless of whether they chose to make a formal report under the Student Conduct Policy.

8.3. Appropriate support will be targeted at the individual needs of the students and will be provided from the initial report and throughout any resulting processes including during an investigation and/or decision making process.

8.4. When dealing with incidents of misconduct, the process laid out in the [Sexual Misconduct Procedure](#) should be followed and students referred to the Student Life Team by completing a report via [Report and Support](#). For general information you can contact the team by emailing [studentlife@port.ac.uk](mailto:studentlife@port.ac.uk).

8.5. The Student Life team will provide appropriate support to students including but not limited to :

- Appropriate ongoing advice, including referrals to wellbeing, medical services and local Sexual Assault Referral Centres (SARC) as appropriate (reporting student)
- Assistance in making an informed decision about next steps should an individual choose to report to authorities within the university or to the police (reporting student)
- Assistance in navigating resources and making appropriate responses to allegations (reporting student)
- Self-care resources, safety planning and wellbeing support (reporting and reported students)
- Advocacy (reporting and reported students)

## 9. University Disciplinary Action

9.1. Where a formal report results in disciplinary procedures, we will follow the process laid out in the University's [Student Conduct Policy](#) if the reported party is a student; or [Disciplinary Procedure](#) and [Student Complaints Procedure](#) if the reported party is a member of staff, ensuring a fair and unbiased process as per the OfS conditions of registration.

9.2. We will follow the process laid out in the [Sexual Misconduct Procedure](#) to ensure appropriate support is offered and a clear process for Disclosure and Reporting is followed.

9.3. The University recognises that it is not placed to undertake a criminal investigation. It will, however, cooperate fully with any associated police investigation and subsequent legal proceedings.

9.4. The University may also undertake separate disciplinary proceedings where such measures are indicated by the behaviours and circumstances. The University will not undertake any investigations or actions which may hamper any police investigation. Hence, University disciplinary proceedings will normally be placed on hold once the police are involved.



9.5. Where formal disciplinary proceedings are placed on hold, appropriate risk assessments and safeguarding considerations will continue to take place to ensure the safety and wellbeing of all involved parties. Precautionary measures as outlined in the [Student Conduct Policy](#) will be considered to ensure the safety of students.

9.6. The accompanying discipline procedure for this policy applies only to those experiences which have occurred during the course of study at the University, where the accused party is a current student at the University of Portsmouth. Disclosures and reports made under this policy are not limited to university premises or the immediate geography of the university.

## 10. Accommodation Service

10.1. Although the University Halls of Residence have separate disciplinary procedures, all cases of sexual misconduct will be dealt with under this policy in conjunction with the [Sexual Misconduct Procedure](#) and the Student Conduct Policy.

10.2. Reports made to third party Halls providers will be dealt with under their disciplinary procedures unless formally reported to the University. Providers will ensure signposting to the relevant Student Support Services and reporting channels.

## 11. Students' Union

11.1. Cases of sexual misconduct which occur on Students' Union(SU) premises, or at events organised by the SU will be dealt with under this policy in conjunction with the Sexual Misconduct Procedure and the Student Conduct Policy.

## 12. University Sport

12.1. University Sport activities, including Team UoP sports clubs, are governed by sport-specific regulations managed by the Department of Sport and Recreation. However, all instances of sexual misconduct will be addressed under this policy, alongside the Sexual Misconduct Procedure and the Student Conduct Policy.

12.2. Restrictions on participation in University sports activities may be imposed when a complaint is filed and will remain in effect during the investigation. Once the investigation is concluded, any decisions regarding University Sport restrictions related to the complaint will be communicated to the student.

## 13. Training and Prevention

13.1. The University will implement a clear training strategy to support staff in responding effectively to different types of sexual misconduct incidents. This strategy will be reviewed and evaluated regularly to ensure it remains fit for purpose.

13.2. The University will require all students to engage in training to ensure they are appropriately

informed of the policies and procedures relating to sexual misconduct and behaviour that may constitute harassment or sexual misconduct.

13.3. Training will be made available on an ongoing basis for all staff and students to raise awareness of sexual misconduct with the purpose of preventing incidents and encouraging reporting. This may include areas such as bystander initiatives, consent, and receiving and responding to disclosures.

13.4. Ongoing awareness raising campaigns will be delivered collaboratively between the University and the Students' Union.

## 14. Reporting and Disclosure

14.1. The University will provide easy to understand information for all students and staff on how they can report, disclose or seek support and advice if they experience or witness any incident of sexual misconduct. This will include information on anonymous reporting and third-party reporting options.

- The University is committed to removing barriers to reporting and will regularly review its processes to ensure accessibility for all students.
- The University uses [Report and Support](#), which allows anonymous and third-party reporting of incidents as well as the option to provide contact details in order to receive confidential advice and support.
- Anonymous and third-party reports will be considered and acted upon where possible, though the University's ability to investigate will be limited in these cases.

14.2. Policies and [processes for reporting](#) will be communicated to all students in an accessible way via the University website, social media platforms, and as part of early communication with prospective students.

14.3. The University will work to understand and minimise any barriers to reporting and disclosing incidents that may exist for particular groups of students.

## 15. Investigation and Decision Making

15.1. The University will ensure that investigations undertaken, and decisions made in respect of sexual misconduct incidents are credible, reasonable, and reflect established principles of natural justice.

15.2. All parties involved in an investigatory process will have access to appropriate and effective support prior to the decision to launch a formal investigation, for the duration of any investigation, and following its outcome.

15.3. The University will communicate clearly with relevant parties about the investigatory process, decision-making process, associated timescales, and factors which may impact on timescales. This is detailed within the Student Conduct Policy of Students and Disciplinary Procedure for Staff.

15.4. Disciplinary hearings will be conducted by a panel that is free from any reasonable perception of bias, is diverse, and includes student representatives where appropriate. All panel members will be appropriately trained in handling complaints of this nature.

## 16. Record Keeping and Data Protection

16.1. All disclosures of sexual misconduct will be treated confidentially and with sensitivity. They will be considered through our internal disciplinary procedures as outlined in the [Sexual Misconduct Procedure](#) and the [Student Conduct Policy](#).

16.2. Records of proceedings will be kept in accordance with the University's data retention policies and relevant data protection legislation. Documents relating to cases raised under this Policy in line with our [Retention Schedule](#).

16.3. The University will maintain anonymised data on conduct cases for monitoring and reporting purposes.

16.4. The University of Portsmouth expressly prohibits the use of non-disclosure agreements (NDAs) in cases involving harassment, sexual misconduct, or any other form of student misconduct. This prohibition applies to all stages of the reporting, investigation, and resolution process. The University recognises that NDAs can have a silencing effect on individuals who have experienced misconduct and may hinder the pursuit of justice and institutional improvement.

16.5. The University will maintain non-identifying annual data on disclosures and reports of any incidents of sexual misconduct on campus, reported to the relevant governance committee.

16.6. The University is committed to understanding the full scope of sexual misconduct affecting our community. To this end, we shall implement a robust system for collecting and analysing prevalence data. Our primary mechanism for this will be the [Report and Support tool](#), which allows for anonymous reporting of incidents and analysis of formal complaints. We shall also monitor engagement with support services and training programmes. Findings will be reported annually to the University Safeguarding Board and used to inform policy development and resource allocation.

16.7. The effectiveness of our data collection methods will be regularly reviewed to ensure they remain fit for purpose and responsive to emerging trends. Through these measures, we aim to build a comprehensive understanding of sexual misconduct issues on campus, enabling us to tailor our prevention and response strategies effectively.

## 17. Freedom of Speech and Academic Freedom

17.1. The University of Portsmouth is committed to addressing sexual misconduct while simultaneously upholding the [principles of freedom of speech and academic freedom](#). We recognise that in an educational context, students may encounter ideas, materials, or discussions that they find challenging or uncomfortable, but which do not constitute harassment or sexual misconduct.

17.2. The content of academic discourse, including lectures, seminars, debates, and course materials, is protected under principles of academic freedom and is unlikely to be considered sexual misconduct unless it is targeted at or delivered in a way that harasses a specific individual. However, this protection does not extend to personal conduct or behaviour that crosses the line into harassment or sexual misconduct. In implementing this policy, the University will carefully consider the context of any allegation, ensuring that legitimate academic discourse is protected while still taking appropriate action against genuine instances of

sexual misconduct.

17.3. Any training, policies, or procedures related to sexual misconduct will be developed and implemented in a manner consistent with the University's obligations to protect freedom of speech and academic freedom.

## 18. Governance and Oversight

18.1. The University [Safeguarding Board](#) oversees policies and practices to deliver the University's duty of care for safeguarding students and staff, including its responsibilities under the [Prevent duty](#). It provides strategic oversight and leadership on Safeguarding and Prevent matters across the University.

18.2. The Safeguarding Board reports to the University Executive Board.

## 19. Policy Review

19.1 This policy will be reviewed annually by the university's [Safeguarding Board](#) to ensure it remains effective and compliant with relevant legislation and guidance.

19.2. Student's Union representatives will be consulted for comment as part of the review process.

19.3 The University will conduct annual reviews of its policies and procedures, analysing anonymised data on disclosures, reports, and outcomes, as well as feedback from students and staff, to evaluate the effectiveness of its approach and inform continuous improvements in preventing and addressing harassment and sexual misconduct

## Appendix 1: Legal Context

This Policy and related UoP procedures are informed by a collection of legislation and guidance on the protection of children and adults at risk. This includes, but is not limited to:

- [Criminal Justice and Courts Act 2015](#)
- [Safeguarding Vulnerable Groups Act 2006](#)
- [Sexual Offences Act 2003](#)
- [Equality Act 2010](#)
- [Protection of Freedoms Act 2012](#)
- [Safeguarding against Sexual Exploitation and Abuse and Sexual Harassment \(SEAH\) Due Diligence Guidance for FCDO implementing partners 2022 \(formerly the Enhanced Due Diligence: Safeguarding for External Partners\)](#)
- [The Prevent Duty \(2023\)](#)
- [General Data Protection Regulation](#)
- [Health and Safety at Work Act 1974](#)

## **Appendix 2: List of external support services**

Treetops (SARC) <https://hiowhealthcare.nhs.uk/sarc>  
YellowDoor (ISVA) <https://yellowdoor.org.uk/>  
PARCS (Abuse and Rape Counselling) <https://www.hampshirerasac.org.uk/services/parcs/>  
You Trust Counselling (Sexual Trauma and Recovery Counselling) <https://theyoutrust.org.uk/you-counselling-centres/>  
Stop Domestic Abuse - <https://stopdomesticabuse.uk/>  
Women's Aid  
Men's Aid  
Victim Support <https://www.victimsupport.org.uk/>  
STI Home Testing Kits <https://www.letstalkaboutit.nhs.uk/stis/testing-for-stis/>

University of Portsmouth  
Department of Human Resources  
University House  
Winston Churchill Avenue  
Portsmouth PO1 2UP  
United Kingdom

T: +44 (0)23 9284 3141  
F: +44 (0)23 9284 3122  
E: [university.secretary@port.ac.uk](mailto:university.secretary@port.ac.uk)  
W: [www.port.ac.uk](http://www.port.ac.uk)