

UPSU Staffing Policies and Procedures

Zero Tolerance to Sexual Harassment Policy

September 2018

Approvals and review details

Approval Route:	Governance and Appointments Committee -> Trustee Board -> Union Council
Last administrative review	September 2018
Manager responsible:	Director of Central Services

About this policy

The Students' Union Zero Tolerance of Sexual Harassment Policy is not contractual, but is to provide managers and staff with information on UPSU's approach to dealing with sexual harassment.

Scope

This policy applies to all UPSU staff, elected officers, members, volunteers, customers and suppliers of UPSU.

Policy Statement

UPSU is committed to providing an environment where everyone is treated with respect and dignity, and where no-one feels objectified, intimidated or unsafe. Sexual harassment is completely unacceptable, and can have wide-ranging effects, both directly to individuals and culturally on staff and society. UPSU is required by law (Equality Act, 2010) to take reasonable steps to protect people from harassment. We go further than this by operating and enforcing a zero-tolerance policy, as well as engaging with campaigns and training, as outlined in this policy.

It has been prepared in accordance with:

- ACAS Guide on Bullying and Harassment at Work (2014)
- The Equality Act (2010)
- Equality and Human Rights Commission Statutory Code of Practice (2011)
- Equality and Human Rights Commission Guidance on Harassment (2015)
- Employment Rights Act (1996)
- Data Protection Act (1998)

Purpose

- To provide an environment where everyone is treated with respect and dignity, and where no-one feels objectified, intimidated or unsafe
- To protect staff, elected officers, members, volunteers, customers and suppliers of UPSU from harassment

- To outline UPSU's zero tolerance approach to sexual harassment and to outline our engagement with training and campaigns
- To outline what constitutes sexual harassment and how to report it
- To provide reassurance of the protection afforded to individuals who report sexual harassment

Recognising sexual harassment

ACAS state that harassment of a sexual nature is one of the most common forms of harassment. It is specifically outlawed by the Equality Act (2010).

Sexual harassment is defined by the Equality and Human Rights Commission as any conduct of a sexual nature that is unwanted by the recipient, including verbal, non-verbal and physical behaviours, and which violates the victim's dignity or creates an intimidating, hostile, degrading or offensive environment for them

Unwanted behaviour can include any kind of behaviour, including spoken or written words or abuse, imagery, graffiti, physical gestures, facial expressions, mimicry, jokes, pranks, acts affecting a person's surroundings or other physical behaviour.

We also include ACAS's examples of unwelcome sexual advances: touching, standing too close, display of offensive materials, asking for sexual favours, pictures of a sexual nature

The word 'unwanted' here means 'unwelcome' or 'uninvited'. This does not mean that express objection must be made to the conduct before it is considered unwanted. A worker does not need to make it clear in advance that the behaviour is unwanted.

Behaviour 'of a sexual nature' can include unwelcome sexual advances, touching, forms of sexual assault, sexual jokes, displaying pornographic photographs or drawings or sending emails with material of a sexual nature.

The behaviour does not have to be specially directed at someone to be considered harassment. Behaviour can be considered harassment even where it is directed generally (not at a specific person) but a particular person feels harassed.

Sexual Harassment can happen to anyone regardless of gender, sexual orientation or any other characteristic.

Intentions

If the person carrying out the unwanted behaviour does not intend to violate someone's dignity or create a hostile environment and so on, the behaviour may still amount to harassment if it has that effect.

If the person carrying out the unwanted behaviour actually intends to violate the other person's dignity or create an intimidating, hostile, degrading, humiliating or offensive

environment for them, this will of itself amount to harassment regardless of any effect on the individual.

Confronting Sexual Harassment

In some circumstances, you may feel able to confront harassment yourself. If you want to do this, we recommend that you first talk to one of the University's Harassment Advisors. This is a network of trained, voluntary Harassment Advisors whose role is to support staff and students who feel they are being harassed or bullied. You are strongly urged to contact an advisor to discuss the situation. Meetings are confidential. In almost every circumstance, it will be up to the person reporting alleged harassment whether any further action is taken.

More information can be found on the University's [Equality pages](#).

Reporting Sexual Harassment

ACAS recommends to people that they report the incident as quickly as possible, and recommends to organisations that we provide a safe disclosure route. We have therefore provided the following guidance.

How to report an incident as a member of staff

An allegation of sexual harassment against another member of staff can be reported to the HR Department who will escalate the report as required.

How to report an incident as an officer or other trustee

An officer or other trustee making an allegation of sexual harassment can report the incident to the President who will escalate the report as required.

How to report an incident as a student or customer

A student or customer making an allegation of sexual harassment can report the incident to a Duty Manager who will escalate the report as required. You can also report the incident through any of the channels below.

How to report an incident out of normal office hours

Outside of normal office hours, you can report sexual harassment to the Duty Manager using 07875 299757, which is also the number displayed on the wall of the lobby / reception area. The Duty Manager will report the incident in line with the above guidance. You can also report the incident to any staff member who will escalate as required, or to campus security. You can also access the [Anytime Advice Line](#) on 0800 042 0134.

Other ways to report harassment

- Your personal tutor
- The Students' Union's Advice Centre
- A PU Harassment Adviser
- Your research supervisor
- Your programme leader or Head of School
- To a Club Host (during some nightclub events)
- To a member of UPSU staff, who will escalate as required
- Email to UPSU's Advice Centre or main email address, as found on the website
- Plymouth University run 1:1 drop in Sexual Offences Support & Advice sessions (no appointments needed) offering confidential support and advice for Plymouth University Staff and Students. Find out more by contacting the [Learning Gateway](#).
- The "Ask Angela" scheme, including via a member of Bar Staff

What will happen?

If you report an incident of sexual harassment to us we will act in line with guidance from the Equality and Human Rights Commission, including:

- We will handle the complaint of sexual harassment with sensitivity and with respect for everyone's rights
- We will not dismiss what is said to have happened without investigating exactly what has gone on and assessing whether it comes within the equality law definition of harassment
- We will not require someone complaining of harassment to repeatedly recount the events complained of where this is unnecessary, as this may be difficult and upsetting for them
- If the person who says they have been harassed wants to make an anonymous complaint (so that the person they are complaining about will not know who has complained) then we will try to maintain their confidentiality while we find out what has happened and during any formal disciplinary proceedings we decide are necessary. But it must be remembered that the person who is said to have committed harassment is entitled to know the details of what they are said to have done so they can defend themselves. It cannot be guaranteed that identities will not be inferred by the respondent from the content of the statement.
- We will try to make sure that people not involved do not find out about what has happened or what has been alleged

In addition, we will ensure you are protected and supported.

UPSU will act in accordance with the Equality and Human Rights Commission's good practice tips for preventing and dealing with harassment, including:

- We encourage people to report any acts of harassment and we take action on every reported complaint as soon as possible

- We ensure all staff know about the procedure for reporting harassment, as well as their own responsibilities
- We make sure that visitors, clients, suppliers or customers who come into contact with UPSU are aware of the sexual harassment policy

Following the investigation, the investigation manager will make a recommendation. The investigation could trigger disciplinary proceedings, for example. Relevant policies will be consulted in this case.

Useful things to remember when preparing to report sexual harassment

UPSU will investigate thoroughly, but to help us, in the case of a one-off incident it can be worth reporting:

- The name of the person, if you can find out
- What they were wearing, to help us identify the incident on CCTV
- What the person looked like
- Where it happened and when.
- What they did or said
- The first person you told, as they may be a valuable witness, as well as any actual witnesses to the situation

In the case of persistent harassment

- It may be useful to make a record of the incidents. But it is important that you report harassment as soon as it occurs.

Mindful Employer (salaried UPSU staff)

UPSU is a member of [Mindful Employer](#). Staff and managers can access counselling and workplace support by calling:

- Confidential Staff Helpline: 0300 555 6006 – 24 hours per day, 7 days per week
- Confidential Managerial Advice line: 0300 555 5002 – 8am-8pm 7 days per week

For further help and advice, please contact the HR Department

END OF POLICY
