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Staff Sexual Misconduct and Sexual Harassment Policy

Document Control

Policy Owner:	Head(s) of Employee Relations, People Team
Policy Author(s):	Employee Relations and Policy Manager(s), People Team
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Amendment History:

Version Number:	Effective Date:	Summary of Amendments:	Author:
V1.0	July 2021	Policy launch	Employee Relations and Policy Team
V1.1	December 2021	Reviewed and amended	Employee Relations and Policy Team
V1.2	April 2025	Update of definitions in line with OfS Condition E6	Employee Relations and Policy Team
V2.0	February 2026	Reviewed to align with the recently approved Disciplinary Policy and updated to the new policy format. Key changes include: • Renamed from Staff Sexual Misconduct Policy and Procedure • Referral to the Disciplinary Policy for the main process (with exceptions outlined in this policy) • Updated definitions—particularly regarding harassment, and • Enhancements to raise awareness of protections against sexual harassment in line with the Worker Protection Act (amendment to the Equality Act 2010).	Employee Relations and Policy Team

1. Purpose

- 1.1. The University is committed to creating a safe, respectful, and inclusive environment for all members of its community and to preventing and eliminating Sexual Misconduct and Harassment, whether committed by staff, students, visitors, contractors, suppliers, or members of the public.
- 1.2. Sexual Misconduct and Harassment are unlawful and considered serious breaches of discipline. All reports will be taken seriously and addressed appropriately, with the process determined by the alleged perpetrator's relationship to the University.
- 1.3. This Policy outlines a fair and consistent approach to handling staff disciplinary matters related to Sexual Misconduct and Harassment.
- 1.4. The Policy is also designed to:
 - Foster a campus environment where everyone feels safe, respected, and supported.
 - Clearly communicate that Sexual Misconduct and Harassment are unacceptable.
 - Support individuals who have experienced Sexual Misconduct or Harassment.
 - Provide a structured response to alleged incidents that breach this Policy.
 - Define key terms and concepts related to Sexual Misconduct and Harassment.
 - Clarify how this policy aligns with and varies from the University's existing [Disciplinary Policy](#), ensuring transparency for both reporting and responding parties.

2. Scope

- 2.1 This Policy is applicable to all staff members engaged by the University, this includes those engaged via an agency, temporary/variable workers and those on an honorary / visiting contract. It also includes apprentices and interns.
- 2.2 This Policy does not form part of any contract of employment or contract to provide services, and the University may amend this Policy at any time. In exceptional circumstances, the University reserves the right to exercise discretion and depart from the strict application of the procedures outlined in this Policy.

3. Definitions

Sexual Misconduct	Sexual Misconduct covers a broad range of inappropriate, unwanted, or attempted unwanted, behaviours of a sexual nature. It also covers all forms of sexual violence, including sex without consent, sexual assault, sexual abuse (including online and image-based abuse), non-consensual sexual touching, Sexual Harassment (unwanted behaviour of a sexual nature which violates a person's dignity; makes the person feel intimidated, degraded or humiliated or creates a hostile or offensive environment*), stalking, abusive or degrading remarks of a sexual nature, and a range of other behaviours. * For the avoidance of doubt when the term Sexual Misconduct is referred to anywhere in this Policy, this includes any / all of the behaviours listed above, including Sexual Harassment which has an expanded definition in Appendix 1.
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A full range of explanatory definitions for the terms used in this Policy can be found in Appendix 1.

4. Responsibilities

Role	Responsible for
All members of the University community	- ensuring that they uphold the University values and behaviours and maintain the standard of integrity and conduct expected by the University; specifically understanding that any form of Sexual Misconduct will not be tolerated; - ensuring that they have read and understood the contents of this Policy; - ensuring that all reasonable steps are taken to attend any meetings associated with this Policy; - ensuring that they conduct themselves with honesty and integrity to promote an atmosphere of mutual respect, in accordance with the University's Dignity Principles and other People policies; - taking appropriate steps to address any witnessed Sexual Misconduct; Depending on the circumstances, this could include: - intervening where able to do so; - supporting the reporting party to make a disclosure to the Report and Support Team or disclosing it on their behalf; - reporting the incident to the line manager or People Team where it is felt there may be a continuing risk if it is not reported; or - co-operating in any investigation into the incident.
Heads of Department/Line Managers	- reading and keeping their training and knowledge of this Policy up to date, with the support of the People Partnering team as appropriate; - encouraging affected individuals to seek advice and support from the University's Report and Support Team. Where individuals choose not to access Report and Support, signpost them to appropriate services; - maintaining discipline and setting fair standards of conduct and behaviour; - consulting their People Partner on the application of this Policy; - ensuring that their actions, with support from the People Partner and Report and Support, are lawful and do not expose the University to legal liability, either by ill-advised action or by negligence; - conducting themselves with honesty and integrity to promote an atmosphere of mutual respect, in accordance with the University's Dignity Principles, and other People policies. - overseeing any agreed outcomes or recommendations made in accordance with this Policy that impact individuals within their areas.
People Partnering Team	- reading and keeping their training and knowledge of this Policy up to date; - encouraging affected individuals to seek advice and support from the University's Report and Support Team. Where individuals choose not to access Report and Support, signpost them to appropriate services; - dealing with Sexual Misconduct matters as quickly as reasonably possible and giving individuals reasonable notice of any meetings; - ensuring that Sexual Misconduct matters are managed fairly, consistently and reasonably across the University;

	v. training, guiding and advising managers on all aspects of this Policy to ensure that related disciplinary matters are conducted fairly and resolved appropriately; vi. advising affected individuals on this Policy; vii. sharing relevant information and documentation in relation to the process with individuals involved in the process; viii. liaising with the Head of People Partnering and Advisory team for advice and support as appropriate.
Head of People Partnering and Advisory Team	i. reading and keeping their training and knowledge of this Policy up to date ii. managing and supporting the People Partnering Team with oversight of all Sexual Misconduct related casework; iii. overseeing decisions and reviews related to suspensions; iv. determine whether matters will be considered concurrently, as part of one process when allegations against a staff member cover a variety of matters, which would ordinarily fall under the University's Disciplinary Policy, but include an allegation of Sexual Misconduct; v. ensuring that there is a framework for cases to be resolved in a reasonable timeframe, with continuous improvement prioritised.
Report and Support Team	i. respond to disclosures made via the Report and Support platform; ii. help reporting parties to consider the support options available; iii. allocate trained Liaison Officers (LO) to both reporting and responding parties named in Sexual Misconduct processes; iv. act as a named point of contact throughout the process.

5. Disclosing experiences of Sexual Misconduct

- 5.1 Individuals are encouraged to disclose experiences of Sexual Misconduct via the online reporting platform, [Report and Support](#). If however there is an immediate threat, the individual can contact the [University's Community Safety team](#) including via the [SafeZone App](#), who will contact the emergency services. If the incident takes place off campus, contact can be made with emergency services directly where there is an immediate threat or where a crime has taken place. After submitting a disclosure with contact details, the individual will be contacted within two University working days by a Liaison Officer, who will explain the support and options available. Should a disclosure be made to an alternative University representative such as a line manager or People Team member, they should encourage the reporting party to use the Report and Support platform before any further action is taken.
- 5.2 A disclosure does not create a formal complaint and is not an instruction for the University to take action. The disclosing party will have the opportunity to be heard and to consider their options before proceeding with any further steps. As a general principle, no action will be taken immediately by the University unless there is a concern about immediate safety or if the University has a duty under [safeguarding requirements](#).
- 5.3 Where a person chooses to disclose anonymously via the Report and Support platform, no action will usually be taken on the basis of their disclosure. Anonymised data will however help the University to understand patterns in behaviour and inform future policy.

- 5.4 There are several options available to the person who has disclosed their experience. They can choose the level and types of support that are right for them. After discussion with a Liaison Officer, the reporting party may choose to:
- a) **Take no further action at this time**, whilst reserving the right to do so in the future.
 - b) Seek an **informal resolution**. See section 7.
 - c) In relation to conduct which may amount to unlawful Sexual Harassment, this may also constitute a criminal offence. Where this is the case, Report and Support will offer the reporting party support to **report the matter to the police**. See section 6.
 - d) **Make a formal complaint to the University** under this Policy. Please note that the formal procedure to be followed may vary based on the responding party's relationship to the University. Complaints relating to third parties (as opposed to existing members of staff/students) may involve notifying relevant external employers and using their complaints procedure. See section 8.
- 5.5 Normally the Liaison Officer will act a single point of contact for the reporting party throughout the formal process. The Liaison Officer is not an advocate or representative, they are however able to provide information on University processes and to facilitate practical support, as well as acting as a conduit for communications between the University and the reporting party. Should the responding party also choose to receive support from a Liaison Officer, they will be assigned a different individual.
- 5.6 The University reserves the right to investigate any formal allegations made against a staff member if it is felt that there is a risk to the institution or members of our community. In some circumstances this may include carrying out an investigation with or without the reporting party's cooperation. However, all attempts will be made to secure the reporting party's agreement.

6. Criminal Process / Reporting to the police

- 6.1 A disclosure of Sexual Misconduct may allege a criminal act. Where this is the case the University, through its Report and Support Team will offer the employee support to make a formal complaint to the police themselves and provide ongoing support through a dedicated Liaison Officer.
- 6.2 Where the employee does not wish to report the matter to the Police, the University may in some circumstances determine that it is necessary to make such a report itself, for example where there is thought to be a risk to the safety of the reporting party, their colleagues, or third parties if the matter is not reported to the police.
- 6.3 In certain circumstances anonymous reports may be shared with the Police where a criminal act has been alleged.
- 6.4 Where a staff members conduct is under police investigation, the University may defer or pause its own procedures until those investigations or proceedings conclude, however the University is not restricted to awaiting the outcome of any prosecution before taking action and is not bound by the outcome of any police or criminal proceedings.

7. Informal resolution

- 7.1 A reporting party may wish for the matter to be resolved informally as set out above. Where an informal resolution is appropriate, a Liaison Officer will co-ordinate the informal resolution, in collaboration with the People Team and other services as appropriate.
- 7.2 Informal resolution can only go ahead with the mutual agreement of both parties. The Liaison Officer will check that the informal resolution has taken place where it has been agreed, however as the allegation has not been proven compliance with the informal resolution or recommendations arising from this cannot be enforced.
- 7.3 Informal resolution may include, but is not restricted to, the following outcomes:
- i. Written apologies
 - ii. Attendance at awareness sessions
 - iii. Participation in behavioural change programmes
 - iv. No contact agreements
 - v. Any other penalties which are not punitive in nature
 - vi. Mediation. Trained mediators are available where such a resolution is appropriate.
- 7.4 Both parties will be notified of the outcome of the informal resolution in writing. The relevant Head of Department (or nominated representative) will also be made aware and will be responsible for overseeing any agreed outcomes.

8. Submitting a formal complaint to the University

8.1 Complaints against existing students by a member of the University community

- 8.1.1 Complaints against existing students by a member of the University community must be submitted via email to complaints@warwick.ac.uk.
- 8.1.2 All complaints made against existing students will be logged and then referred to the Conduct and Resolution Team for consideration and managed in accordance with [Regulation 23 Student Discipline Offences](#).
- 8.1.3 The Conduct and Resolution Team will advise the individual of the process that will be followed as this is different to the process in section 10 below which relates to complaints against current members of staff.

8.2 Complaints against existing staff members

- 8.2.1 The complaint should be submitted in writing using the [Sexual Misconduct Complaints Form](#).
- 8.2.2 Should the reporting party wish to proceed with a formal complaint against an existing staff member of the University, the alleged Sexual Misconduct matter will proceed as a disciplinary matter in accordance with the [Disciplinary Policy](#) (certain aspects of which are set out below for ease of reference) in addition to the exceptions to the Disciplinary Policy which are also set out below.
- 8.2.3 The University will consider all Sexual Misconduct matters as a serious breach of discipline and therefore where an employee has been the subject of an investigation and a Disciplinary Hearing which determines

that gross misconduct has occurred, the result will normally be summary dismissal, which is termination of employment without notice or pay in lieu of notice.

- 8.2.4 The responding party will be informed in writing about the details of the alleged misconduct against them and the process that will be followed to resolve the matter(s). In all cases of alleged Sexual Misconduct, the responding party will also be offered the option of support from a Liaison Officer who will normally act as a single point of contact for the responding party throughout the formal procedure.

8.3 Complaints relating to third parties and other/former associates

- 8.3.1 Complaints relating to third parties or other/former associates of the University should be submitted in writing. Individuals may choose to use the [Sexual Misconduct Complaints Form](#). Formal action by the University is not possible where the responding party has no formal connection with the University. The formal process set out in section 10 may not be appropriate to follow and the process will differ depending on the alleged responding party's relationship with the University. Further details are set out in Section 9 below.

9. Third Party Harassment

- 9.1 Third-party harassment occurs where an individual is sexually harassed by someone who does not work for, and who is not an agent of, the same employer, but with whom they have come into contact with during the course of their employment. Third-party harassment could include, for example, unwelcome sexual advances from a customer or supplier visiting the University's premises, or where a person is visiting a customer or supplier's premises or other location during the course of their employment.
- 9.2 All members of the University community are encouraged to report any third-party harassment they experience, or are a witness to, in accordance with this Policy via the online reporting platform, [Report and Support](#) and in accordance with section 5.
- 9.3 Once disclosed, the Report and Support Liaison Officer will support the individual if they wish to make a formal complaint, this may involve notifying third parties and using their complaints procedure.
- 9.4 Anyone who is an individual who is not employed by the University of Warwick or a student at the University of Warwick who feels they have experienced or witnessed Sexual Misconduct by a member of the University community may make a formal complaint using [the complaints procedure](#).

10. Process for managing formal complaints

10.1 Assessment of Risk

- 10.1.1 When a formal complaint has been submitted against a current member of staff, a risk assessment will be carried out to identify any potential risks that may affect the health and safety of the reporting party and the responding party as well as the wider University community.
- 10.1.2 If it is believed that there is a danger to reporting party or to anyone else or that suspension or restriction of duties might be necessary, the matter should be referred to a Risk Assessment Group (RAG).

10.1.3 The RAG is quorate with 3 members from:

- The People Senior Leadership Team (Chair)
- The People Partnering Team
- The Head of Department (or nominee)
- The Director Conduct and Resolution (or nominee)
- The Director of Wellbeing and Safeguarding (or nominee)
- Other University representative(s) as required.

The RAG should include at least one representative from outside of the People Team.

10.1.4 The RAG will determine whether a recommendation for suspension or other restriction of duties is appropriate, taking into account all contextual information available to them.

10.1.5 Suspension is a precautionary measure only, pending the outcome of disciplinary proceedings and is not a disciplinary sanction in itself. Suspension for employees shall be on normal salary.

10.1.6 The individual will be given formal written notification of the expected length and reasons for the suspension, and details of any restrictions.

10.1.7 The suspension will be kept under review and the individual kept informed should the investigation encounter delays. However, suspension may continue until a decision is taken at a Disciplinary Hearing.

10.2 Investigation

10.2.1 Cases of alleged Sexual Misconduct will be investigated by specialist Investigating Officers who have an appropriate level of training. Investigations of alleged Sexual Misconduct matters should be carried out without unreasonable delay to establish the facts of the case.

10.2.2 The role of the Investigating Officer will be:

- to ensure that, where practicable, all relevant facts and witness statements are obtained in relation to the alleged misconduct;
- to decide which witnesses are necessary to interview and, accordingly, to invite them to participate in an investigatory interview;
- to conduct the investigation in a confidential manner, and complete the investigation without undue delay wherever possible and
- to provide a written report outlining the findings of the investigation.

10.2.3 Following receipt of the Investigating Officer's report, a decision will be made on behalf of the University by a Disciplinary Review Group (DRG), as to whether there is sufficient evidence for the matter to be considered at a Disciplinary Hearing.

10.2.4 The DRG is quorate with 3 members from:

- The People Team Senior Leadership Team (Chair) (or nominee)
- The Director of Legal and Compliance Services (or nominee)
- The Director of Wellbeing and Safeguarding (or nominee)
- The Director Conduct and Resolution (or nominee)

- Expert counsel may be invited to advise on particular cases as appropriate from internal and external sources. These attendees will not however be involved in the decision making of the group.

10.2.5 The People Partnering Team will be responsible for informing both parties of the outcome and advising on any next steps, i.e. whether the matter will be progressing to a Disciplinary Hearing.

10.2.6 Both the responding party and the reporting party will be provided with a copy of the Investigating Officer's report. In exceptional circumstances, for example where it is deemed that the release of the report may be damaging to other parties, the report may be redacted.

10.2.7 Where it is deemed appropriate by the Disciplinary Hearing chair/panel, the Investigating Officer will be asked to make themselves available to attend the Disciplinary Hearing.

10.2.8 If it is determined that the matter will not progress to a Disciplinary Hearing the DRG may make suggestions to the responding party regarding actions they might undertake, such as attending awareness sessions. If it is appropriate and necessary to make such suggestions, they will be communicated to the responding party, and an outcome letter will be issued.

10.3 Representation

10.3.1 At each formal stage of this Policy (including any investigatory stage), responding and reporting parties and witnesses have the right to be accompanied by one person at each formal meeting. Right to representation will be in line with section 6.6 of the [Disciplinary Policy](#) and is subject to the following deviations.

10.3.2 Examples of who can accompany the reporting or responding party are either:

- A Liaison Officer
- A University of Warwick work colleague (for staff) or fellow University of Warwick student (for students)
- A Trade Union representative or an official employed by the Trade Union. You can find further information on Trade Unions at the University of Warwick here: [Trade Union Support with a Workplace Issue](#).
- A Students' Union Advice Centre Adviser (if the reporting party is a student)
- An Independent Sexual Violence Adviser.

10.4 General principles

10.4.1 Any variations from the existing [Disciplinary Policy](#) that have been deemed to be appropriate by the University, in relation to Sexual Misconduct matters, are set out in this Policy (along with certain aspects of the Disciplinary Policy for ease of reference).

10.4.2 Employees will be advised in writing of the nature of the alleged Sexual Misconduct together with any evidence and will be given the opportunity to state their case before any formal sanctions are applied in accordance with this Policy.

10.4.3 The relevant People Partner must be consulted before taking formal action under this Policy or any associated investigations take place.

- 10.4.4 Requests for adjustments to enable participation at each formal stage of this Policy (including any investigatory stage) should be brought to the attention of the Chair of the meeting or the relevant People Partner, at the earliest opportunity, so that arrangements can be made where possible. Further information about adjustments can be found in the University's [Adjustments Policy](#).
- 10.4.5 A People Team representative will be present in all formal meetings.
- 10.4.6 Formal outcomes associated with hearings or appeal hearings will usually be communicated in writing within 7 calendar days. It is expected that the timescales listed in this Policy should be extended in the event they are impacted by [University customary or statutory days](#). Any delays should be clearly communicated in writing, including the reason for the delay and the expected additional time to resolve.
- 10.4.7 All information relating to a Sexual Misconduct complaint will be treated confidentially. Information relating to the alleged Sexual Misconduct will be shared with only those who have a legitimate requirement to see the documentation, either as part of resolution to the disciplinary process or any relevant and subsequent procedure and therefore the processing of data for contractual necessity. This may include notification to certain funding bodies in adherence to the terms and conditions of the funding agreement.
- 10.4.8 It is expected that all parties will be sensitive to the nature of such proceedings, including matters discussed and any evidence provided. Breach of confidence, on either side, may compromise the integrity of the procedure and may itself be subject to disciplinary action. This does not preclude individuals from seeking appropriate advice, support and information in relation to the case such as from their Trade Union representative or their nominated companion.
- 10.4.9 Employees will normally be informed of the names of any witnesses whose evidence is relevant to disciplinary proceedings, unless the University believes that the identity of witnesses should remain confidential, for example in cases where there is a genuine fear of reprisals or violence.
- 10.4.10 The University may inform and/or involve the police and/or any other relevant statutory or regulatory bodies where required at any appropriate point of this Policy.
- 10.4.11 If allegations made/brought against a staff member cover a variety of matters, which would ordinarily fall under the University's [Disciplinary Policy and Procedure](#), but include an allegation of Sexual Misconduct, a decision will be made by a Head of People Partnering and Advisory as to whether these matters will be considered concurrently, as part of one process. The procedure associated with this Policy (rather than the Disciplinary Policy) will apply in this scenario.

10.5 Disciplinary Hearing

- 10.5.1 If the DRG identifies a potential breach of this Policy following review of the Investigation Officer's report, both parties will be notified that the matter will proceed to a Disciplinary Hearing. The Disciplinary Hearing will be conducted in line with the procedure set out in Section 6.7 of the [Disciplinary Policy](#). Any variations from the existing Disciplinary Policy that have been deemed to be appropriate by the University in relation to Disciplinary Hearings regarding Sexual Misconduct matters, are set out in this section (along with certain aspects of the Disciplinary Policy for ease of reference).

- 10.5.2 In cases of Sexual Misconduct, the reporting party may also be invited to attend the Disciplinary Hearing, however their attendance is not obligatory.
- 10.5.3 Membership of the Disciplinary Hearing panel will be:
- a) Chaired by a member of Senior Management (Grade 9 or above) from an unrelated area.
 - b) The Chair will be accompanied by a minimum of one other appropriate manager who is independent and of appropriate seniority.
 - c) A member of the People Team will be present to advise on procedure.
- 10.5.4 All panel members will have undergone specific training.
- 10.5.5 The reporting party will be informed of the outcome of the Disciplinary Hearing as well as the responding party. In exceptional circumstances, for example where it is deemed that the release of the full information may be damaging to other parties, the outcome information may be redacted.
- 10.5.6 The Disciplinary Hearing may result in a number of possible outcomes or sanctions.
- **Dismissal** - The University considers all allegations of Sexual Misconduct as serious breaches of discipline, which could potentially lead to dismissal for a first offence.
 - **Final Written Warning**
 - **First Written Warning**
 - **No Further Action** - If there is insufficient evidence to support the allegations of Sexual Misconduct no sanction will be issued.
- Further details can be found in Section 6.7.8 of the Disciplinary Policy.
- 10.5.7 The severity of the sanction will not necessarily be determined by whether the current offence is similar or related to previous ones. Instead, progression through the [Disciplinary Policy](#) including consideration of an individual's wider live disciplinary record will be based on the nature and seriousness of the offence(s).
- ## 10.6 Appeal
- 10.6.1 An appeal hearing is a meeting used to review whether the decision that has been made should be overturned or changed. The process for appeals will be in line with the procedure set out in sections 7 and 8 of the [Disciplinary Policy](#).
- 10.6.2 In all cases of Sexual Misconduct both the reporting and responding parties may appeal the outcome of the Disciplinary Hearing.
- 10.6.3 In all cases of Sexual Misconduct, the reporting party will also be informed that an appeal hearing will take place and will be informed of the outcome. If the appeal is submitted by the reporting party, the responding party will be informed.

11. Protection and Support

- 11.1 Retaliation and / or victimisation against a member of the University community because of a report under this Policy or because an individual has participated in an investigation under this Policy will not be tolerated. Any suspected retaliation and / or victimisation should be immediately reported to the relevant People Partner or by using [the Report and Support platform](#). Complaints of retaliation and / or victimisation will be investigated and where appropriate, may lead to disciplinary action up to and including dismissal.
- 11.2 Further support and guidance can be obtained from [the People Team](#), [Report and Support](#), [Report and Support's support page for Sexual Misconduct and Relationship Abuse](#), [the Conduct and Resolution Team](#), [Community Safety](#), [SafeZone](#), [the Employee Assistance Programme](#) and the [staff Wellbeing Hub](#).

12. Associated Documents and Information

[Adjustments Policy](#)

[Disciplinary Policy](#)

[Reg. 23 Student Disciplinary Offences](#)

[Process for Responding to Student Behaviour Misconduct](#)

[Student Sexual Misconduct and Relationship Abuse Policy](#)

[University values and behaviours](#)

[University's Dignity Principles](#)

Appendix 1 – Definitions

Sexual Harassment	The Equality Act 2010 sets out three types of sexual harassment: Unwanted Conduct related to Sex This includes conduct which has the purpose or effect of violating someone’s dignity or creating an intimidating, degrading, humiliating or offensive environment for them. This covers a range of behaviour which can include: • spoken or written words; • imagery; • physical gestures or facial expressions; • mimicry, jokes, pranks or “banter”; • conduct related to stereotypes; • posts or contact on social media. This type of conduct may not only offend the person to whom it is directed, but people around them who witness it and feel offended, regardless of their sex. Unwanted Conduct of a Sexual Nature This includes conduct of a sexual nature which has the purpose or effect of violating someone’s dignity or creating an intimidating, degrading, humiliating or offensive environment for them. Sexual harassment can happen to a person of any sex and can be carried out by anyone of the same sex or different sex. A one-off incident can amount to harassment. Unwanted conduct of a sexual nature does not have to be sexually motivated – it is simply sexual in nature. Sexual interaction which is consensual or invited is not sexual harassment, however, sexual interaction can become unwanted at any point. Unwanted conduct of a sexual nature may include, for example: • unwanted physical conduct or "horseplay", including touching, pinching, pushing and grabbing; • continued suggestions for sexual activity after it has been made clear that such suggestions are unwelcome; • sending or displaying material that is pornographic or that some people may find offensive (including emails, text messages, video clips and images sent by mobile phone or posted on the internet); • unwelcome sexual advances or suggestive behaviour (which the harasser may perceive as harmless); or • offensive emails, text messages or social media content. Less Favourable Treatment Sexual harassment can also take place where workers are treated less favourably because they have rejected, or submitted to, the unwanted conduct that is related to sex, gender reassignment or is of a sexual nature. Whether less favourable treatment occurs as a result will be examined broadly and includes areas such as blocking promotion and refusal of training opportunities, other development opportunities or differing treatment. We would encourage any worker who is subjected to such an unwanted advance to report it.
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Victimisation	Victimisation includes subjecting a worker to a detriment because they have done, or are suspected of doing or intending to do, any of the following protected acts: • Bringing proceedings under the Equality Act 2010. • Giving evidence or information in connection with proceedings under the Equality Act 2010. • Doing any other thing for the purposes of or in connection with the Equality Act 2010. • Alleging that a person has contravened the Equality Act 2010. Victimisation may include, for example: • Denying someone an opportunity because it is suspected that they intend to make a complaint about sexual harassment. • Excluding someone because they have raised a grievance about sexual harassment. • Failing to promote someone because they accompanied another worker member to a grievance meeting. • Dismissing someone because they gave evidence on behalf of another worker member at an employment tribunal hearing.
Consent	Consent is the agreement to participate in a sexual act where the individual has both the freedom and capacity to make that decision. Consent cannot be assumed on the basis of a previous sexual experience or previously given consent, and consent may be withdrawn at any time. Free consent cannot be given if the individual does not have the capacity to give consent. Incapacitation may occur when an individual is asleep, unconscious, semi-conscious, or in a state of intermittent consciousness, or any other state of unawareness that a sexual act may be occurring. Incapacitation may also occur on account of a mental or developmental disability, or as the result of alcohol or drug use.
Disclosure	Disclosure means that an individual tells a member of the University community that they have experienced Sexual Misconduct (this is different from a formal complaint).
Formal complaint	Submitting a formal complaint to the University regarding an individual's experience of sexual harassment or misconduct is an instruction for the University to take appropriate action. The complaint will allow the University to investigate the misconduct as set out in this policy.
Reporting party	The reporting party is the person(s) who has made a formal complaint regarding an experience of sexual harassment or misconduct.
Responding party	The responding party is the employee(s) named in a formal complaint who is alleged to have committed an act of sexual harassment or misconduct.
Third party	A third party is an individual who is not employed by the University of Warwick or a student at the University of Warwick. This could include but is not limited to a supplier, a visitor, a member of the public, a service provider or a consultant.