



BUCKINGHAMSHIRE
NEW UNIVERSITY

EST. 1891



Student Prevention of Harassment and Sexual Misconduct Policy

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Purpose

- 1 Buckinghamshire New University (BNU) is committed to preventing incidents of harassment and/or sexual misconduct within the University community.
- 2 All members of the BNU community are expected to take personal responsibility for their behaviour, to behave with integrity, to be aware of the impact on others and to provide a safe, inclusive and welcoming environment where people can be themselves.
- 3 The University is committed to working with students, partnerships, and key internal and external groups to build positive relationships to support, prevent and proactively promote a culture where our expectations are transparent to the wider community and to our placement providers.
- 4 The University recognises that harassment and sexual misconduct can occur in all areas of society, including higher education and can take many forms. Such incidents and behaviours are taken seriously and are not acceptable at BNU.
- 5 The Student Prevention of Harassment and Sexual Misconduct Policy aims to raise awareness of harassment and/or sexual misconduct and enable students to recognise and provide ways to speak out about incidents or behaviours that may constitute harassment and/or sexual misconduct.
- 6 This Policy sets out how the University handles and supports disclosed information and reports of allegations of harassment and/or sexual misconduct conducted by students.
- 7 This Policy should be read in conjunction with the Student Conduct Procedure and/or the Fitness to Practise Procedure when students are on a course leading to a professional accreditation endorsed by an external Professional, Statutory, or Regulatory Body (PSRB).

Applicability and Scope

- 8 This Policy applies to disclosed information and reports of alleged incidents of harassment and/or sexual misconduct that involve or affect one or more students.
- 9 A student under this Policy is a person registered with the University, enrolled on a programme of study, taught by the University and/or studying for a Buckinghamshire New University Award. It includes degree and higher degree apprentices, UK and Transnational Education (TNE) partnership students.
- 10 This Policy applies to incidents or behaviours of harassment and/or sexual misconduct that occur when the Reporting Party and Reported Student is a registered student and where the incident or behaviour occurs:
 - a. on or in close proximity to University campuses or associated teaching locations;
 - b. on temporary sites used by the University for teaching, examinations, or other activities;

- c. whilst using University systems and digital platforms accessed on campus, home or elsewhere;
 - d. through online activities such as email, the internet, or social media;
 - e. during teaching and practical delivery whether online or in person;
 - f. whilst participating in University - sponsored or arranged placement, visits or study trips;
 - g. off University campuses, such as a Partner Institution where the Reported Student or Reporting Party is a BNU Student. In such instances, the incident and/or behaviour may initially be considered by the Partner Institution if it is appropriate, or possible to address by way of Early Resolution. If not, the case should be formally reported to the University;
 - h. in University accommodation for serious cases if referred on from the Accommodation Disciplinary Procedure and where it is not appropriate or possible to address by Early Resolution;
 - i. within the SU, at an SU event or activity if referred on from the SU Disciplinary Procedures and where it is not appropriate or possible to address by Early Resolution.
- 11 Students will be informed of the options available to them where incidents or behaviours occur outside of the above and/or by individuals who are not students or staff of the University.
- 12 This Policy does not apply to incidents that do not constitute harassment and/or sexual misconduct. Incidents of alleged breaches of the expected standards for student behaviour will be considered in accordance with the Student Conduct Procedure.
- 13 Students that want to express dissatisfaction about something the University has or has not done, or about the standard of service provided by or on behalf of the provider would normally be referred for consideration under the Student Complaints Procedure and not under this Policy.
- 14 Reported allegations of harassment and/or sexual misconduct of staff towards students would normally be managed under the Employee Disciplinary Policy and Procedure. For some research students and staff pursuing professional development, the University is a workplace. In these situations, the relevant employee Procedure supersedes the Student Conduct Procedure.
- 15 BNU Students' Union (SU) has separate Disciplinary Procedures detailed within its ByeLaws. These cover allegations of misconduct on Union premises, in the immediate vicinity of the Union, at a Union event, or whilst representing the Union or one of its clubs or societies. Where appropriate, the University may act under the Student Conduct Procedure following on from the Students' Union procedure. The SU may ask the University to investigate alleged breaches of the principles set out in this Policy where these are formally reported. In such

instances, incidents will be referred from one Procedure to the other; Procedures will not run concurrently.

- 16 Reported allegations of Harassment and/or Sexual Misconduct will be based on the balance of probabilities in accordance with the Student Conduct Procedure. An Investigation and/or decision reached does not constitute a legal ruling on whether or not a criminal activity has taken place.

Responsibilities

- 17 All members of the BNU community are expected to contribute to preventing incidents and behaviours of harassment and/or sexual misconduct.
- 18 BNU students share the responsibility for promoting and fostering an inclusive environment and ensuring that their behaviour intentional or unintentional does not constitute harassment and/or sexual misconduct.
- 19 The University will hold accountable any student determined to have breached the expectations set out in this Policy and related Procedures by way of interventions, education and training and/or sanctions.
- 20 All staff associated with the University and involved in the process whether through Procedure, Partnership, or provision of support are expected to act in a sensitive and impartial manner.
- 21 Staff must not compromise their professional or ethical responsibilities. BNU expects everyone associated with the University to maintain high professional standards.
- 22 Relevant staff must not exploit a position of power in relation to students and incidents of harassment and/or sexual misconduct. This includes but is not limited to applying pressure in a way which may result in a student doing something, or refraining from doing something that they may not have otherwise done.
- 23 The Directorate for Student Success is responsible for teams that can provide appropriate support to students at BNU's home campuses in response to disclosed information and/or reports of harassment and/or sexual misconduct. This includes support for the Reporting Party, Reported Student and witnesses.
- 24 The University's [Report+Support](#) system can be used to disclose incidents or behaviours of harassment and/or sexual misconduct as well as provide information about a range of internal University services and external support available. Students can also contact the Student Hub for confidential support and signposting where appropriate by emailing students@bnu.ac.uk
- 25 The Office of the Dean of Students is responsible for the management of the Student Conduct Procedure providing procedural advice, guidance and training in relation to the Procedure. This includes ensuring staff are appropriately trained to recognise 'freedom of speech principles' within the law pertaining to students and have the required knowledge and

skills to undertake investigations or make decisions in relation to incidents of harassment and/or sexual misconduct of one or more than one student. The Resolution Team can be contacted by emailing resolution@bnu.ac.uk.

- 26 The Interim Measures Panel is responsible for ensuring consideration is given to the support needs of students involved in incidents of harassment and/or sexual misconduct. The Panel is intended to assess the academic, wellbeing and support needs of all parties involved, including any member of the University community affected. The Panel will not consider the detail of the reported incident.
- 27 The [Students' Union Advice Centre](#) provides appropriate independent advice and support to students at BNU's home campuses. The Students' Union Advice Centre can be contacted by emailing su@advice@bnu.ac.uk.

Interventions and Early Resolution

- 28 In some instances, students affected by harassment and/or sexual misconduct may want to resolve the behaviour by reaching a resolution with one or more than one student involved to remedy the situation and to resume a positive learning environment. Students are encouraged to contact the Resolution Team should they wish to discuss their resolution and/or the Student Wellbeing Team to discuss support options available to them.
- 29 The University recognises it is for the individual(s) affected to determine the preferred way for resolution. Seeking to resolve an incident or behaviour is not a barrier to reporting at a later stage. The University may however investigate the incident or behaviour should it be deemed that a general duty of care exists. This may include liaising with their [student trusted contact](#) or other organisations such as emergency services where there are safety concerns.
- 30 The Interim Measures Panel may consider interim interventions following a risk assessment of the incident and/or behaviour of one or more than one student. This includes any necessary or immediate action and determining whether precautionary action (including temporary suspension ss) needs to be put in place in accordance with the Student Conduct Procedure. Any interim measures will be proportionate to the nature of the risk(s) being managed.

Procedure for incidents of harassment and/or sexual misconduct

- 31 Reported alleged breaches of this Policy by students will normally be investigated under the Student Conduct Procedure.
- 32 Information about a reported incident involving students who experienced or witnessed harassment and/or sexual misconduct of an individual under the age of 18 or deemed to be an "adult at risk" may also be shared with the Safeguarding Team and or/considered under the [Safeguarding Policy](#).

- 33 If the Reported Student is on a course leading to a professional accreditation endorsed by an external PSRB it would normally be deemed more appropriate for the alleged incident or behaviour to be considered under the [Fitness to Practise Procedure](#) where harassment and/or sexual misconduct is also considered to breach PSRB standards.
- 34 Where there are multiple incidents, or behaviours that involve or affect one or more students, one of which is an aspect of harassment and/or sexual misconduct, the University will determine how to proceed and/or determine the appropriate Procedure(s) under which the alleged incidents or behaviours be considered.

Definitions

- 35 Definitions within this Policy explain the terminology and types of behaviours used at BNU that are deemed a Policy breach. These definitions should be read in conjunction with the Student Conduct Procedure and examples of unacceptable behaviour that constitute misconduct and breach of the expected standards for student behaviour.
- 36 **Disclosed information** involves sharing information about a student's experiences of harassment and/or sexual misconduct with a member of the University community either in person or online using the University's [Report+Support](#) system.
- Disclosing information unlike a report does not normally initiate an investigation or action by BNU. The University respects the right of the individual to choose how to take forward a disclosure and whether they wish to report an incident anonymously or not. A disclosure would lead to support and options being offered to determine how the person wishes to proceed.
- 37 **Freedom of Speech principles** having particular regard to freedom of speech within the law, academic freedom and tolerance for controversial views in an educational context, or environment, including in premises and situations where educational services, events and debates take place. These principles and the definition of freedom of speech set out in the Higher Education (Freedom of Speech) Act 2023 does not apply in TNE contexts.
- 38 **Harassment** the unwanted conduct related to a relevant protected characteristic and the conduct has the purpose or effect of violating a person's dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment for another [Section 26, Equality Act 2010](#) and/or:
- a. **Harassment** a course of conduct which amounts to harassment of another and, which the person knows or ought to know amounts to harassment of the other This definition may also include conduct which involves harassment of two or more persons, and which the person knows or ought to know involves harassment of those persons [Section 1, Protection From Harassment Act 1997](#).

These definitions are not intended to be an exhaustive list. The Student Conduct Procedure should be referred to for behaviours and/or actions of students that may constitute harassment that can be considered under this Policy.

b. students exposed to the content of course material included but not limited to books, videos, sound recordings, pictures, statements made, and views expressed by a person as part of teaching, research or discussions about any subject matter connected with the content of their programme of study is unlikely to amount to harassment.

- 39 **Incident** is an occurrence or related event or action relating to harassment and/or sexual misconduct. An incident can include allegations, formal findings of harassment and/or sexual misconduct and the University having reasonable grounds for suspecting that harassment and/or sexual misconduct has taken or is taking place.
- 40 **Relevant staff** is a member of staff who has direct academic responsibilities, or other direct professional responsibilities, in relation to the student(s).
- 41 **Report** involves the sharing of information with the University by a student that has or is experiencing harassment and/or sexual misconduct for the purposes of initiating a formal procedure and investigation as set out in the Student Conduct Procedure. A report would lead to support and options being provided to the student.
- 42 **Reporting Party** is the student(s) who was subject to or who witnessed the alleged incident of harassment and/or sexual misconduct.
- 43 **Reported Student** is the student(s) whose behaviour is alleged to amount to an incident of harassment and/or sexual misconduct.
- 44 **Sexual Misconduct** is any unwanted or attempted conduct of a sexual nature and includes but is not limited to sexual harassment; sexual assault; and rape. This definition reflects one referred to by the Office for Students and includes the most serious behaviour; it is not intended to be an exhaustive list. The Student Conduct Procedure should be referred to for behaviours and/or actions of students that may constitute sexual misconduct that can be considered under this Policy.
- 45 **Staff** includes but is not limited to employees and contractors.

Confidentiality

- 46 The University will process all information including personal data in accordance with the Data Protection Act 2018 and provisions of the UK Data Protection Regulation (GDPR). More information about how BNU collects, processes and stores information can be found in the [Privacy notice for Students](#).

Appendix: Equality Impact Assessment

As a University, we are committed to enhancing equality, diversity and inclusion (EDI). We have a legal (Equality Act 2010) and ethical obligation to ensure our policies, systems and processes are fair, inclusive and ensure every member of the BNU community can thrive.

Whilst we all have protected characteristics, we know there are certain characteristics and communities that are marginalised and underrepresented in Higher Education and the workplace. These are: different ethnicities (including Gypsy, Roma, Traveller, Showmen and Boaters, migrants, refugees and asylum seekers) Disabled individuals; neurodiverse individuals; pregnancy (including maternity and paternity impact); the LGBT+ community; carers; people of different faiths; people impacted by menopause and individuals from a range of backgrounds including: socio-economic disadvantage, homeless, alcohol and/or substance misuse, people experiencing domestic and/or sexual violence, ex-armed forces, looked after children and care leavers. We also know individuals have multiple intersectional experiences and different points in their lives and careers.

1. With reference to the above characteristics, in what ways does this policy/procedure enhance equality and the access of opportunity at BNU?

The policy enhances equality and access to opportunity at Buckinghamshire New University (BNU) by establishing clear principles for identifying and addressing harassment and sexual misconduct, thereby fostering a safe and inclusive learning environment for all students. It promotes a culture of integrity and accountability, encouraging respectful and supportive behaviour across the University community. Reporting Parties are supported through accessible disclosure and reporting pathways through platforms such as Report and Support, the Students' Union, and the Resolution Team. The inclusion of Early Resolution, trauma-informed practices, and interim measures are put in place to remove barriers to disclosure and provide appropriate internal or external support. Furthermore, the policy includes incidents of harassment and/or sexual misconduct that may arise online and on-and off-campus, recognising the varied experiences and incidents of students, particularly those from underrepresented or marginalised groups.

2. In what ways does the policy/procedure adversely impact individuals from marginalised and underrepresented communities?

The policy reflects a strong commitment to fairness and consistency, aiming to create a safe and inclusive environment for all students with support mechanisms to help ensure equitable treatment. Students from marginalised or underrepresented communities may face barriers to accessing support or understanding due to policy terminologies, digital literacy, past experiences that have led to mistrust or limited awareness of their options. While the procedure is designed to be fair, it may lead unintended disadvantage.

3. How does this proposal work towards achieving the BNU Equality Objectives as outlined in the Equality Strategy 2023-2028? Please signpost objectives and actions in the BNU Equality Strategy.

The policy ensures a fair, transparent, and consistent process for all students. Options for Early Resolution allow concerns to be addressed informally, promoting a whole institutional approach to enable our BNU community to resolve student behavioural matters without unnecessary escalation.

Signposting to support services ensures equitable access to guidance and representation for all parties. The policy supports the University's commitment to fostering a safe, inclusive environment.

A handwritten signature in black ink, appearing to read 'Dionne Spencer', written in a cursive style.

Signed:

Name: Dr Dionne Spencer, Dean of Students

Date: 01/07/2025



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