

BPP University – University Policies and Procedures

Harassment and Sexual Misconduct Policy



Scope	Students/Staff/External Agencies
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Purpose	Outlines the University's policy and procedure with respect to supporting students with and managing concerns of Harassment and Sexual Misconduct.

Regulatory Mapping

BPP University General Academic Regulations
Section C: Registration, Engagement, Progress, and Conduct Section G: Rights and Duties

BPP University
University Policies and Procedures
Harassment and Sexual Misconduct Policy

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1. Introduction

- 1.1. The following policy outlines the University's approach to managing concerns of harassment and/or sexual misconduct that are reported by students about others, or concerns that are reported to the University about students committing harassment and/or sexual misconduct to others. The policy takes clear direction from, and pays full regard to, the University's obligations to the [OfS General Ongoing Conditions of Registration, E6: Harassment and Sexual Misconduct](#).
- 1.2. The policy is a component of the [Harassment and Sexual Misconduct Support Guide](#) (the University's single comprehensive source of support and information for concerns relating to Harassment and Sexual Misconduct) which outlines clearly the University's entire approach to the prevention and management of harassment and sexual misconduct. [The Harassment and Sexual Misconduct Support Guide](#) should be read in consultation with this policy but does not replace the authority of this policy and procedure. [The Harassment and Sexual Misconduct Support Guide](#) acts as a central guide and roadmap for advice, support, and signposting to key policies and procedures in relation to the prevention and management of harassment and sexual misconduct. To avoid doubt, the policies and procedures

referenced and referred to in the [Harassment and Sexual Misconduct Support Guide](#) always take priority over the guide itself.

- 1.3. The University takes seriously its duty to ensure that its students, staff, and visitors to the University can participate in a safe environment, both physically in its centres, but also in the virtual spaces of the University online. As evidenced in the [Harassment and Sexual Misconduct Support Guide](#) and this policy, the University is taking multiple steps which could individually or in combination make a significant and credible difference in protecting students, staff, and visitors to the University from behaviour that may be considered harassment and/or sexual misconduct taking place.
- 1.4. It is an expectation of all students to abide by the University's rules and regulations as expressed in the General Academic Regulations (GARs) and University's Policies and Procedures (UPPs). In particular, the Student Conduct Policy sets out the University's expectations with respect to the behavioural conduct of students. Students are also expected to always comply with the law and avoid behaviours that may endanger the welfare and wellbeing of others. Clear direction is provided on what the University constitutes as non-academic misconduct in the Student Conduct Policy, and the action that will be taken to consider, investigate, and sanction non-academic misconduct should it arise in the University environment, both in its centres and its online spaces, and where applicable beyond this. Furthermore, in relation to harassment and/or sexual misconduct, this policy and procedure is clear on how such concerns raised with respect to student and staff behaviour will be managed, and how the University's policies (both for students and staff) will be used in conjunction with this policy.
- 1.5. The University makes it clear that any form of harassment and sexual misconduct is completely unacceptable. Concerns of harassment and/or sexual misconduct committed by students are dealt with at the highest level in the Student Conduct Policy, and where a concern of harassment and/or sexual misconduct is raised by a student, staff member, or third-party (the reporting party) with respect to a student of the University (the responding party), then this will be managed and investigated by the Student Conduct Policy. Should a student, staff member, or third party wish to raise a concern about the harassment and sexual misconduct of a staff member, then this will be dealt with through BPP's Anti-Harassment & Bullying Policy. Furthermore, the University has significant measures in place to support students subject to harassment and sexual misconduct through its Student Welfare and Support Team, and the Proctor's Office.

- 1.6. Please also note that the provision of this policy also extends to providing advice and support to BPP students who have experienced harassment and sexual misconduct outside of the BPP University environment. There may however be some limitations to the actions the University can undertake beyond providing support and advice where an incident takes place outside of the BPP University environment and is committed by someone outside of the BPP University (e.g., it would not be able to proceed action under its Student Conduct Policy for a non-BPP individual, but could provide support, advice, and take action by supporting a report to the Police). In such situations, it is important students always raise any concerns they have with respect to experiencing harassment and/or sexual misconduct both in the BPP University and externally to it, so students receive the specialist support and advice on offer.
- 1.7. Ignorance to harassment and sexual misconduct will not be considered a defence as all BPP University members will have received mandatory training, and are expected to understand and abide by the rules, regulations, policies and procedures, as set out in this policy, the [Harassment and Sexual Misconduct Support Guide](#), and related policies that are referenced in the [Harassment and Sexual Misconduct Support Guide](#).
- 1.8. The University's definitions of Harassment and Sexual Misconduct have been informed by section 26 of the Equality Act 2010 and section 1 of the Protection from Harassment Act 1997. Guidance has also been taken from the OfS General Ongoing Condition of Registration E6 relating to Harassment and Sexual Misconduct. It is important to note that the definitions outlined below are not necessarily exhaustive, and where an individual has any concern of harassment and/or sexual misconduct they should always raise it through the processes as outlined in this policy to receive support and advice on their individual circumstances. Furthermore, any judgements reached as part of this policy, or any subsequent investigation, do not constitute a legal ruling on whether criminal activity has taken place or not. Should a legal outcome wish to be pursued, advice and support as outlined in this policy will be provided to support a report to the Police and/or a referral to legal advice.

2. Harassment

- 2.1. The University defines harassment as being subject to unwanted behaviour or conduct by an individual(s) 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 protected characteristics as defined in Section 26., subsection 5., of the Equality Act 2010. These protected characteristics incorporate:

- a) Age;
- b) Disability;
- c) Gender reassignment;
- d) Race;
- e) Religion or belief;
- f) Sex;
- g) Sexual orientation.

- 2.2. Harassment can take place in person, but can also occur through non-physical forms of contact, such as online through social media, e-mail, and messaging platforms, through text messaging and telephone communications. Harassment causes significant distress, often at a profound psychological level, and it is therefore important that all University members are aware of what constitutes harassment and seek to remain vigilant to harassment in our community. The University operates a zero-tolerance approach to harassment and actively seeks to prevent it from occurring.
- 2.3. The University will take the highest levels of action against harassment when it is found to have occurred. It is also important however to be clear that the expression of controversial, unpopular, and contested viewpoints does not necessarily constitute harassment, and whilst an individual may report a concern of harassment in response to the expression of such viewpoints, this may not be the case. Discomfort from the expression of controversial, unpopular viewpoints expressed within the law, does not necessarily represent being subject to harassment.
- 2.4. The University has a legal duty to promote and protect academic freedom and freedom of speech. Academic staff have freedom, within the law, to question and test received wisdom and put forward new ideas and controversial or unpopular opinions without detriment to themselves, across their scholarly work, teaching, and research. Furthermore, the University recognises the importance of freedom of speech and expression across all staff and students, within the law, even where the ideas and views expressed may be unpopular, controversial, and contested. Further information on how the University manages concerns in relation to academic freedom and

freedom of speech can be found in Part G, Section 2 of the GARs and in the University's Academic Freedom and Freedom of Speech Policy.

- 2.5. Where university members have concerns that the views expressed under the auspices of academic freedom or freedom of speech are harassment, it is always important that these are raised through the procedures set out in the Academic Freedom and Freedom of Speech policy. Where assessment under that policy considers that the expressions are indeed harassment, then recourse to this policy and its procedures in relation to harassment will be taken. Concerns where alleged expressions of freedom of speech or academic freedom may be considered harassment are where they promote or support hatred or violence towards a section of society, particularly those that share a protected characteristic. This definition is not however exhaustive, so advice should always be sought from the Proctor's Office where there is doubt.
- 2.6. The OfS General Ongoing Condition of Registration, E6, draws the attention of universities towards the objective and reasonableness tests with respect to establishing harassment has occurred, that are contained in the Equality Act 2010 and the Protection of Harassment Act 1997. The University will apply these objective and reasonableness tests as standard when determining whether a concern raised constitutes harassment. These are as follows:
- a) In the context of section 26 of the Equality Act 2010, in deciding whether conduct has the effect of violating a person's dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment towards that person, it is necessary to take into account: the perception of the person who is at the receiving end of the conduct; the other circumstances of the case; and whether it is reasonable for the conduct to have that effect. The last point is important because it introduces an element of objectivity into the test. The perception of the person who is at the receiving end of the conduct is not the only relevant consideration in determining whether the conduct amounts to unlawful harassment.¹
 - b) In the context of section 1 of the Protection from Harassment Act 1997, an offence is committed only if the person knows the conduct amounts to harassment of the other, or a reasonable person in possession of the same

¹ [OfS Condition E6, point 7, a.](#)

information would think the course of conduct amounted to harassment of the other person.²

- 2.7. Harassment as defined in the Equality Act 2010 also incorporates sexual harassment, and the University's definition of sexual misconduct (which incorporates sexual harassment) is covered in Section 3 of this policy. Whilst these definitions are treated separately in this policy, the University recognises that a concern brought forwards can embody both harassment and sexual misconduct or equally a concern brought forwards can relate exclusively to either harassment or sexual misconduct. The University provides separate definitions to support clear understandings of what constitutes harassment and sexual misconduct separately, whilst also remaining mindful that concerns brought forwards may also take into equal account the definitions of both harassment and sexual misconduct as the concern incorporates both. A concern defined under sexual misconduct does not therefore mean it is excluded from also being defined under harassment, and a concern defined under harassment does not mean it is excluded from also being defined under sexual misconduct.

3. Sexual Misconduct and Informed Consent

- 3.1. Sexual misconduct encompasses any sexual behaviour that is unwanted and takes place without consent of the individual(s) involved, and includes, but is not limited to, sexual violence, sexual harassment, sexual assault, and gender-based violence. Further to this, in addition to the unwanted nature of sexual behaviour, sexual misconduct has the effect of violating an individual(s) dignity, and being subject to unwanted sexual behaviour can create an intimidating, hostile, degrading, humiliating and offensive environment for that individual(s). Sexual misconduct does not need to take place in person, but can also occur through non-physical forms of contact, such as online through social media, e-mail, and messaging platforms, through text messaging and telephone communications.
- 3.2. Sexual misconduct can be committed by anyone, and anyone can be subject to sexual misconduct. It is important to the University that all of its students, staff, and associated members recognise the significant psychological and physical distress sexual misconduct causes. University members must therefore remain vigilant to sexual misconduct in our community, taking a zero-tolerance approach, seeking to prevent it

² [OfS Condition E6, point 7, b.](#)

wherever possible, and taking the highest levels of action available to the University where sexual misconduct has been reported to have occurred.

3.3. Forms of sexual misconduct, sexual harassment, sexual violence, and gender-based violence can include but are not limited to:

- Rape and sexual violence
- Physical and/or psychological sexual violence
- Inappropriate touching
- Stalking and unwelcome sexual requests
- Abusive and coercive intimate relationships
- Sharing of non-consensual visual or audio material (e.g., up-skirting, unwanted sharing of explicit content, image-based sexual violence, audio recordings).
- Use of IT, Cyber, and Artificial Intelligence technologies to aid acts of sexual misconduct, sexual harassment, sexual violence, and gender-based violence.
- Catcalling, wolf-whistling, leering, unwanted and degrading comments about a person's body, clothing, or sex life
- Commercial sexual exploitation
- Honour based violence

The definitions provided above are not exhaustive but seek to demonstrate that sexual misconduct can take many forms and guises. It is therefore important where an individual is concerned that they have been subject to sexual misconduct to approach sources of support and advice provided by the University. All forms of sexual misconduct are unacceptable, and the University will take all reports with the utmost seriousness.

3.4. Sexual misconduct can be defined to occur when there is a lack of informed consent. Informed consent is always required and cannot be assumed merely because an individual is in a relationship or has a previous sexual history with the other person(s). An individual who is incapacitated by alcohol or drugs also cannot provide informed and meaningful consent to sexual activity. Furthermore, informed consent can be withdrawn at any time prior to and during a sexual encounter, and whilst an individual may consent to one type of sexual and intimate activity, they can later not consent to other sexual or intimate activities. Wherever consent is withdrawn, but sexual activity continues, this constitutes sexual misconduct as informed consent is not being given.

4. Student-Staff Relationships

- 4.1. The University is clear that relations between staff and students should be professional at all times, dealings between staff and students should be objective, and any staff-student interaction should not be open to abuse of power. Consequently, sexual, romantic, and personal relationships between staff and students are not normally permitted, and the University has a clear Employee-Student Relationships Policy that manages concerns relating to staff-student relationships and their appropriacy.
- 4.2. The University recognises that a student may have a pre-existing relationship with a member of staff (e.g., they are a partner, child, or relative of a staff member), and such pre-existing relationships will be managed carefully to ensure no advantage is gained from that relationship, and no abuses of power can take place. For example, the staff member will have no direct responsibilities for the student, with ethical walls put in place to ensure this. The student and staff member must declare the relationship ahead of the student registering at the University, and the procedures as outlined in the Employee-Student Relationships Policy will be followed. Failure to declare the pre-existing relationship may attract both disciplinary action for both the student and the member of staff, and therefore it is imperative this is declared ahead of the student registering at the University.
- 4.3. The University is clear that relationships developing between students and staff within the University environment is not normally permitted. In cases where there is a direct, pastoral, or safeguarding responsibility of that member of staff to the student in question, this is a serious professional and moral transgression and is explicitly not permitted. Staff members and students must not seek to develop relationships with each other, and where a student has a concern about the inappropriate advances of a member of staff towards them, they must report this to the Student Welfare and Support Team for support and advice using the procedures outlined in this document. Student Welfare and Support will then take advisement from the Proctor's Office and the University's HR department in this situation, who will support the student making the report. Where staff have concerns about the inappropriate advances of a student towards them, they must report this to the Proctor's Office, who will take advisement from the University's HR department and support the staff member making the report.
- 4.4. The University recognises there may be exceptional circumstances where a relationship has developed where the member of staff has no direct or pastoral responsibility for the student, and in such a situation, the staff member will be expected to declare the relationship to the University's HR department through the Employee-

Student Relationships Policy. The University's HR department will then undertake the procedures as outlined in the policy in order to determine the steps to be taken in such a situation. It must however be emphasised that a staff-student relationship developing under such circumstances being permitted would be extremely rare, and both staff and students are explicitly discouraged from seeking to actively engender such relationships.

- 4.5. Where a relationship is discovered between a member of staff and a student that has not been declared, approved, and managed by the University's HR department, the matter will be referred to the University's HR department for further action in relation to the member of staff who will also take advisement from the Proctor's Office with respect to further action being taken in relation to the student.

5. Supporting Students Reporting Harassment and Sexual Misconduct

- 5.1. Where a student, and where relevant other reporting party (hereon in known as reporting party) has experienced harassment and/or sexual misconduct, either by another student, university member, or individual external to the University community, the University will take all reasonable steps to ensure that reporting party's safety and wellbeing by providing relevant advice and support whilst also respecting their decisions and feelings.
- 5.2. Where a reporting party wishes to report a concern or harassment and/or sexual misconduct about another student, university member, or individual external to the University community, they must do so by contacting the University's Student Welfare and Support Team calling +44 (0)7464542636 (lines open Monday – Friday, 9am – 5.30pm), or by e-mailing safeguarding@bpp.com. It is recommended that where a reporting party needs to urgently speak to someone, they use the telephone contact. If on a BPP campus, the reporting party can also approach a member of Student Support or Facilities Staff at Reception or a Student Support help point and ask if they can speak to Student Welfare and Support. It is really important that when initially speaking to BPP teams that the reporting party does not provide the name of the individual the concern is being raised against (hereon in known as the responding party) until the reporting party is able to make an informed decision on disclosure. This protects the reporting party's confidentiality rights and right to make an informed decision.
- 5.3. In all cases where a reporting party discloses to the University that they have experienced harassment and/or sexual misconduct, advice and support will be given by the University to the reporting party with respect to the following:

- Reporting to the Police where the reporting party wishes to do so.
- Making an anonymous report to CrimeStoppers where the reporting party wishes to do so.
- Where they are a student of the University, the requesting of wellbeing support from the University's Student Welfare and Support Team and/or academic advice from learning support where concerns arise with respect to the impact the incident of harassment or sexual misconduct may have on the reporting student's wellbeing and studies.
- Assisting the reporting party in accessing specialist external agencies that provide support and advice to victims of harassment, sexual misconduct, sexual violence, sexual harassment, and gender-based violence.

5.4. In addition to the above, where a reporting party discloses to the University that they have been subject to harassment or sexual misconduct by another student or staff member of the University (referred to as the responding student/staff member), advice and support will be provided by the University with respect to:

- Raising a complaint about the responding student who is alleged to have committed the act of harassment and/or sexual misconduct through the University's Student Conduct Policy where the reporting student wishes to do so. The reporting party will be referred to the Proctor's Office for advisement.
- Raising a complaint about the responding staff member of the University who is alleged to have committed the act of harassment and/or sexual misconduct through BPP's Anti-Harassment & Bullying Policy where the reporting party wishes to do so. The reporting party will be referred to the University's HR department for advisement.

5.5. Where a full disclosure of harassment or sexual misconduct is made by a reporting party, the Proctor's Office will undertake a risk assessment, and details of the disclosure will be assessed to establish the potential risks to the reporting party, other members of the University community, and the general public. Risk management measures may be put in place as a result of this risk assessment, and the Proctor's Office will also seek to establish the extent to which disciplinary action against a responding student or staff member is required either through the University's Student Conduct Policy or BPP Anti-Harassment & Bullying Policy as appropriate. This risk assessment process is undertaken in line with the University's Policy on Changes in

Student Registration and Status, Section 4. Suspension and Precautionary Action, Disciplinary Precautionary Suspension, Precautionary Action, and Exclusion.

6. Supporting Students Subject to Reports of Harassment and/or Sexual Misconduct

- 6.1. Students may find that they are subject to a report of harassment and/or sexual misconduct for the following reasons, and this is brought to the University's awareness:
- a) Another student or member of staff of the University has raised a concern of harassment and/or sexual misconduct about a student;
 - b) A third-party external to the University has raised a concern of harassment and/or sexual misconduct about a student;
 - c) The University is approached by Police and/or a legal representative to raise a concern of harassment and sexual misconduct about a student.
 - d) A student refers themselves to the University for support, advice, and guidance, because they have been informed they are subject to a concern of harassment and/or sexual misconduct.
- 6.2. In all cases, where a student is the subject of a report of harassment and/or sexual misconduct (e.g., the responding student), the University will provide specialist support, guidance, and advice to the responding student, and to take all reasonable steps to ensure that student's safety and wellbeing. Further to this, where the responding student is subject to a report by either another student or a member of staff at the University (e.g., the reporting party), this support will be provided by independent individuals to those supporting the reporting party and is extended automatically at the point the Proctor's Office initially contact the responding student. This ensures there are no conflicts of interest in the support, advice, and care provided to both the reporting and responding parties, and that both parties are supported fairly and equally.
- 6.3. Staff who are subject to a report of harassment and/or sexual misconduct (e.g., the responding staff), will be provided support by the University's HR department, as outlined in the BPP Anti-Harassment & Bullying Policy.
- 6.4. Where a student who is subject to a concern of harassment and/or sexual misconduct wishes to seek advice and support from the University, they must do so by contacting the University's Student Welfare and Support Team calling +44 (0)7464542636 (lines open Monday – Friday, 9am – 5.30pm), or by e-mailing safeguarding@bpp.com. It is

recommended that where a student needs to urgently speak to someone, they use the telephone contact. If on a BPP campus, you can also approach a member of Student Support or Facilities Staff at Reception or a Student Support help point and ask if you can speak to Student Welfare and Support. Students must inform the University should they be subject to a complaint of harassment and/or sexual misconduct externally to the University and must do so using the details above. Student Welfare and Support will then refer the student to the Proctor's Office for advisement.

- 6.5. The University will take the following steps when supporting students subject to reports of harassment and/or sexual misconduct:
- Advice on accessing legal advice and support in relation to the concern raised against them.
 - Requesting wellbeing support from the University's Student Welfare and Support Team and/or academic advice from learning support where concerns arise with respect to the impact of the concern being raised on wellbeing and studies.
 - Assisting the responding student in accessing specialist external agencies that provide support and advice to those subject to reports of harassment and/or sexual misconduct.
- 6.6. Where a concern of harassment or sexual misconduct is raised against a responding student, the Proctor's Office will undertake a risk assessment, and details of the disclosure from the reporting party, and also any information provided by the responding student will be assessed to establish the potential risks to the responding student, other members of the University community, and the general public. Risk management measures may be put in place as a result of this risk assessment, and the Proctor's Office will also seek to establish the extent to which disciplinary action either through the University's Student Conduct Policy or BPP Anti-Harassment & Bullying Policy is appropriate. This risk assessment process is undertaken in line with the University's Policy on Changes in Student Registration and Status, Section 4. Suspension and Precautionary Action, Disciplinary Precautionary Suspension, Precautionary Action, and Exclusion.

7. Support Services

- 7.1. From the outset of, and throughout the process, all students involved in concerns relating to harassment and/or sexual misconduct will be provided with specialist advice and support from Student Welfare and Support and the Proctor's Office.

Student Welfare and Support and the Proctor's Office will also with the consent of the students involved, refer students to both internal and external support services when and as required. The students involved have the right to refuse these referrals, but it is to be emphasised these suggested referrals will always be made in the best interests of those involved. There may be situations where a decision is taken to make a referral to a specialist support service where the University deems it necessary but also where the students involved have not provided their consent. Such situations would be rare and would only take place where the University deems that the student would be in a position where they were harming themselves and/or others for this referral to take place without their explicit consent.

- 7.2. All students (both reporting and responding) involved in concerns relating to harassment and/or sexual misconduct will be, in addition to pastoral advice, be provided with academic support and advice, especially with regards to mitigating the impact of concerns relating to harassment and/or sexual misconduct on their studies. The University has a range of academic adjustments that can be put in place to support students with any potential impact of a concern on their studies. These will be discussed with students from the outset of the raising of any concern, and revisited on a regular basis as part of ongoing support for the students involved.

8. Reporting and Confidentiality

- 8.1. The University seeks to maintain confidentiality wherever possible when managing sensitive and private matters and recognises that individuals who have experienced harassment or sexual misconduct need the utmost assurance that confidentiality will be respected so that they feel safe and protected. The University will seek to maintain confidentiality in so far as is possible, and a reporting student (or reporting party) raising a concern with respect to harassment or sexual misconduct, will be advised as to any potential limits to this confidentiality.
- 8.2. Responding students will also be afforded the same due concern with respect to confidentiality, so that they too are provided with assurances on their safety and protection through the process. Advisement for responding members of staff will be provided by the University's HR department on this matter.
- 8.3. Information with respect to any concern of harassment and sexual misconduct will be provided to relevant staff members on a need-to-know basis. That is, only University staff who require to be involved in the case and supporting those involved will have details of the case. Furthermore, depending on each staff member's role in managing the case and supporting those involved, only the required minimum information will be

available to them in order that they can adequately discharge their duties to those involved in the case.

- 8.4. In order to ensure that a reporting student/party raising a concern has their rights to confidentiality respected, they will be advised by the University to not disclose the name of either the responding student/responding staff member until the reporting student/party has been fully briefed on their rights, advised what the University can do to support them, and have all their options presented to them. Once the reporting student/party has this information and can make an informed decision, and that the reporting student/party has outlined their wish to take action, then the reporting student/party will be supported in making a full disclosure report. Should a reporting student not wish to raise a complaint to either the Police or to the University, the student will continue to receive support with respect to their wellbeing from the University's Student Welfare and Support Team should they wish this to continue.
- 8.5. Responding students will also be advised and fully briefed on their rights, especially with regard to confidentiality and its limits, advised on what the University can do to support them, and have their options presented to them before providing a full statement to the concerns that have been raised against them. Responding students will also be afforded independent support with respect to their wellbeing from the University's Student Welfare and Support Team throughout the process. Advisement for responding members of staff will be provided by the University's HR department on this matter.
- 8.6. Where a reporting student/party wishes to raise a formal complaint about a responding student through the University's Student Conduct Policy, or a formal complaint about a responding staff member through BPP's Anti-Harassment & Bullying Policy, the reporting student/party will be informed that they will not be able to do this anonymously. For the University to conduct a comprehensive and fair investigation of alleged harassment and/or sexual misconduct, the respondent (that is the individual accused of sexual misconduct) must be provided with information such as the identity of the reporting student/party (that is the individual making the accusation of harassment and/or sexual misconduct), the nature of the accusation of the alleged harassment and/or sexual misconduct, and when and where the alleged harassment and/or sexual misconduct occurred.
- 8.7. There may be instances where information with respect to an incident of harassment and/or sexual misconduct between members of the University is reported by a third party (such as a witness to the incident), or the University becomes aware of an

incident of harassment and/or sexual misconduct between members of the University without direct reporting (e.g. an incident may have been recorded on CCTV). In such situations, the University will contact the individual who is alleged to be the subject of harassment and/or sexual misconduct to discuss with them their options through the provision of advice and support. Where a student who is alleged to have been subject to an incident of harassment and/or sexual misconduct as a result of an indirect route of disclosure chooses not to proceed with a formal complaint, the University will respect this where possible and in line with the principles as expressed in this policy. Should the reporting student not wish to raise a complaint to either the Police or to the University, the student will continue to receive support with respect to their wellbeing from the University's Student Welfare and Support Team should they wish this to continue.

- 8.8. The University recognises that harassment and/or sexual misconduct can constitute a criminal offence and the University's Student Conduct Policy addresses how the University manages student non-academic misconduct that may constitute a criminal offence. Reporting students who wish to raise a formal complaint with the Police will be directed to this policy when being provided with advice and support in relation to making a disclosure. The limits to confidentiality will also be explained to the reporting student in relation to them making a disclosure to the Police, whereby the Police and/or the legal system as a third party may request disclosure of information from the University with respect to the case and that we will be expected to comply with by law.
- 8.9. The University respects and supports the rights of students (and more broadly reporting parties) to report alleged harassment and/or sexual misconduct to the Police. The University will provide appropriate advice and support for students (and reporting parties) who wish to proceed with reporting such matters to the Police and will not seek to impede such reports. In certain cases, students (and reporting parties) may not wish to report harassment and/or sexual misconduct to the Police, and the University will not normally make a disclosure to the Police without the student's (or reporting parties') permission. The University may however exceptionally make a determination that the alleged harassment and/or sexual misconduct poses a potential risk to the University, its members, and broader society, and therefore may in certain cases find itself duty bound to report the matter to the Police. In such situations, reporting students (and where applicable, reporting parties) and responding students (and where applicable, responding parties) will be informed of the University's rationale in taking that decision, and provide appropriate support and advice to the all parties involved during and following that decision being taken.

Disciplinary Action

- 8.10. The University recognises that it is outside of its remit to undertake a criminal investigation of any harassment and/or sexual misconduct. Furthermore, any judgements reached as part of this policy, or any subsequent investigation, do not constitute a legal ruling on whether criminal activity has taken place or not. Should a legal outcome wish to be pursued, advice and support as outlined in this policy will be provided to support a report to the Police and/or a referral to legal advice.
- 8.11. The University will, however, cooperate fully with any associated Police investigation and subsequent legal proceedings as outlined in this policy. The University may also establish separate disciplinary proceedings where such measures are considered appropriate by the behaviours and circumstances which are stipulated in both the University's Student Conduct Policy and BPP's Anti-Harassment & Bullying Policy.
- 8.12. The University will be required to consider whether action should be undertaken whilst police or legal action is in progress. The University will in most cases recognise that the criminal process takes priority and will seek to act in a way that does not impact on the progress of the criminal process. There may however be situations where the University must safeguard its members whilst the criminal process is ongoing, especially as it may take a significant time for the process to conclude. Where police and/or the legal system are not yet able to do so, or determine not to proceed with criminal or other legal proceedings, or the University determines it is appropriate or necessary to proceed with disciplinary action, then the University may decide to undertake its own disciplinary action at a point of its choosing. In the majority of cases however, only a determination of precautionary action will be made in the first instance when a responding student is subject to criminal proceedings to safeguard the University community.
- 8.13. While disciplinary action may run in parallel to the risk assessment process, disciplinary proceedings will normally be placed on hold in the event of a Police investigation. In that event, the process of risk assessment and any action considered appropriate arising out of such assessment may continue notwithstanding the Police investigation.

Vexatious Complaints

- 8.14. The University treats genuine reports of misconduct seriously. However, the possibility of malicious or spurious complaints is recognised and any complaints identified as such will be dealt with under the University's Student Conduct Policy.

Policy Revision History

Version Number	Description	Author	Reviewed by	Date
1.0	Movement of Policy to stand-alone section for ease of referencing. Inclusion of the misuse of Cyber, IT, and AI in harassment and sexual misconduct cases as forms of misconduct.	Director of Academic Governance & Proctor	Dean of Academic Quality & Policy	July 2024
2.0	Revised Policy in line with OfS E6 Condition Requirements	Director of Academic Governance & Proctor	Dean of Academic Quality & Policy	July 2025