

**Sexual Harassment, Sexual Misconduct and Sexual Violence Procedure – Staff**

**CONTENTS**

<b>1</b>	<b>Introduction</b>	<b>1</b>
<b>2</b>	<b>Scope</b>	<b>1</b>
<b>3</b>	<b>Manager guidelines</b>	<b>2</b>
3.1	What to do in an emergency	2
3.1.1	On campus	2
3.1.2	Off campus	2
3.2	What to do in a non-emergency	2
<b>4</b>	<b>Disclosure procedure</b>	<b>2</b>
4.1	Safeguarding	3
4.2	Third-party or witness disclosures	3
<b>5</b>	<b>Reporting procedure</b>	<b>4</b>
<b>6</b>	<b>Investigation</b>	<b>5</b>
<b>7</b>	<b>Outcome</b>	<b>5</b>
<b>8</b>	<b>Monitoring the policy and procedures</b>	<b>6</b>

**1 Introduction**

This procedure sets out how the College will address incidents of sexual harassment, sexual misconduct and sexual violence where the Responding Party is a member of staff.

It covers any disclosures or information relating to both current and non-recent incidents, noting that the College may not be able to fully investigate historical incidents.

This procedure accompanies the Sexual Harassment, Sexual Misconduct and Sexual Violence Policy. An additional procedure is published for issues where the Responding Party is a student. If you are unsure which procedure applies to your scenario, contact the [Employee Relations Team](#).

**2 Scope**

This procedure applies to all staff in the College community and relates to sexual harassment, sexual misconduct and sexual violence by a member of staff against a

student, a member of staff, or a third party.

This procedure applies in and out of the College environment, including outside the College premises or hours, e.g. social events, trips abroad or on social media.

This procedure does not relate to incidents of non-sexual harassment or misconduct, as the College has a separate [Harassment, Bullying and Victimisation Policy](#). If there is a dispute about which procedure should apply – Staff or Student – the Head of Employee Relations in HR may decide whether to refer the individual to the student procedure.

### **3 Manager guidelines**

Definitions used within this procedure are available in the Sexual Harassment, Sexual Misconduct and Sexual Violence Policy.

The College will promptly act on all reports of sexual harassment, violence and misconduct alleged against a member of staff.

#### **3.1 What to do in an emergency**

##### **3.1.1 On campus**

If you are on campus, the emergency services need to be contacted via the Security team, who will guide them to the right location:

- Call Security (the [Security contact numbers](#) are different for each campus)
- Contact Security using the [SafeZone](#) app

##### **3.1.2 Off campus**

Call 999 to access emergency services.

#### **3.2 What to do in a non-emergency**

Where there is no longer an immediate threat to an individual's safety, or after any necessary emergency response has taken place, an individual may choose to get medical support, visit a [Sexual Assault Referral Centre \(SARC\)](#), or visit a sexual health clinic following the incident.

An individual may also wish to make a report to the police – where they do this, they must notify the College if they also file a report under this procedure, so that an investigation by the police can take precedence.

### **4 Disclosure procedure**

A disclosure involves an individual choosing to tell someone about their experience of sexual misconduct. A disclosure is **not** a report.

If possible, disclosures should be made to a [Harassment Support Contact](#), an [Equality, Diversity and Inclusion Centre](#) team member, or a member of the Imperial College [Security](#) team. These parties have undertaken specific training to provide support and guidance in relation to sexual harassment, misconduct and/or violence. Security may advise specific next steps if a Disclosing Party discloses directly to

them, as there may be specific protocols that must be adhered to by law or College policy to report an incident.

Outside of these groups, staff are able to make disclosures to any member of College staff whom they trust, which may include their line manager, a colleague, a union representative, a member of the Human Resources division, or a member of the Occupational Health team.

Any staff who receive a disclosure should follow the below three steps:

- Provide immediate [support](#) to the Disclosing Party
- Signpost the practical steps detailed in this procedure to the Disclosing Party, for example by sharing this procedure with them.
- Respect the decisions of the Disclosing Party, for example, if they choose not to take any action.

If you feel that you need support providing any of the above steps, contact the [Equality, Diversity and Inclusion Centre](#) for additional guidance.

If a Disclosing Party chooses to disclose an incident anonymously, they may do so via [Report and Support, the online reporting tool](#).

A disclosure does not automatically result in a report to the College being made under the [Disciplinary Policy and Procedure](#). The College respects the right of the Disclosing Party to choose how to take forward a disclosure. However, in exceptional cases it may have a duty to investigate, should it be considered an appropriate measure.

The College recognises that Disclosing Parties may require time and reflection before making a decision on how to progress. The Disclosing Party will be given the option and support to do one or more of the following:

- Report to the police
- [Make a report to the College](#)
- Make no report of the incident
- Receive advice on the support that is available

#### **4.1 Safeguarding**

The College reserves the right, and may be under an obligation, to share information in circumstances where it may be necessary to protect any individual or the wider College community from harm or to prevent a crime from taking place. Anyone who has made a face-to-face disclosure will be kept informed if it is felt this action needs to be taken.

The Disclosing Party should be aware that a record will be kept of their disclosure, whether they choose to make a report or not.

#### **4.2 Third-party or witness disclosures**

Where the person disclosing is a third party who has not experienced the sexual misconduct, such as a person who has witnessed misconduct taking place or been

informed of misconduct, the College will respect the right of the individual who experienced the incident to choose how to take forward a disclosure. A third-party disclosure will only become a report if the individual who experienced the incident wants action to be taken as part of the disclosure.

There may be certain circumstances where the College is required to take appropriate action to prevent potential harm to individuals or the College, based on a risk assessment, which may include acting on information despite or without knowledge of the wishes of the individual(s) who experienced the incident. The Head of Employee Relations will act as the decision-maker as to whether to escalate a disclosure to a report, or a report to an investigation. The College will record if there is a decision from the Disclosing Party to withdraw their disclosure or a witness's disclosure.

## 5 Reporting procedure

Reporting is the sharing of information, by a Reporting Party, regarding an incident of sexual misconduct for the purposes of potentially initiating an investigation. The investigation process is set out in the [Disciplinary Policy and Procedure](#). While a **disclosure** can be anonymous, **reporting** cannot be anonymous.

Members of staff can use the following routes to report an incident:

- [Report and Support, the online reporting tool](#)
- Contacting the [Employee Relations team in Human Resources](#)

Every effort will be made to support the Reporting Party and ensure that their report is addressed sensitively and respectfully. The Employee Relations team will respond to reports within 48 hours (during working hours). For additional support, the Reporting Party can contact the [Equality Diversity and Inclusion Centre](#).

The College's recognised trade unions, the HR Strategic Support team, the Equality, Diversity and Inclusion Centre team and Harassment Support Contacts can assist the Reporting Party with preparing a report. A report should include as much information as possible about the incident, the situation in which it took place in, any witnesses to the incident, and the misconduct that took place. Where possible, evidence should be included, such as screenshots or emails, if relevant. The Reporting Party must also include details of the police investigation of the incident, if they have reported the incident to the police.

Upon receiving the report, Employee Relations will undertake an immediate risk assessment on the Reporting Party's work environment in discussion with the department. Any necessary precautionary measures will be taken, and any reasonable adjustments to the workplace may be made (e.g. proposing that one or more parties is moved to another room or building).

Information within reports will be used for internal reporting, to ensure that patterns are noticed (e.g. to check for multiple incidents relating to students and staff in the same department, and ensure that any necessary measures are taken as a result). As far as practicable, we will seek to protect confidentiality. The members of staff

who will have access to this information and will be responsible for extracting this information for reporting are the [Director of HR](#), [Head of Employee Relations](#), and [the Employee Relations team](#). Information relating to staff misconduct will be held by Employee Relations. Reporting Party and Responding Party names will not be included in this reporting.

Throughout the reporting and investigation procedure, the college's priority will be the interests of all parties involved with regard to safety, fairness, dignity, privacy and due process. Staff reporting or being accused of sexual violence or misconduct will be able to access support and will receive advice from the Employee Relations team on how to do this.

## **6 Investigation**

Following receipt of a report to Employee Relations, the investigation of sexual harassment, misconduct or violence will be conducted according to the [Staff Disciplinary Procedure](#). This procedure is the same for any type of misconduct, including non-sexual harassment or misconduct. All members of the College are required to cooperate fully with an investigative process; failure to do so may result in disciplinary action.

All procedural steps of an investigation, including parties involved in the investigation process, are outlined in the Staff Disciplinary Policy.

The alleged perpetrator will be offered a member of staff from HR Strategic Support to provide advice and guidance on policy and procedure.

Should a report mention that the incident is being investigated by the police, a College investigation may not be initiated at that point or may be postponed. Any planned risk assessment will still take place, if it has not already. If this is the case, or if it is later reported that the police are investigating, the Reporting Party must seek advice from the member of the Employee Relations team assigned to their report.

Legal professionals are not allowed to accompany any person in any investigations, unless they are employees of the College.

All parties will be kept informed of the progress of the investigation by the Employee Relations team.

## **7 Outcome**

If a staff member is dismissed following the outcome of an investigation decision under the Staff Disciplinary Policy, they will be able to access College support channels while they are still employed and may consult public services after their employment ends.

A member of staff from HR Strategic Support will continue to provide support to either party after the investigation has concluded.

The investigation report will highlight the protocol for confidentiality and communication outside of the workplace. If confidentiality is breached, a complaint

may be raised against the staff member who breached it under the Staff Disciplinary Policy. Any considerations for moving/separating staff will depend on the outcome of the investigation report.

## **8 Monitoring the policy and procedures**

This policy and the accompanying procedures have been approved by the College's [Equality, Diversity and Inclusion Strategy Group](#). The Strategy Group will keep the implementation of this policy under periodic review.

Senior managers within HR will monitor the effectiveness of the policy, the reporting tools and the role of HSCs for staff. The range and number of cases (including informal) will also be monitored so that action can be taken to address any issues of concern.

The College Trade Unions have been consulted on this document and it complies with the Equality Act 2010, the Health and Safety at Work Act 1974, the Criminal Justice and Public Order Act 1994, and the Prevention of Harassment Act 1997.

A central record will be held of all disclosures (anonymous or named) and reports. The roles with global access to staff cases will be the Head of Employee Relations and the Director of HR. Disclosures made via the Report and Support tool will also be accessible by the System Administrator.