



Sexual Harassment Policy

Policy / Procedure Title: Sexual Harassment Policy

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1 Introduction

- 1.1 The College is committed to providing a working environment free from sexual harassment and ensuring that everyone is treated with dignity and respect. Complaints will be taken seriously and not ignored, regardless of role or status.
- 1.2 All employees are expected to promote a positive and inclusive workplace culture where sexual harassment is not tolerated and where complaints are dealt with promptly, efficiently and sensitively.
- 1.3 We will take active steps to help prevent our staff from being sexually harassed in the workplace or from being victimised if they have made a complaint about sexual harassment or have supported someone else who has made such a complaint.
- 1.4 We encourage anyone who is a victim of, or witness to, sexual harassment to report it in accordance with this policy. This will enable us to take appropriate action and provide support.
- 1.5 Sexual harassment can result in legal liability for us as an organisation and the perpetrator.
- 1.6 Sexual harassment constitutes serious misconduct and could result in dismissal if it happens:
 - in a work situation including whilst working from home
 - during any situation related to work, such as at a social event with colleagues, clients or customers
 - on social media or other platforms and involves a colleague or any other person connected to us
 - against anyone outside of a work situation where the incident may negatively impact on our reputation or is relevant to your suitability to carry out your role.
- 1.7 For the purposes of this Policy, 'employees' are defined as any individual either employed or engaged by the College on a paid or unpaid basis to carry out work under any type of employment contract. This includes volunteers and agency workers

2 What is “sexual harassment”?

- 2.1 Sexual harassment is any unwanted conduct (physical, verbal or non-verbal) of a sexual nature that violates an individual's dignity or creates an intimidating, hostile, degrading, humiliating, or offensive environment for them.
- 2.2 Unwanted means unwelcome or uninvited. It reflects the employee's view and means unwanted by them.

- 2.3 It also includes treating someone less favourably because they have submitted or refused to submit to unwanted conduct of a sexual nature in the past.
- 2.4 Conduct 'of a sexual nature' includes a wide range of behaviour, such as:
- unwelcome touching, hugging, massaging or kissing
 - continued suggestions for sexual activity after it has been made clear that such suggestions are unwelcome
 - unwelcome sexual advances or suggestive behaviour
 - sending or displaying sexually graphic material (including emails, text messages, video clips and images sent by mobile phone or posted on the internet) or
 - banter of a sexual nature.
- 2.5 A single incident can amount to sexual harassment.
- 2.6 A person may be sexually harassed even if they were not the intended target. For example, a person may be sexually harassed by pornographic images displayed on a colleague's computer in the workplace or by overhearing colleagues' boasting about their sexual conquests.
- 2.7 A person may experience sexual harassment because of conduct of a sexual nature that they find unwanted, even if it was not intended to have that effect by the person doing it. For example, whilst a joke may have been intended to be inoffensive, it may be offensive to the recipient and if it is of a sexual nature, this may amount to sexual harassment.
- 2.8 Sexual harassment can happen to men, women and people of any gender identity or sexual orientation. It can be carried out by anyone of the same sex, a different sex or anyone of any gender identity.

3 Third-party harassment

- 3.1 We will not tolerate third party harassment either by a third party to our staff or by our staff to a third party.
- 3.2 Third-party sexual harassment occurs where a person is sexually harassed by someone who isn't employed by the College or is under our control but with whom they have come into contact during the course of their employment. Third-party harassment could include, for example, unwelcome sexual advances from a supplier visiting our premises, by our customers, or where employees are visiting third party premises in the course of their employment. It could also be sexual harassment by a student.

4 The steps we are taking to prevent sexual harassment

- 4.1 Line managers should have systems in place to manage risk and as part of this process they should anticipate scenarios specific to their work areas where employees may be subject to sexual harassment, identify any risk factors and put preventative measures in place. If sexual harassment occurs, they must take action to stop it happening again.
- 4.2 We will take the following reasonable steps to prevent sexual harassment in our workplace:
- Require all staff to undertake appropriate training to ensure they recognise behaviours that may amount to sexual harassment, and understand how we expect them to behave towards the people they come into contact with;
 - make this policy available to all members of staff;
 - encourage staff to report incidents of sexual harassment
 - encouraging staff to report situations where they felt at risk, even if nothing happened
 - deal with complaints in line with this policy.

5 How to complain or raise issues

- 5.1 We encourage staff who witness sexual harassment or victimisation to take appropriate steps to address it. Depending on the circumstances, this could include:
- intervening where you feel able to do so;
 - supporting the victim to report it or reporting it on their behalf;
 - reporting the incident where you feel there may be a continuing risk if you do not report it;
 - co-operating in any investigation into the incident.
- 5.2 You can also report the matter anonymously or speak to your line manager or Human Resources for advice.
- 5.3 If you believe that you have been sexually harassed, you have a number of options open to you:
- 5.3.1 if you feel confident doing so, speak to the person who has harassed you, explain why their behaviour is unwanted and ask them to stop. Sometimes, people do not realise how their actions are impacting others and pointing this out can be enough to prevent repeat behaviour. Please speak to your manager or Human Resources if you'd like advice about how to approach the conversation;
- 5.3.2 make a complaint under our grievance procedure (you have the option of choosing an informal or formal approach).

Sometimes an informal solution may not be appropriate or hasn't worked.

- 5.4 If you are not certain whether an incident or series of incidents amounts to sexual harassment, please speak to your line manager or Human Resources.
- 5.5 If your concerns relate to your line manager, you should contact either their line manager or Human Resources.
- 5.6 We want to reassure you that you will not be penalised for making a complaint – even if we don't uphold it. Staff will only face disciplinary action if we reasonably conclude that their allegations are false **and** were made in bad faith (that means the employee who made the complaint didn't honestly believe it to be true). This will only be necessary in exceptional circumstances.

6 How we will deal with complaints

- 6.1 We will deal with all complaints in line with the College's grievance policy.
- 6.2 We may, if we think it necessary, separate you from the person you are complaining about whilst we investigate to prevent things from getting worse whilst the investigation is ongoing. This is not a prejudgment of your complaint and we will discuss this with you before doing it.
- 6.3 If the complaint is upheld, we will deal with the matter in accordance with our disciplinary policy.
- 6.4 If we decide not to uphold the complaint, we will explain why and explain how you can appeal in accordance with our grievance policy. If the complaint relates to a colleague, we will consider ways of improving your relationship and may, for example, suggest mediation or offer training.

7 How we will protect and support those involved

- 7.1 Anyone who raises an allegation of sexual harassment with us in good faith will not be subjected to any detriment as a result.
- 7.2 We will provide appropriate support to anyone who makes a complaint or who witnesses an incident and will protect them from victimisation. You should not fear retaliation for having raised or supported a complaint of harassment and you will be protected from being treated less favourably because you have done so.
- 7.3 We offer access to confidential counselling through our Employee

Assistance Programme. Details can be found on the HR sharepoint site.

- 7.4 We will provide compulsory training to all employees and follow up staff who do not undertake this training in a timely way.
- 7.5 Line managers will take all reasonable measures to understand where our staff are most at risk of sexual harassment and will take reasonable preventative steps to mitigate those risks.

8 How we will maintain confidentiality

- 8.1 We are committed to handling all complaints of sexual harassment sensitively and confidentially. Confidentiality will be maintained, subject to any requirement to involve external agencies where a criminal offence may have been committed or where maintaining confidentiality would pose a risk to the person making the report, or to others.
- 8.2 If you have made a complaint, witnessed an incident or are accused of sexual harassment, you must not discuss the case with anyone except:
 - any manager or other responsible person in the College you have approached for help and support;
 - your trade union representative;
 - someone at work who is acting as your companion at a formal meeting;
 - close family or friends who are supporting you;
 - anyone who is providing counselling or other services to you provided they are suitably qualified.
- 8.3 If you fail to maintain confidentiality when you are involved in some way in a sexual harassment complaint, then you may be disciplined in accordance with our disciplinary policy.

9 How we will monitor our progress

- 9.1 We will monitor the treatment and outcomes of any complaints of sexual harassment or victimisation we receive to make sure that they are properly investigated and resolved, those who report or act as witnesses are not victimised, repeat offenders are dealt with appropriately, cultural clashes are identified and workforce training is targeted where needed.
- 9.2 We will regularly review the effectiveness and contents of this policy. We will identify any themes that emerge, evaluate feedback and consider what lessons can be learned.

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