**Heriot-Watt University Student Union Sexual Harassment Policy**

**1. Introduction**

1.1. At Heriot-Watt University Student Union, we are fully committed to fostering a safe and respectful environment for all our Members[[1]](#footnote-1), Staff[[2]](#footnote-2) and Visitors. Our goal is to protect these respective groups from unwanted and inappropriate sexual behaviour and ensure we support those who have been affected accordingly.

1.2. Heriot-Watt Student Union take a zero-tolerance approach to Sexual harassment and assault and expects all Heriot-Watt Student Union Staff, its visitors and contractors to treat each other with respect, courtesy and consideration.

1.3. This policy will detail the Union’s position on sexual violence, harassment, and misconduct, and commit to the union taking action as detailed in the associated procedures.

These experiences can happen to a person of any gender, or sexuality, and can be perpetrated by a person, or people, of any gender or sexuality. This policy, and its accompanying procedures are written in the recognition that sexual violence, harassment, and misconduct, can and does happen at Heriot-Watt University. It will set out how the Union defines such incidents, what the Union expects of its students, staff and visitors, and how the Union will respond when these serious issues are experienced and perpetrated.

Equally, this policy commits the Union to properly address prevention, encourage interventions and raise awareness through investment, campaigns and training. These issues can often be complex, and may not always be obvious. Or follow an easily recognisable pattern in how they are seen and how they can be resolved.

1.4. The terms in this policy apply to students, staff, visitors any other third parties associated with the Student Union, regardless of their gender, sexual orientation, role, status or other protected characteristic.

This policy on inappropriate behaviour is not limited to what occurs inside the office. Sexual harassment will not be tolerated at work, at off-site gatherings or anywhere else.

We are committed to carrying out all provisions in this policy and monitoring its effectiveness. We will work with related parties to improve the policy and our processes on a consistent basis.

Sexual Violence, Sexual Harassment and Sexual Misconduct, concern the entire Heriot-Watt Community, and everyone has a responsibility to act when they witness such incidents, as long as it is safe to do so.

Those in positions of authority within Heriot-Watt Student Union, such as the Chief Executive Officer (CEO)[[3]](#footnote-3) and Chair of Trustees, have formal responsibilities under this policy and are expected to familiarise themselves with the policy on appointment. The CEO has a duty to implement this policy and to make every effort to ensure that harassment and victimisation do not occur and, that if they do occur, any concerns are investigated promptly and effectively.

1.5. All members of Heriot-Watt Student Union and their visitors have the right to expect appropriate behaviour from Heriot-Watt Student Union staff, and in return be treated with the same respect. All Heriot-Watt Student Union staff and members of the union have a personal responsibility for complying with this policy and must comply with and demonstrate active commitment to this policy by:

a. Treating others with respect and dignity

b. Discouraging any form of harassment by making it clear that such behaviour is unacceptable.

c. Supporting any member of Heriot-Watt Student Union who feels they have been subject to harassment, including supporting them to make a formal complaint if appropriate, by signposting them to the relevant advice and support services.

**2. Definition & Examples**

2.1. **Sexual Violence:** Sexual violence is any unwanted sexual act or activity, including rape, sexual assault, and sexual harassment. Sexual violence also includes sexualised behaviour that is humiliating, intimidating or hostile and may include actions like derogatory name calling, belittling remarks, insults, threats and unwanted personal attention. Sexual violence can be perpetrated by a stranger or by someone known and even trusted, including a friend, colleague, family member, partner or ex-partner. Anyone, of any gender or sexual orientation, can be subjected to sexual violence.

2.2**. Sexual Harassment:** Sexual harassment is the unwanted behaviour of a sexual nature and the inappropriate use of sexual comments or activities in all environments of university life. Sexual harassment can violate your dignity, make you feel intimidated, degraded or humiliated and can create an unpleasant environment for everyone. It is totally unacceptable and anyone who reports an incident will always be believed and supported.

For the purpose of this policy, whether or not the harasser intended to be offensive is irrelevant. The limit of acceptable behaviour as described by this policy is up to the recipient to decide. A single incident or persistent behaviour can amount to harassment.

Examples of behaviour which **may** amount to sexual harassment under this Policy include (but are not limited to):

1. Emphasising the sex of a person or group in a negative way
2. Suggestive and/or unwelcome sexual comments or gesture
3. Unnecessary and/or unwelcome physical contact
4. Pulling at, or lifting someone’s clothing and/or exposing their body (in public or private) without consent
5. Unwelcome, sexually explicit comments or language via the internet
6. Displaying or sending pornographic, degrading or indecent images electronically

2.3. **Stalking** may also be a form of harassment and may be characteristed by any of the following repeated and unwanted behaviours:

1. Following a person;
2. Contacting, or attempting to contact, a person by any means;
3. Publishing any statement or other material-
4. Relating or purporting to a person, or
5. Purporting to originate from a person
6. Monitoring the use by a person of the internet, email or any other form of electronic communication;
7. Loitering in any place (private or public)
8. Interfering with any property in the possession of a person;
9. Watching or spying on a person including through the use of CCTV or electronic surveillance.

Stalking can be particularly hard to cope with because it can go on for a long period of time, making you feel constantly anxious and afraid. Sometimes the problem can build up slowly and it can take a while for you to realise that you are caught up in this situation

2.4. **Sexual Misconduct:** The term sexual misconduct describes misuses of power usually enacted by academic, professional, contracted, and temporary staff in their relations with students (on some occasions it can also occur in relations with other staff members and between students who have unequal institutional power). Sexual misconduct can include harassment, assault, grooming, bullying, sexual invitations, comments, and non-verbal communication with sexual content or overtones, creation of atmospheres of discomfort, and promised resources in exchange for sexual access. The term ‘sexual harassment’ captures only some of the possible abuses of power that may occur. Sexual misconduct more specifically raises the issues of unequal relationships, consent, and the prevention of equal access to education, opportunities, and career progression.

2.5**. Consent:** under Scottish Law, the definition of consent is defined as ‘a free agreement’ in which “A person **consents** if they agree *"by* ***choice****, and has the* ***freedom*** *and* ***capacity*** *to make that choice."*

2.6**. Intersectionality:** Experiences of sexual violence, harassment and/or misconduct may intersect with other forms of discrimination and harassment. The implementation of this policy must be relevant to people with intersectional experiences by ensuring those who are most marginalised are supported and that unconscious bias is constantly considered and challenged with the institution.

**3. Filing a Complaint**

3.1. Any members of Heriot-Watt Student Union who feels they have been subject to harassment by a member of Heriot-Watt Student Union staff can make a complaint via the complaints procedure.[[4]](#footnote-4) Any member of Heriot-Watt Student Union staff who feels they have been subject to harassment by a member of Heriot-Watt Student Union (including another member of Heriot-Watt Student Union staff) can also make a complaint via the procedure.

3.2. When a criminal offence may have been committed, the procedure may not be appropriate. These cases will include, but not be limited to, rape, serious assault or threat of serious assault Student Members can seek advice from the Heriot-Watt Student Union Advice Hub[[5]](#footnote-5), University SafeGuarding[[6]](#footnote-6) or the University Wellbeing Service[[7]](#footnote-7) and/or approach the Police directly. Heriot-Watt Student Union staff can seek advice from these services also aswell as the CEO. Further guidance on dealing with cases of sexual assault or sexual violence is available from the University.

3.4. The service is also available to those against whom an allegation of harassment has been made. If a complainant is deemed to have known or to have reasonably been expected to know that a complaint was unfounded, the allegation of harassment may be judged to be malicious, and disciplinary action may be taken against them. No action will be taken if a complaint that proves to be unfounded is judged to have been made in good faith.

All parties involved in a complaint (including any witnesses who may be interviewed as part of any investigation, or trade union representatives supporting any of the parties) should maintain the confidentiality of the process. Those involved in advising complainants should, where possible, seek the consent of the individual for the onward disclosure of relevant information to those with a clear need to know. Where such consent is not forthcoming, the person entrusted with the information should make it clear that, in exceptional circumstances, it may be necessary to disclose the information, taking account of the duty of care which may be owed to the individual and/or others.

This Policy and Procedure may be found on the from Heriot-Watt Student Union website or is available in hard copy from Heriot-Watt Student Union. Copies in alternative formats are available on request.

The Policy and Procedure are subject to regular review by the Heriot-Watt Student Union Trustee Board.

1. ‘Members’ refers to all HWUSU staff and all Student Members of HWUSU. (FTO’S, for the purposes of this Policy and Procedure, are considered to be members of HWUSU Staff.) [↑](#footnote-ref-1)
2. ‘Staff’ refers to all HWUSU staff and the respective FTO’S [↑](#footnote-ref-2)
3. Throughout this policy, ‘CEO’ should be taken to mean the chief executive officer, or another delegated member of staff/ [↑](#footnote-ref-3)
4. <https://www.hwunion.com/about-us/policies-and-references/> [↑](#footnote-ref-4)
5. <https://www.hwunion.com/advice-hub/> [↑](#footnote-ref-5)
6. <https://www.hw.ac.uk/services/safeguarding/safeguarding.htm> [↑](#footnote-ref-6)
7. <https://www.hw.ac.uk/students/health-wellbeing/edinburgh/wellbeing-services.htm> [↑](#footnote-ref-7)