



The Institute of Ismaili Studies

## **The Institute of Ismaili Studies**

### **Sexual Misconduct, Sexual Harassment and Sexual Violence Policy**

#### **1. Introduction**

The Institute of Ismaili Studies (IIS) is committed to fostering an inclusive culture which promotes equality and values diversity. The IIS also aims to provide a safe and tolerant working, learning, and social environment for all those in our physical and virtual spaces, in which the rights and dignity of all members of our community are respected, free from harassment and bullying, including sexual misconduct.

Sexual harassment and sexual violence are prevalent in all areas of society and can take many forms. Recognising the nature of sexual harassment can be challenging. However, a culture that tolerates such behaviour can develop when ignored or undetected. This can lead to individuals feeling isolated and unsafe. The IIS recognises that raising specific awareness of sexual harassment and sexual violence can enable issues to be tackled appropriately if they occur and can promote the inclusive culture to which we aspire.

#### **2. Policy Aims and Scope**

This policy explains the steps the IIS will take to provide a safe environment free from sexual harassment and violence. The IIS recognises the need to challenge any tacit or explicit acceptance of sexual harassment or sexual violence to prevent escalation. The IIS also undertakes to improve the understanding of sexual harassment across its community to prevent it from occurring. It will also provide a supportive culture, which encourages reporting of incidents and ensures that they are dealt with sensitively and appropriately. It is recognised that it can be distressing for all those affected by a sexual harassment disclosure; this policy aims to ensure that all parties are treated with dignity and respect and provided with appropriate support.

The IIS recognises that all people, including men in heterosexual and same gender relationships and transgender and non-binary people, can experience sexual harassment and/or sexual violence. This policy applies to all members of our community regardless of gender or sexuality. The IIS will not tolerate any form of sexual harassment or sexual violence within its community or against its members. This may go beyond the physical premises and normal business hours, such as conduct at events and trips abroad or on social media.

This policy applies to the IIS community and specifically relates to sexual harassment or sexual violence perpetrated by:



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- a student against a student, member of staff, volunteer or governor
- a member of staff against a student, member of staff, volunteer or governor, and
- a governor against a student, member of staff, volunteer or governor.

The IIS also commits to tackling sexual harassment or sexual violence by, or against, any other party who is contracted to abide by this policy, such as visiting fellows, and will act in a manner deemed appropriate in such circumstances.

Whilst issues relating to sexual harassment and/or sexual violence may arise because of a power differential, they are not necessarily confined to the behaviour of any group of staff towards another, e.g. senior staff towards more junior staff, or, indeed, staff towards students. It can occur between persons at the same level or involve staff or students behaving inappropriately towards more senior members of the IIS.

### 3. Definitions

For this policy, the following definitions apply.

**Sexual harassment** is defined as unwanted behaviour of a sexual nature which has the purpose or effect of violating an individual's dignity; making an individual feel intimidated, degraded or humiliated and/or creating a hostile or offensive environment.

Sexual harassment also occurs if an individual treats a person less favourably because that person has rejected or submitted to unwanted conduct of a sexual nature or that is related to gender identity or sex, and which has had the purpose or effect described in this section. In this scenario, the person who treats someone less favourably might not be the person who engaged in the unwanted conduct.

**Sexual violence** is any sexual act or attempt to obtain a sexual act by violence or coercion which takes place without consent. Actions or behaviour which may constitute sexual harassment or sexual violence include, but are not limited to, the following: sexual comments or jokes, touching, sexual assault including groping, unwelcome sexual advances, displaying or showing material of a pornographic or sexual nature, making requests for sexual favours, stalking in person or online, rape.

Online harassment may take the form of intimidating, offensive, or graphic posts on social media sites or chat rooms, or sexually explicit communications by email, text, or instant messaging.

**Consent** is providing permission for something to happen or agreement to do something with a complete understanding of the facts and without coercion. In cases of sexual activity, consent cannot be presumed but must be explicitly given, verbally or non-verbally. Consent cannot be deemed to have been given if it is provided under pressure or in situations where someone is not capable of providing it. Consent can be withdrawn at any time.



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**The IIS community** includes all salaried and non-salaried members of staff, students, volunteers, and governors of the IIS. The IIS will take steps to ensure that other relevant parties comply with the required standards of behaviour in this policy by way of contract.

### 4. Policy Principles

#### **Preventing Sexual Harassment and Sexual Violence**

The IIS will take steps to eliminate sexual harassment, sexual violence, and other unlawful discrimination. The IIS will actively promote equality to provide a collegiate, lawful and harmonious working and learning environment.

The IIS will endeavour to raise awareness of sexual harassment and sexual violence among staff and students. This will be achieved by providing workshops and/or online courses and resources covering the issue of consent for staff and students.

Updated contact details for safe contacts will be published annually on the IIS website and in relevant student and staff handbooks. There will be an ongoing training programme for new and existing safe contacts. Neither students nor staff are restricted from making disclosures to these contacts, and the IIS commits to carrying out briefings to raise awareness and support staff and students who are affected by a disclosure.

#### **Reporting Sexual Harassment and/or Sexual Violence**

The IIS provides guidance for students and staff on how to report sexual harassment or sexual violence and the support that is available both internally and externally. This guidance will be updated annually and can be accessed via the [Policies and documents page](#) on the IIS website.

The IIS provides detailed guidance for staff on how to handle disclosures of sexual harassment or sexual violence, and this guidance will be updated annually. This guidance can be found on CIPHR.

The IIS will listen to and take seriously all disclosures of sexual harassment and sexual violence without making any judgments regarding the circumstances. The IIS will work with staff and students to provide them with information about their options and the support available to them, both internally within The IIS and, where appropriate, externally to statutory services.

The IIS will respect the sensitivity of complaints of sexual harassment or sexual violence, and their consequences, and will treat any complaint with the utmost confidentiality and in line with the wishes of the individual. Unless there is a safeguarding risk, complaints will not normally be taken further than the complainant wishes, thereby allowing for both informal and formal resolution. All those affected by the disclosure, including the person accused and the person to whom the disclosure was made, may access support through IIS counselling services.

The IIS will conduct confidential and impartial investigations in response to allegations of sexual harassment and/or sexual violence made against students or staff as appropriate under the relevant



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staff or student procedure. Where historical allegations are brought by a member of the IIS community, including alumni, these will be taken seriously and, where possible, reasonable attempts will be made to obtain relevant information to determine the appropriate response. Investigations will always comply with the General Data Protection Regulation 2018. Where an allegation of sexual harassment and/or sexual violence is upheld, this will normally result in disciplinary action up to and including dismissal or expulsion in more serious cases. Disciplinary action may also be taken if allegations of sexual harassment or sexual violence are found to be malicious or vexatious. Where appropriate, following an allegation of sexual harassment and/or sexual violence, the IIS may be required, or decide, to take steps in relation to the alleged perpetrator, to prevent contact between the two parties pending the conclusion of the ongoing investigation(s). Actions taken will be proportionate and will constitute a neutral act. Such actions may include a change in accommodation, or working location, or suspension. Where it is considered that it may be necessary, suspension will be carried out in line with the relevant disciplinary procedure.

The IIS will also take appropriate steps to deal with behaviour, intentional or unintentional, that results in a breach of this policy.

It should be noted that a member of the IIS community is personally liable for their actions, which in some instances could lead to criminal or civil action in the Courts under the Protection from Harassment Act 1997, Equality Act 2010 or other relevant legislation, such as the Crime and Disorder Act 1998.

Where a complaint is being investigated as a criminal act, the IIS will normally defer its own internal investigations pending the conclusion of the criminal case. However, where appropriate, the IIS reserves the right to conclude its own investigations regardless of the criminal proceedings and without delay. In these cases, caution will be exercised to prevent any internal investigations from compromising the criminal proceedings. Internal investigations will be judged on the balance of probability, as opposed to the criminal standard of 'beyond a reasonable doubt'. As such, it is possible that different conclusions may be reached in the separate proceedings.

### **Monitoring sexual harassment or sexual violence within the IIS community**

The IIS will record and compile anonymous information about the number, nature and outcome of reported sexual harassment or sexual violence incidents and investigations and the time it took to reach resolution each year. The Quality Assurance Department will be responsible for carrying out the monitoring and will report to the Academic Council.

## 5. Legislation

The **Equality Act 2010** applies to nine protected characteristics, including sex, sexual orientation and gender reassignment. It provides individuals with legal protection against harassment. The IIS also has a Public Sector Equality Duty and, therefore, has a general duty to have due regard to eliminating harassment.



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The **Human Rights Act 1998** underpins all equality legislation that relates to employers in the public sector and those for whom they provide services. Article 3 includes serious physical assault, defining it as inhuman treatment. Article 8 sets out your right to control who sees and touches your body.

The **General Data Protection Regulation 2016 (GDPR)** sets out six legal principles for the processing of data and rules around consent. It ensures that personal data must be secured in line with the Regulation and provides the right of access to that data. It does not cover cases of lawful interception, and individuals should note that it may be necessary to provide data to the police if required to do so during a criminal investigation.

The **Protection from Harassment Act 1997** prohibits harassment, whatever the cause, with Section 2A specifically referring to stalking. The Act gives both civil and criminal remedies. The **Sexual Offences Act 2003** covers all physical forms of sexual abuse, specifically non-consensual sexual activity.

The **Crime and Disorder Act 1998** contains specific provision relating to sex offenders. It can impose a Sex Offender Order on an individual for up to five years to protect the public from harm.