

Extract from the Student Book of Regulations: ANNEX B

Policy and Procedure on Harassment and Sexual Misconduct

Adapted from the University of Buckingham, HARASSMENT AND SEXUAL MISCONDUCT POLICY AND PROCEDURE 2025. Available [online] www.buckingham.ac.uk [Harassment and Sexual Misconduct | University of Buckingham](#)

CHAPTER I: PRELIMINARIES

Article 1

The University is committed to fostering a diverse, inclusive, and welcoming community where all individuals are treated with dignity and respect. We each share responsibility for maintaining an environment that upholds these values.

All members of the University are expected to contribute to a culture of accountability, mutual respect, and inclusivity. Speaking up when necessary is part of that commitment.

Article 2

The University acknowledges that harassment and sexual misconduct encompasses a wide range of behaviors, any or all of which can intersect with other forms of sex and gender-based violence including domestic abuse, coercive or controlling behavior and stalking. These behaviors can affect anyone, regardless of identity.

The University is committed to fostering a safe and respectful environment where such behavior is not tolerated and where disclosures and reports are handled sensitively, thoroughly, and fairly.

This Annex also takes into consideration Dignity at Work and Study Policy and Procedure.

Article 3

The University SSST is dedicated to creating a culture rooted in respect and accountability. The following principles guide our approach:

- **Respect and Dignity:** All members of the University community are expected to treat each other with respect and uphold a culture that recognizes dignified interactions.
- **Acknowledging Impact:** The University recognizes the serious effects of harassment and sexual misconduct upon individuals' academic and professional lives, regardless of when the incident occurred.
- **Equity and Prevention:** SSST is committed to equality and diversity and will deliver consistent education and training to prevent such harassment and sexual misconduct.
- **Responsive Action:** All reports will be taken seriously and responded to by trained staff through transparent and fair processes.
- **Autonomy:** Individuals disclosing incidents will have agency in choosing how to proceed and will be supported in their choice.
- **Due Process:** When considering a report of harassment or sexual misconduct, the perception of the recipient, the circumstances surrounding the case and whether it would be reasonable for the reported conduct to have the effect declared will be taken into account.
- **Impartiality:** Staff involved in handling cases will be properly trained and act with impartiality and discretion.

- Support Services: Students affected by harassment and/or sexual misconduct (whether they are the alleged victim or recipient, the alleged perpetrator, a witness or bystander) will receive confidential support and counselling services.
- Continuous Learning: The University commits to learning from each case to improve practice and ensure appropriate oversight and reporting.

Article 4

4.1 This policy applies to all SSST students and is applicable to all levels of study.

4.2 This policy applies to all members of staff (including visiting academics, emeriti, honoraries and contractors).

4.3 This policy applies to all incidents of harassment and sexual misconduct, as well as related behaviors such as:

- Domestic abuse
- Coercive or controlling behavior
- Retaliation
- Malicious reporting

Access to support: All students and staff will have equal access to internal and external support services, regardless of when or where the incident(s) occurred.

Applicability: This policy covers incidents that occur both on and off University premises, as long as the reporting party is a current student or staff member. The University's relevant disciplinary procedures will apply accordingly.

Legal implications: Some forms of misconduct may also constitute criminal offences. In such cases, both internal and external processes may follow.

CHAPTER II: DEFINITIONS

Article 5

Sexual Misconduct

- a) Sexual misconduct is attempted or actual conduct of a sexual nature that is unwanted and is perceived by the recipient as a violation of their dignity and/or an act of intimidation. This includes activity which may take place online (including but not limited to, inappropriate use of social media, cyberstalking, sending unwanted explicit material).
- b) A single isolated incident can be considered as harassment and/or sexual misconduct.
- c) Sexual misconduct can take many forms and includes, but is not limited to:
 - Sexual acts without consent (sexual assault/rape)
 - Unwanted sexual touching or comments
 - Indecent exposure (in-person or online, such as sending unsolicited explicit images)
 - Repeated unwanted following or stalking (including cyberstalking)
 - Sharing intimate images without consent (including 'sextortion')

- Degrading or inappropriate events (such as ‘upskirting’).

Article 6 Harassment

- Harassment can take many forms and occurs when a person or group of subjects engage in unwanted and unwarranted conduct which has the purpose or effect of violating another’s dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment.
- Harassment is often defined as the act of systematic and/or continued unwanted actions of one party or group, including threats and demands; however, an isolated incident or threat could amount to harassment if it causes distress.
- Harassment may also breach other legislation and may in some circumstances be a criminal offence (see Criminal Law of Bosnia and Herzegovina).
- The Constitution and The Law on the Prohibition of Discrimination of Bosnia and Herzegovina prohibits harassment related to the following protected characteristics: age, disability, gender reassignment, marital or civil partner status, pregnancy or maternity, race, color, nationality, ethnic or national origin, religion or belief, sex or sexual orientation.
- The Law on the Prohibition of Discrimination of Bosnia and Herzegovina defines unlawful conducts which caused by harassment, which includes causing someone alarm or distress.

Article 7

Domestic Abuse and Coercive Control: This includes psychological, physical, sexual, financial, or emotional abuse between intimate partners or family members, regardless of gender or sexuality.

Article 8 Other Breaches

Complicity: Supporting or enabling sexual misconduct and harassment.

Retaliation: Threats or coercion in response to a report.

Malicious Reporting: Knowingly making false allegations against someone.

Article 9

Consent must be freely given, informed, and continuous. It cannot be assumed from past behavior, silence, or lack of resistance. Consent cannot be given under coercion, threat, manipulation, or incapacity (including due to intoxication or unconsciousness). “No” always means “No,” and unclear or non-verbal cues do not constitute “Yes.”

Article 10

The University will maintain confidentiality where possible. Information may be shared only with relevant internal or external parties, and only with the consent of the Reporting Party, unless required to prevent harm (to themselves or to others) or comply with legal obligations. Unauthorized sharing of confidential information will be treated as a violation of this Policy.

Article 11 Equality and Diversity

- 11.1 The university recognizes that anyone can experience sexual misconduct or violence.
- 11.2 The University recognizes that experiences of sexual misconduct may intersect with other forms of harassment and discrimination, and it addresses these through separate policies on Dignity at Work and Study.

Article 12 Freedom of Speech

- 12.1 During academic tuition and discussion, there may be certain topics that some may find offensive. These topics, which could be controversial and/or sensitive in nature, are pedagogically relevant, form part of the course content and are intended to inform healthy academic debate.
- 12.2 Exposure to sensitive and/or controversial topics is not a form of harassment or sexual misconduct, and the University will facilitate academic expression as part of our commitment to the principles of freedom of speech.
- 12.3 The University will not tolerate abuse, malicious targeting or intimidation of an individual or group of individuals. Academic expression should always remain relevant and respectful.
- 12.4 The University prohibits the use of Non-Disclosure Agreements (NDAs) in cases of harassment and/or sexual misconduct and will never ask students or staff to sign one in these circumstances.

CHAPTER III: PROCEDURE GUIDELINES FOR STUDENTS

Article 13

Students can formally raise their concern by:

- Submitting written report via the University's protocol;
- Raising their concerns with your Academic Advisor, Student Counsellor or other member of staff (such as your Faculty Dean or Dean of Students), either face-to-face, via email or Microsoft Teams.

Article 14

Students should make sure they are clear about the nature of the harassment, how it has impacted them and the individual(s) involved. To progress the report, staff members will inform the Dean of the Students. The information students provide will be treated with confidence. An incident does not have to be formally reported for it to amount to harassment or sexual misconduct.

Article 15

Students who have experienced or witnessed a single (or repeated) incident(s) of harassment and/or sexual misconduct and who have disclosed this via report or to a member of university staff, shall be made aware of the sources of support available to them.

This may include support by the Student Counsellor and Dean of Students, who can be contacted at any time. Support will also be offered regardless of whether there is sufficient evidence to progress to disciplinary proceedings or not.

Article 16

Support of the Student Counsellor and the Dean of Students is also available to students who are accused of harassment and/or sexual misconduct. If allegations are disclosed to a member of university staff, they will also ensure that students are aware of the sources of support available to them.

Article 17

The University prohibits the use of Non-Disclosure Agreements (NDAs) in cases of harassment and/or sexual misconduct and will never ask students or staff to sign one. If students are being pressured to sign, or have signed, an NDA by an external party, they should inform the Legal Office for advice.

Article 18

To progress a report, the Student Counsellor and/or the Dean of Students may propose the following:

- a. arrange for either themselves or another appropriate member of staff to help the student address the alleged harassment or misconduct informally; or
- b. arrange mediation between the parties involved; or
- c. refer the case for investigation to the relevant state authorities.

CHAPTER IV: PROCEDURE GUIDELINES FOR STAFF

Article 19

Members of staff are asked to treat any incidents of sexual misconduct and/or harassment that is reported to them directly with respect, and to advise the student of the reporting routes open to them if they wish to take the report further.

Article 20

Staff are encouraged to direct affected students to the Academic Advisors for immediate support, and with consent from the affected student, to contact the Student Counsellor and/or Dean of Students on their behalf to escalate the matter.

Article 21

21.1 Where a student who has been accused of harassment and/or sexual misconduct discloses this to a staff member, they must listen and reassure them that support is available through the Student Counsellor and Academic Advisor. It may also be necessary to consider other areas of support, such as meeting with the Dean of Students.

21.2 Similarly, where a staff member is approached by a student who has witnessed harassment and/or sexual misconduct, they must listen and reassure them that support is available through Student Counsellor and Academic Advisor. It may also be necessary to consider other areas of support, such as meeting with the Dean of Students.

21.3 The University prohibits the use of Non-Disclosure Agreements (NDAs) in cases of harassment and/or sexual misconduct and will never ask students or staff to sign one. If any staff member is made aware of a student being pressured to sign, or having signed, an NDA by an external party in a case of harassment and/or sexual misconduct, they must inform the Legal Office for advice. If a staff member is being pressured to sign an NDA by an external party, they may contact the Legal Office for advice.

21.4 Where a student has reported harassment and/or sexual misconduct that has occurred off-site or by person(s) not connected to the university, it is essential to direct them to sources of support via state institutions. Although the ability of the University to act may be limited, support to all SSST students will be offered. Mitigating circumstances may apply for the academic support.

21.5 Where an incident of harassment and/or sexual misconduct is reported to have taken place between current students, it may be reasonable, where possible, to make academic adjustments to avoid further contact. In this instance academic and exam timetables should be scrutinized with action taken as appropriate. The Head of Registry will have oversight of these arrangement in liaison with the relevant Dean.

CHAPTER V: SOURCES OF SUPPORT

Article 22

The University may refer students to Student Counsellor where qualified staff can support victims, witnesses and alleged perpetrators of harassment and/or sexual misconduct (providing they are registered students at the University).

Article 23

The University will periodically provide mandatory online training for all students and staff. Invitation to access training module will be sent via University email address.

CHAPTER VI: RECORD KEEPING

Article 24

23.1 Records of offences where the students are involved will be held in the student files by the Registry.

23.2 Records of offences where the staff members are involved will be held in the Human Resources Office.

Article 25

Registry and HR Office will compile an annual report of all non-academic misconduct cases (including harassment and sexual misconduct) for submission to Senate at the end of each calendar year. This will be used to analyze trends and address any systemic issues.