



# **SEXUAL HARASSMENT POLICY**

**January 2021**

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**Review date: [January 2022](#)**

UWC Mostar - Building bridges between people and cultures through inspiring, quality education

## **UWC Sexual Harassment Policy**

The underpinning policy principles within this document ensure that the health, safety and welfare of all our students are of paramount importance to all the adults who work at UWC Mostar. Students here have the right to protection from sexual harassment, regardless of age, gender, race, culture, sexual preference, religion or disability. All members of staff have an equal responsibility to act upon any suspicion or disclosure that may suggest a student has suffered from or is at risk of sexual harassment. Key terms are defined in Appendix A.

Our aims are:

- to provide a safe environment for young people in which to learn, live and develop;
- to establish what actions the College can take to ensure that young people remain safe from sexual harassment during their time here;
- to raise the awareness of all staff regarding these issues and to define their roles and responsibilities in reporting possible cases of sexual harassment;
- to identify young people who are suffering, or likely to suffer, significant harm;
- to set down relevant and effective procedures for those who encounter any issue of sexual harassment.

As such this Safeguarding and Child Protection Policy should be read in conjunction with our Health and Safety Policy, Sexual Harassment Policy, Student Behavior Policy, Safe Haven Policy and Code of Conduct.

UWC Mostar fully recognises its responsibility to protect young people from sexual harassment and investigate incidents when they occur. In doing so, we include the following three main elements in our policy:

**Prevention** through teaching and pastoral support.

**Procedures** that clearly outline the expectations of all parties for preventing, identifying, reporting and investigating cases, or suspected cases, of sexual harassment.

**Support** given to young people who may have been abused, give a cause for concern or who are vulnerable. This policy applies to all members of staff and volunteers working within the College. Additionally, this policy applies to all occasional workers, contractors, residents and College Board members. All the above must be aware of the College's Sexual Harassment Policy as any adult, as well as teachers, can be the first point of disclosure for a young person.

At UWC Mostar, the Director of Student Wellbeing retains overall responsibility for addressing issues of sexual harassment and is the Designated Safeguarding Lead (DSL). Issues will be referred to and discussed by the Safeguarding Team. For purposes of investigation the DSL may request the services of other staff members outside the Safeguarding Team.

**The Safeguarding Team** in the College is:

- Head Of College
- Member of the Leadership Team 1 (DSL)
- Member of the Leadership Team 2
- Member of staff 1 (Deputy DSL)
- Member of staff 2 (Senior Tutor Year 1)
- Member of staff 3 (Senior Tutor Year 2)

The Safeguarding Team can appoint an additional Deputy Designated Lead.

## **PREVENTION**

We recognise that a supportive environment and good lines of communication with a trusted adult help to safeguard young people from sexual harassment. The College will therefore:

- establish and maintain an ethos where young people feel secure and are encouraged to talk, and are listened to;
- ensure young people know that there are adults within the College whom they can approach if they have concerns about themselves or other members of the community or are in difficulty of any kind;
- include activities and opportunities for personal, social and health education which equip students with the skills they need to stay safe from sexual harassment, both in their own communities and the cyber community, and to develop a strong understanding of the notion of consent (Appendix B);
- ensure young people are familiar with the mechanisms for reporting sexual harassment when either they or someone else has been made a victim.

We raise young people's awareness of themselves through our curriculum and develop a trusting climate so that they feel able to talk and share their thoughts and feelings. We help to develop appropriate attitudes in our young people and make them aware of the impact of their decisions on others. We also teach them how to recognise different risks in different situations, and how to behave in response to them.

## **PROCEDURES**

UWC Mostar procedures are in accordance with The Protocol On The Procedure In Case Of School Violence of the Hercegovina-Neretva Canton of the Federation of Bosnia Herzegovina.

Safeguarding and child protection training is provided for all staff regarding:

- their personal, statutory responsibility;
- the agreed local procedures;
- the need to be vigilant in identifying cases of sexual harassment;
- how to support a child /young person who discloses sexual harassment;
- record keeping.

Training will take place once every two years for existing staff and in the first year at the college for new staff.

It is ensured that every member of staff and College Board member knows:

- that they have an individual responsibility for referring sexual harassment concerns using the appropriate channels and with all practical immediacy;
- the procedures of the College in regard to the recording and reporting of sexual harassment concerns;
- how to take forward those concerns with one of the Safeguarding Team;
- the definition of sexual harassment, the need to be alert to signs of abuse and knowing how to respond to a young person who may disclose abuse;

### **Reporting**

Students may report allegations of sexual harassment through communicating with any staff member, verbally or in writing, including email. If a student tells a member of staff that they or another student has suffered sexual harassment, the member of staff is asked to act as per Appendix C. Students may use the reporting form (Appendix D), which allows for anonymous reporting.

### **Confidentiality amongst staff**

The College will ensure that information relating to the alleged incident is kept confidential to The Safeguarding Team and other staff members recruited by The Safeguarding Team to conduct the investigation. Partial information concerned with the investigation will be kept

confidential by the staff involved: the reporting member of staff, any staff member who acts as a witness and any staff member in place to offer the student support. Every effort will be made to discuss with those students involved in the incident what information is shared and with whom.

### **Contact with Parents and Guardians**

The Head of College or one of the Safeguarding Team should ensure that parents/guardians and/or respective National Committee are informed and made aware of a referral, other than in circumstances when doing so would put the student at risk of further harm, or where a student over 18 years in age has other significant reasons why they would not wish their parents to be informed.

### **Allegations against staff**

When a member of staff witnesses or receives an allegation of sexual harassment against another adult who is working with students (including other staff, volunteers, College Board members, occasional workers, contractors or residents) they should report the matter immediately to the Head of College. If an allegation is made against the Head of College, referral should be made to the Chair of the College Board. The reporting member of staff should:

- Obtain details of the allegation in writing, signed and dated.
- Keep a record of dates, times, location and names of potential witnesses.
- Not investigate the allegation, or interview students.
- Not discuss the allegation with the member of staff.

Allegations against a member of staff no longer working at the College are referred to the Police.

### **Investigation process**

It is the duty of the Safeguarding Team to organize inquiries of any/all parties involved in the incident reported. An official case will then be filed, documenting all information collected. The complainant (reporter and/or survivor) and the alleged perpetrator can expect the College to

respect the rights of all involved by following the stated sexual harassment process. The rights of the complainant and alleged perpetrator related to the process include:

Confidentiality as set out above.

- The presence of a staff member of choice (tutor or any other trusted adult) at meetings during the initial inquiry and during the hearing procedures.
- Having the allegations investigated in a thorough and timely manner. To also be informed of the outcome of the sexual harassment process in a timely manner.
- Access to support resources listed in this Policy.

### **Adult of Trust**

The adult of trust is there to offer support to the student. They are bound by confidentiality and must not share any information related to the meeting with anyone.

### **False allegations**

No complaint will be considered “false” solely because it cannot be corroborated. The College will take appropriate action to address and/or impose appropriate discipline on members of the College community who file documented false complaints of sexual harassment. In cases of allegation proven false and established as malicious, discipline may include, but is not limited to, suspension or termination of either education at the College or employment by the College.

### **Sexual harassment and students over the age of consent**

Actions by staff members or other UWC Movement adult non-students, which would be considered abusive to a student under the age of consent (within any jurisdiction) are, for the purposes of UWC, to be considered abusive even if the student is over the age of consent and maintains that consent was freely given. The reason for this is the position of trust and the unequal balance of power between staff members or others within the UWC Movement and students.

### **Monitoring and reviewing**

The Pastoral Committee of the College Board is designated to receive, monitor and review the actions of the College Head and Leadership Team with regard to any safeguarding and child protection issues. Any safeguarding complaint against the Head of College or a College Board member will also be received and responded to by this Committee. If a staff member is part of the Pastoral Committee, they will be excluded in case of a report against the Head of the College or one of the College Board members. The College Board recognise their responsibility with regard to safeguarding and child protection and will ensure that it is always an annual agenda item for their meetings. This policy will be reviewed annually. The coordinator of the subcommittee can be contacted via email at [cbsafeguarding@uwcmostar.ba](mailto:cbsafeguarding@uwcmostar.ba).

## **Support**

It is the duty of the College to offer the maximum amount of support to ensure the wellbeing of an affected student(s) and reconstruct their feeling of a safe environment in the community. The College offers the following support resources:

- Alternative housing
- Academic accommodations
- Confidential support
- Health services (College nurse and external agencies)

The following community members play a key role in offering support:

- The Safeguarding Team
- The College Counselor
- The College Nurse
- Houseparents
- Tutors
- Peer supporters

Student support is seen as the responsibility of all staff; so any staff member trusted by a student can play a role in their support.

## **Appendix A**

### **Definition of Sexual Harassment**

Sexual harassment is defined as any unwelcome verbal or non-verbal sexual advances, requests for sexual favours, other unwelcome verbal or physical conduct of a sexual nature, and/or conduct directed at an individual(s). Such conduct may result in unreasonably and objectively interfering with an individual's work performance or educational experience or creating an intimidating, hostile, or offensive work and/or educational environment.

### **Forms of sexual harassment**

Acts that constitute sexual harassment take a variety of forms and may include but are not limited to the following unwelcome actions:

#### **Physical conduct**

- Unwelcome physical contact including inappropriate touching, kissing and hugging, patting, pinching, or other sexually suggestive contact.
- Physical violence (e.g., sexual assault).

#### **Verbal conduct**

- Unwanted sexual comments (including sexual communications about a person's body, comment on clothing, appearance or sexual activities; the use of sexually degrading language, name calling, sexually suggestive jokes; suggestive or insulting gestures, sounds or whistles; sexually suggestive phone calls).
- Repeated unwanted invitations for physical intimacy (propositions, invitations, solicitations, and flirtations of a sexual nature).
- Sending sexually explicit messages.
- Threats that a person's life may be adversely affected by not submitting to sexual advances.

#### **Non-verbal conduct**

- Display of sexually explicit or suggestive material (such as social media, e-mail or



internet communications, pictures, photographs, cartoons, text messages, videos, or DVD's).

- Sexually suggestive gestures.
- Stalking of a sexual nature (i.e., persistent and unwanted contact of any form whether physical, electronic or by any other means). For stalking to fall within this policy, the content or the nature of the stalking must have a sexual component.
- Photography / video / audio taping of sexual activity without a person's consent (even if they have given consent to the act itself) is a form of sexual harassment and exploitation.

All other forms of sexual harassment have been defined by the Protocol.

### **Levels of sexual harassment**

The classification of violence at levels is aimed at ensuring uniform treatment (intervention) in situations of violence when the actors are students or staff members (student-student, student-staff member, staff member-staff member).

Under the Protocol on Responding to School Violence, the levels of sexual violence are categorised as outlined below.

- Level one (low level): Cursing, inappropriate catcalling, lascivious comments, spreading stories, unambiguous sexual gestures, labelling.
- Level two (medium level): Sexual touching, showing pornographic content, showing intimate body parts, removing clothes.
- Level three (high level): Seduction by an adult, pimping, solicitation, extortion or coercion to sex acts, rape, incest, abuse of position. The same forms of violence can occur on multiple levels, but they vary in intensity, potential risk, frequency, consequences and parties involved.

## **Appendix B**

### **Consent**

To be effective, consent must be an informed, deliberate and voluntary decision to engage in mutually acceptable sexual activity. Consent is an affirmative process. It is the responsibility of the person who wants to engage in sexual activity to make sure that they have received consent from any other person(s) involved. If an individual initiating sexual activity is not sure if they have received consent, they have an obligation to seek additional clarification. Failure to do so could violate this policy and lead to disciplinary action. Consent cannot be based on assumptions. The policy always requires that individuals obtain consent before engaging in sexual activity; failing to do so, the sexual activity will be treated as sexual harassment.

The use of alcohol or other substances does not relieve an individual of their obligation to obtain consent before initiating and/or engaging in sexual activity (see Consent and the Use of Alcohol or Drugs below for more information). Consent can never be obtained by use of force, which includes physical force, violence, threats, intimidation, abuse of power/authority, coercion and/or duress.

### **Consent and the Use of Alcohol and/or Drugs**

Engaging in sexual activity while under the influence of alcohol or drugs can impair an individual's ability to make sure they have received consent. A person who has consumed alcohol and/or drugs still has a responsibility to obtain ongoing consent for any sexual activity with another person(s). Failure to do so could lead to disciplinary and/or legal action. Engaging in sexual activity with someone a person knew or should have known was incapacitated is a violation of this policy regardless of whether the person appeared to be a willing participant.

A victim that was using alcohol and/or drugs is never responsible for being subjected to sexual harassment.

Witnesses and victims should be assured that the focus in matters of sexual harassment is always on the reported behaviour, not on whether a witness/victim was using alcohol or

drugs at the time.

To the extent allowed by applicable laws, the College will exercise leniency regarding secondary conduct violations (e.g., underage drinking/drug use that does not endanger the safety of other individuals) and these issues will not be subjected to adjudication against a victim as part of the Sexual Harassment Process.

## Appendix C

### What to do if a student tells you that they or another student is being abused

- Show the student that you have heard what they are saying, and that you take their allegations seriously;
- Encourage the student to talk, but do not prompt or ask leading questions;
- Do not interrupt when the student is recalling significant events. Do not make the student repeat their account;
- Explain what actions you must take;
- Do not promise to keep what you have been told secret or confidential, as you have a responsibility to disclose information to those who need to know. Reporting concerns is not a betrayal of trust;
- Write down as soon as you can and no later than 24 hours what you have been told, using the exact words if possible. Keep any rough notes you make;
- Report your concerns to one of the Safeguarding Team for discussion;
- Do not confront the alleged abuser;
- Do not worry that you may be mistaken. You will always be taken seriously. It is better to have discussed it with somebody with the experience and responsibility to make an assessment;
- Make a note of the date, time, place and people who were present at the discussion.

## Appendix D - Reporting form

### INCIDENT REPORTING FORM CONFIDENTIAL

Anonymous reporting by a **survivor** implies the possibility for the **survivor** to remain anonymous, but provide details on the **alleged perpetrator**.

Anonymous reporting by a **witness** implies the possibility for the witness to remain anonymous, but provide details on both **survivor** and the **alleged perpetrator**.

**Complainant Information** (the complainant and **survivor** can be different people)

Today's date: \_\_\_\_\_

**Reporter's** name (optional): \_\_\_\_\_

Check here if you are reporting an incident, but you are **not** the **survivor**.

**Survivor's** Information

**Survivor's** name (optional): \_\_\_\_\_

**Contact - if reporting against a student or an external individual:**

I (the person making this report) would like to be contacted by (please check as many as apply):

- Head of College
- Director of Student Wellbeing
- Senior Tutor Year 1
- Senior Tutor Year 2
- Psychological Counselor
- Other staff member: \_\_\_\_\_

#### **NOTE:**

If reporting against a staff member, you will be contacted by:

- Head of College (if reporting against any staff member)
- The College Board (if reporting against the Head of College)

**Alleged Perpetrator(s)' information**

**Note:** If an **alleged perpetrator(s)**' name or group affiliation is listed, the institution will take action with the accused(s) or group. That action will include an immediate meeting with the Head of College. The meeting is used as an opportunity to collect information from both parties. Further action will follow depending on severity of the case and all the information collected.

Name(s) of **alleged perpetrator(s)** (optional):

**Incident Information**

Date of incident: \_\_\_\_\_

Time of incident: \_\_\_\_\_

Location of incident: \_\_\_\_\_

**Description of the Incident**

Provide as many details as possible about the incident. (*Who? When? Where? How?*)

**Submitting this Form**

The report can be submitted by:

- Personal e-mail sent to any staff members.
- Personally approaching any staff members.

If in doubt, please do contact the Head of College or his/her deputy.

**CAUTION**

By submitting this form you have hereby guaranteed that, to the best of your knowledge, all the information provided above is truthful. False accusations may result in serious repercussions against the **reporter**.