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# Sexual Violence, Harassment and Misconduct Policy

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**Responsible person:** Student Support Manager

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**Approved by:** Institute Management Board

**dyson**

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## 1.0 Policy statement

The Dyson Institute recognises that incidents of Sexual Violence, Harassment and Misconduct (as defined in section 1.1.0) are prevalent throughout society and acknowledges that there has been a noticeable increase in reporting across the Higher Education sector. Sexual Violence, Harassment and Misconduct (SVHM) refers to a broad spectrum of behaviours that cannot be divorced from other types of gender-based violence including, but not limited to, intimate partner violence or domestic abuse, coercive and/or controlling behaviour, and stalking. The Institute acknowledges that SVHM can be experienced by any individual, regardless of their gender identity.

The Dyson Institute is committed to the Dyson Code and ensuring a safe working and learning environment free from SVHM so that all members of the community can enjoy the right to study, live, work and be respected for the contribution they make. The Dyson Institute recognises that SVHM can have a significant impact on the reporting individual, reported individual, their supporters, the wider community and beyond, and will seek to mitigate such impacts.

The Institute recognises that it must be proactive in creating and promoting a culture where:

- incidents of SVHM will not be tolerated
- individuals have a confidence in the sensitivity the Institute deploys
- incidents are thoroughly and quickly addressed to ensure the preservation of a safe work and study environment

The Institute will challenge SVHM in all its forms.

Further support and information can be found by contacting the Safeguarding team [DIETsafeguarding@dyson.com](mailto:DIETsafeguarding@dyson.com) and on the internal SharePoint page [here](#)

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## 2.0 Scope of the Policy

This policy sets out the Institute's:

- Expectations of behaviour by our whole community of students, staff, volunteers and visitors supported by the Community Charter and Dyson Code.
- Approach to preventing SVHM through training and awareness.
- Approach to reports of SVHM from anyone associated with the Institute.
- Aim to take prompt and appropriate action including evoking disciplinary procedures as required.
- Approach to the collection of relevant data to enable the monitoring of allegations. This information will be kept securely and confidentially and in line with Dyson's Data Protection Policy. This will include anonymised data sharing on a quarterly basis with Council.

Requirements relating to abuse of power and intimate personal relationships between staff and students are covered in the 'Staff and Student Relationship Policy'. The Dyson Institute prohibits staff from entering an intimate or sexual relationship with students at the Institute. Any breach would result in HR initiating the disciplinary process, including the possibility of breach resulting in dismissal of the relevant staff member. Furthermore, Any member of Institute staff entering an intimate or sexual relationship with a student under the age of 18 will be

reported to the Local Authority Designated Officer in accordance with the Dyson Institute Safeguarding and Prevent Policy.

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## 2.1 Procedure

Under this Policy all students and staff members who have experienced SVHM will have equality of access to both internal (Sexual Violence Liaison Officer (SVLO) and counselling) and external specialist support (e.g. Sexual Assault Referral Centre and police).

The Institute staff will support the reporting individual in making an informed decision on next steps. When the Reported Party is a student or staff member of the Institute or Dyson the Dyson Respect at Work and [Dyson Disciplinary](#) policies will apply. Some incidents of SVHM may also constitute a criminal offence under English law and will be referred to the Police where appropriate. Incidents of alleged SVHM may therefore be addressed through criminal proceedings, internal disciplinary proceedings, or, in some cases, both criminal and internal proceedings.

Where an alleged incident of SVHM is referred to the Police. Dyson may suspend employment during the investigation, which, in the case of a student, will also suspend continuation of studies. Alternatively, the disciplinary process may be suspended, and risk-mitigation measures put in place until the criminal justice process is completed. This will be determined by Dyson HR and the Institute.

Definitions of terms referred to in this policy can be found in section 11.0.

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## 3.0 Principles

The Institute holds the following set of Principles to reflect the commitment to establishing a culture of support and respect.

- We will treat all members of our community with dignity and respect, upholding the Dyson Institute Community Charter.
- We recognise the significant impact of all experiences of SVHM, and acknowledge the potential detriment to studies and employment, regardless of when the experience occurred and respond accordingly.
- We strive to maintain equality and diversity within our community.
- We will actively respond to all first meetings, first disclosures and reports of SVHM supporting the individuals to make informed decisions.
- All reports considered under Section 6 procedures will be assessed on the balance of probabilities, in line with the Dyson Disciplinary Policy, Respect at Work Policy and Grievance Policy as well as current sector guidance.
- All Institute staff will have been informed of the policy and will be trained as appropriate to their roles. All staff involved in the process will always act with impartiality and discretion.
- We believe that no person should suffer the effects of SVHM alone, and will ensure that there is dedicated specialist support, including counselling for all individuals involved.
- We will work with local partners and key groups to forge positive relationships to support all our work in this area, from prevention to enquiry and post-incident care.
- In addressing experiences and working with both internal and external experts, we will shape and respond to national and international policy and practice.
- We will regularly review relevant policies and practices.

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### 3.1 Key principles

Staff are to respond with a trauma-informed approach responding with the 5 key principles:

- Safety and Security
- Trust, Routines and Boundaries
- Collaboration and Support from Others (inc. inter-agency working)
- Empowerment, Choice, and Reassurance (Understand process, anonymity, support, discipline, police, no time pressure on journey)
- Look after yourself

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### 3.2 Benefits

The Institute recognises that those that have experienced SVHM will benefit most from:

- feeling believed
- being treated with dignity
- reassured that what happened was not their fault
- being made to feel safe
- being allowed to be in control of what happens next
- making informed choices
- being able to speak to someone that is independent about what happened

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## 4.0 Training – Prevention and Awareness

Preventing SVHM is not the responsibility of the Reporting individual. The training and awareness sessions offered to students and staff focuses on understanding what SVHM is, how to intervene, and how to respond.

Education for students focuses heavily on understanding consent, respect and healthy relationships and active bystander intervention. Education for staff focuses on building awareness around these issues, learning practical skills to respond to disclosures and how to support survivors.

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### 4.1 Training

The Institute will provide training and run awareness sessions that are dedicated to the prevention of acts SVHM within its community. Examples of these include:

- Introduction of comprehensive source of information on the Institute HUB within Induction
- Consent workshop during year one student induction and refresher training in year 3 of programme
- Tackling harassment during year one semester one
- Sexual Health Workshop during year one semester one
- Consent online workshop for staff and students
- Tackling Harassment online workshop for students and staff
- Impact of drugs and alcohol on capacity and informed decision making and consent for staff and students during induction and reinforced through further training in year one.
- Gender, Sexuality and Identity training for staff and students in year one
- Safeguarding Training – full training and annual refreshers for staff including responding to disclosures of SVHM
- A minimum of two members of Institute staff will be trained as SVLOs to provide a skilled and knowledgeable response to support students who wish to make allegations or complaints about SVHM; Have alleged and or experienced incidents of SVHM or are the actual or alleged perpetrators of incidents of SVHM.
- The Designated Safeguarding Lead will have completed SVLO Management training

- Annual #NeverOK campaign to promote awareness of comprehensive source of information, Sexual violence, misconduct and harassment.

**4.1.1** All staff and students are required to complete mandatory Respect at Dyson training which identifies the importance of creating an inclusive environment. The Dyson UK Respect at Work Policy covers staff and students can be read [here](#).

**4.1.2** The Institute Student Support team is responsible for the organisation of training opportunities. Nominated student support liaison staff will work in partnership with the relevant representatives from the Dyson Institute Student Committee (DISC), they will ensure promotion and engagement with training and create awareness campaigns that maximise impact.

**4.1.3** An annual report on the status of training listed above will be provided to Council to give assurance of what training has been provided and when it was completed.

**4.1.4** SVLOs will be trained via an external agency to support students who have experienced sexual violence and will complete refresher training every three years alongside additional CPD in order to fulfil their responsibilities.

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## 5.0 Report and Support

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### 5.1 Reporting

The Institute has clear processes in place for all students to report and disclose incidents of sexual violence, harassment and misconduct. Any member of the Dyson Institute community who has been subjected to, or observed, an act of SVHM is encouraged to report the incident in whichever manner they feel appropriate to them. SVLOs can provide guidance and support, so that reporting individuals can make an informed decision about what information to share with whom and how this information will be handled/investigated.

The options for reporting are:

- using the Safeguarding and Prevent portal on [the Hub](#), selecting Sexual Misconduct Support Service.
- to an SVLO
- to a member of the Institute's safeguarding team in D5
- to any member of Institute staff
- to a member of the Dyson Human Resources Team
- to Dyson Security (<https://dysononline.sharepoint.com/sites/GroupSecurity>)
- Anonymously via Dyson's [Speak Up](#)

In the event a crime of serious sexual assault has occurred, you are encouraged to contact the Police via 999 or 101 as well as reporting to a member of staff, the SVLO team are available to support with contacting the police and sexual assault services.

Any report that involves an under 18 will be reported to the police directly or via the relevant local Multi-agency Safeguarding Hub (MASH). Any report against a member of staff involving an under 18 will be reported to Wiltshire Council Local Authority Designated Officer (LADO) via the Designated Safeguarding Lead. All reports against a member of staff will follow the [Dyson Grievance and Disciplinary procedures](#).

If we receive anonymous reports or reports made by student representatives or third parties, for example third

party reporting centers, we will share the details of the reported individual with HR if they are an employee.

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## 5.2 Supporting

The Dyson Institute is fully committed to supporting victims of SVHM. The SVLO team aim to have a member available during office hours throughout the year in person and online.

This includes but is not limited to:

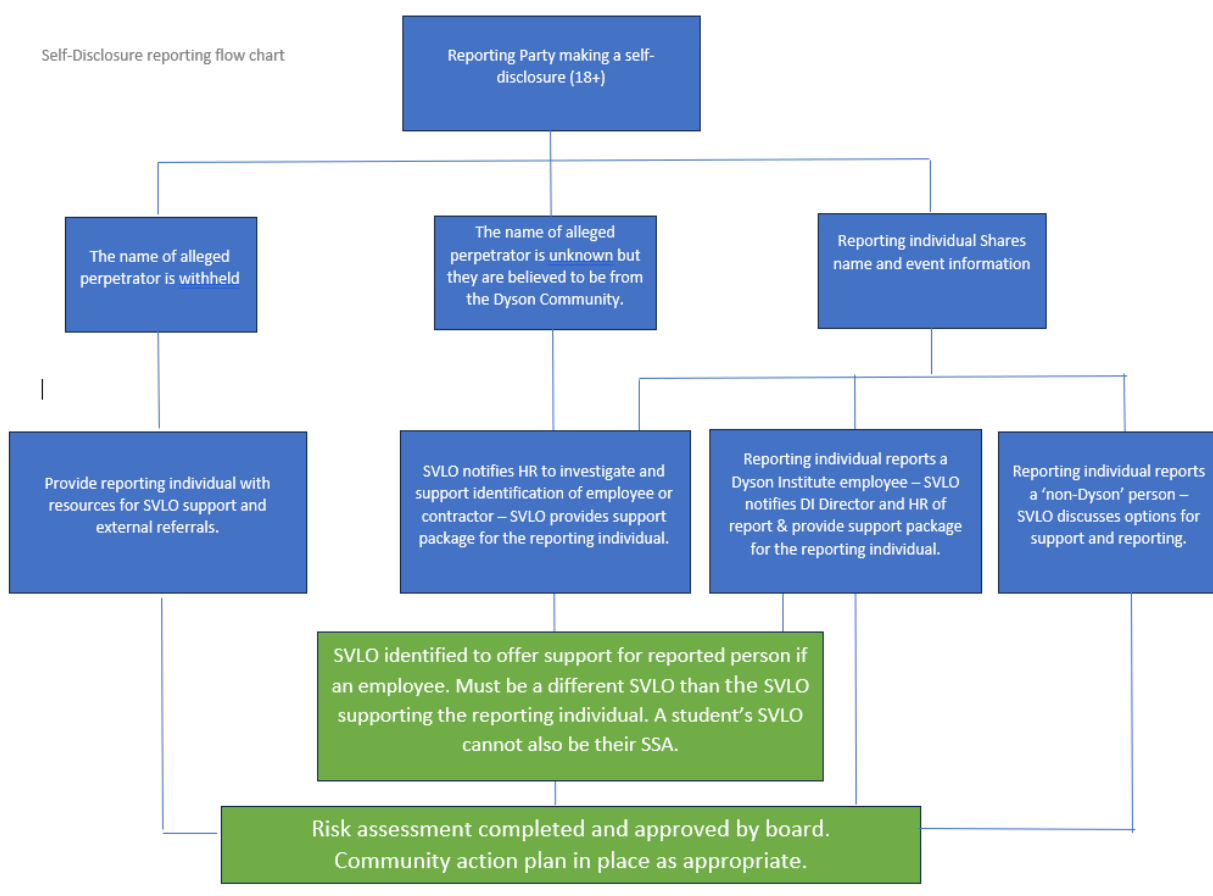
- Managing absence reporting if required.
- Support in decisions around continuation, suspension or cessation of study.
- Provide a liaison service between the student and external services and internal departments.
- Making changes to students' timetables where appropriate.
- Granting extensions to deadlines or providing alternative assessment options where assessment is impacted, including consideration at examination boards.
- Providing regular meetings with the Student Support Advisor(s) and/or SVLOs.
- Making referrals to support services, such as talking therapies with Institute or Dyson Technology service providers.
- Accompanying members of the Institute community to attend a police station or Sexual Assault Referral Centre (SARC) to make a report.
- Completing a risk assessment to minimize and mitigate risk to all parties

Outside of these working hours, students are encouraged to visit the Institute Hub – Student Support pages for a comprehensive source of information, advice and guidance.

The SVLO cannot represent the student if they are also their dedicated Student Support Advisor. If the Reporting and Reported individuals are both students, the same SVLO cannot support both parties. Alternative SVLOs will support.

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## 6.0 Investigating and Risk Assessments



Investigations must be impartial, thorough and unbiased.

**6.1.1** Where the name of the alleged perpetrator is withheld where the reporting party is 18 years or over and they are making a self-disclosure, There would be no internal investigation, a risk assessment would be completed and actions , the reporting individual would continue to receive support.

**6.1.2** Where the reporting individual is over 18 years old and the name of the alleged perpetrator is unknown but they are understood to be a member of the Dyson Community (e.g. staff, contractor), the SVLO would report to HR for investigation, aiming to identify the employee or contractor and pursue disciplinary action. When the identity of the reported individual is known, HR will notify the Institute Director. The reporting individual will be supported by an SVLO. The reported individual will be offered support, if this is via an Institute SVLO, then it MUST NOT be the same SVLO which is supporting the reporting individual. A risk assessment will be completed and actions monitored.

**6.1.3** Where the reporting individual is under 18 and name of the alleged perpetrator is known, and they are a member of the Dyson Community, the

he SVLO would report to the Director and HRthe Designated Safeguarding Lead will refer to the Wiltshire Local Authority Designated Officer (see Under 18 and Child Protection Policy).

**6.1.4** Where the name of the alleged perpetrator is known and shared with Dyson Institute staff, and they are not a member of the Dyson Community, the SVLO will work with the reporting individual to determine their next steps for support and external reporting, this will include a risk assessment and monitored actions.



**6.1.5** Where the name of the alleged perpetrator is known and is a member of staff at the Institute or Dyson Technology, the SVLO will notify the Institute Director and HR, investigation will follow HR policies. Where they are a member of the broader community HR will engage with the relevant department staff within Dyson Technology to investigate and action.

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## 6.2 HR Investigations

Investigations Where HR are informed of incidents of SVHM, these will be investigated in accordance with the Dyson Disciplinary Policy and Respect at Work Policy. In accordance with the OfS E6.10, no restricting provisions will be placed in any contract relating to restricting the disclosure of information from any student in making an allegation of SVHM. The Dyson Institute confirms it will never use a Non-Disclosure Agreement (NDA) for any purpose relating to a case of SVHM.

**6.2.1** Dyson's investigation will determine whether there has been a breach of Dyson's policies. Dyson will carry out an investigation of the facts to determine if there has been a breach of code of conduct. It is not to prove or disprove whether a criminal offence has occurred under UK legislation, this is the responsibility of a criminal justice investigation. Individuals who wish to report to the police have the option of SVLO support in this process, and engagement with an ISVA service (Independent Sexual Violence Adviser).

**6.3** The SVLO and safeguarding team, supported where required by the a member of IMB will complete a risk assessment for all parties including the Institute, and identify further support.

Please read the Respect at work policy and the Disciplinary Policy to understand the processes where this is instigated.

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## 6.4 Suspension

This process will always follow the most up to date Dyson Disciplinary policy.

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# 7.0 Equality and Diversity

The Institute has a duty under the Equality Act 2010 to have due regard for the need to eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the act.

SVHM can be experienced by any individual, regardless of sex, gender, sexual orientation, relationship status, age, disability, faith, ethnicity, nationality and economic status. Women, members of the LGBTQ+ community, and individuals with disabilities are disproportionately affected by experiences of sexual violence.

Experiences of sexual misconduct and violence may intersect with other forms of harassment and discrimination. The Institute follows Dyson's [Respect at Work Policy](#) which addresses other forms of harassment, bullying and discrimination.

See the Freedom of Speech policy for compliance with freedom of speech principles.

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# 8.0 Roles and Responsibilities

**8.1** The SVLO Manager is responsible for the application of the procedures associated with this Policy. There is an assigned Deputy SVLO manager who is also a trained SVLO.

**8.2** The day-to-day management of the SVHM Policy Procedure for Students will be overseen by the SVLOs in conjunction with the Safeguarding Team. Other key staff contacts are the Institute HR partners. The HR partners have key responsibilities for the application of the procedure where allegations involve staff or contractors.

**8.3** The Designated Safeguarding Lead, or Deputy Designated Safeguarding Lead in their absence has responsibility for engaging with the DOFA / LADO (Designated officer for Allegations / Local Authority Designated Officer) where the allegation involves a student under the age of 18 reporting a member of staff or a student's allegation of non-recent abuse.

**8.4** Where a report may amount to domestic violence or abuse members of the SVLO's and Safeguarding team are trained to complete a DASH (Domestic Abuse, Stalking, Harassment and Honour Based Violence Assessment) risk assessment and use this as required as part of the Multi Agency Risk Assessment Co-ordinator (MARAC) referral.

**8.5** The Institute is only able to initiate an investigation and disciplinary procedures when the responding party is a member of the Dyson community.

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## 9.0 Confidentiality

**9.1** The SVLO team and Institute recognise and prioritise the importance of confidentiality, trauma-informed practice and informed consent. Therefore, only critical information will be shared with other parties on a need to know basis. Prior to a disclosure or report, it will be a priority for the SVLOs to explain what information may need to be shared in order to access the different support or initiate an investigation, for informed consent. Within this context, confidentiality may not be about keeping information secret, but about sharing the minimum of what is needed to be shared in order to gain effective support in a timely manner.

**9.2** The Institute reserves the right, and may be under an obligation, to share information in exceptional circumstances, such as where disclosure is necessary to protect any individual or the wider Institute community from harm or to prevent a crime from taking place.

For example, where there remains a risk of harm to a child or vulnerable adult, and/or a serious risk of harm to the Reporting party and/or wider community. In these cases, the Institute may be bound by law to report the incident to the relevant external authority.

**9.3** All individuals involved in any process under this Policy must keep information that is disclosed to them, as part of the process, confidential. Any unauthorised disclosure of confidential information, will be considered a Policy violation and will be addressed accordingly. Throughout all proceedings, the Institute will act in compliance with the General Data Protection Regulation (GDPR) and Data Protection Act 2018.

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## 10.0 Related information

This Policy should be read in conjunction with the following Regulations, Policies and Procedures:

- [Fitness to Study Policy](#)
- [Dyson Grievance Policy](#)

- [Dyson Disciplinary Policy](#)
- [Dyson’s UK Respect at Work Policy](#)
- Dyson Institute [Safeguarding & Prevent Policy](#)
- Dyson Institute Under 18 and Child Protection Policy
- Dyson Institute Staff and Student Relationship Policy
- Dyson Institute Freedom of Speech Policy
- [Dyson Code](#)
- [Institute Community Charter](#)

Contact for further information: Safeguarding team [DIETsafeguarding@Dyson.com](mailto:DIETsafeguarding@Dyson.com)

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## 11.0 Definitions

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### 11.1 Behaviours

The behaviours below can have a traumatising and damaging effect on those who experience them:

**11.1.1 Sexual Violence** is defined by the World Health Organisation (WHO) as “any sexual act, attempt to obtain a sexual act, unwanted sexual comments or advances, or acts to traffic or otherwise directed against a person’s sexuality using coercion, by any person regardless of their relationship with the victim, in any setting, including but not limited to home and work”.

**11.1.2 Sexual Harassment** is defined in the Equality Act, 2010 as “unwanted conduct of a sexual nature” which “has the purpose or effect of violating an individual’s dignity or intimidating, hostile, degrading, humiliating or offensive environment because of, or connected to, one or more of the following protected characteristics:

- age
- disability
- gender reassignment
- race
- religion or belief
- sex
- sexual orientation

Under the OfS definition, harassment includes domestic violence and abuse (which can also involve control, coercion, threats), and stalking.

The OfS and Institute also consider harassment to include any incidents of physical violence towards another person(s) on the basis of a protected characteristic, and hate crimes, such as those criminal offences which are perceived by the victim or any other person, to be motivated by hostility or prejudice, based on a person's disability or perceived disability; race or perceived race; or religion or perceived religion; or sexual orientation or perceived sexual orientation or transgender identity or perceived transgender identity. Harassment not of a sexual nature is addressed under the Institute’s Safeguarding and Prevent policy and relevant Dyson policies.

**11.1.3 Sexual Misconduct** includes, but is not limited to: Rape (Sexual Offences Act 2003)

Sexual Assault, including by penetration or groping (Sexual Offences Act 2003)

Physical unwanted sexual advances, unconsented kissing, propositions and or demands for sexual favours including catfishing, or employing deception in order to induce someone into sexual activity. (Equality and Human Rights Commission: Sexual harassment and the law, 2017)

**11.1.4 Sexual harassment** (Section 26 (2) of the Equality Act 2010). This includes but is not limited to catcalling, wolf-whistling. Leering and suggestive gestures and remarks (in person and online), making sexualised comments (including

jokes), asking intrusive personal questions.

“Upskirting” is a colloquial term referring to the action of placing equipment such as a camera or mobile phone beneath a person’s clothing to take a voyeuristic photograph without their permission. It is not only confined to victims wearing skirts or dresses and equally applies when men or women are wearing kilts, cassocks shorts or trousers.(as defined by Voyeurism (Offences) Act 2019).

- Recording and or distributing private and personal explicit images or video footage of an individual without their consent (as defined by the Criminal Justice and Courts Act 2015)
- Posting pornographic material in shared spaces (physical or virtual) or sending sexually explicit electronic communications.
- Sextortion is a form of blackmail, Section 21 of the Theft Act 1968 only covers circumstances whereby a person, “with a view to gain for himself or another or with intent to cause loss to another, he makes any unwarranted demand with menaces.
- Conduct of a sexual nature which creates (or could create)intimidating , hostile, degrading, humiliating, or offensive environments for others including making unwanted remarks of a sexual nature or promising resources or benefits in return for sexual favours(as set out by the Equality and Human Rights Commission: Sexual harassment and the law, 2017).
- Arranging or participating in events which may reasonably be assumed to cause degradation and humiliation to those who have experienced sexual violence, for example inappropriately themed social events or initiations.
- Sexual coercion (unwanted sexual activity which happened because of being pressured or coerced through non-physical means).
- Inappropriately showing sexual organs to another person (defined in the Sexual Offences Act 2003)
- Repeatedly following another person without good reason – stalking in person or online. The warning signs of stalking are if the behaviour you are experiencing is Fixated, Obsessive, Unwanted and Repeated. (Protection from Harassment Act 1997)
- Domestic abuse and coercive or controlling behaviour is a crime and is defined as any incident or pattern of incidents of controlling, coercive, threatening behaviour, violence, or abuse between those who are, or have been, intimate partners or family members regardless of gender, sexuality, or type of abuse.

The OfS definition of **intimate personal relationship**’ means a relationship that involves one or more of the following elements:

- physical intimacy including isolated or repeated sexual activity; or
- romantic or emotional intimacy

**11.1.5 Complicity** is any act that knowingly helps, promotes, or encourages any form of SVHM by another individual.

**11.1.6 Retaliation** may constitute any words or actions, including intimidation, threats, or coercion, made in response to disclosures or reports made under this policy or any related policy such as Dyson’s Grievance or Respect at Work policies.

**11.1.7 Vexatious reporting** involves the creation of persistent, unwarranted reports made under this policy or any related policy such as Dyson’s Grievance or Respect at Work policies, or a refusal to accept any reasonable decisions arising from the application of the accompanying procedures to this Policy.

**11.1.8 Malicious reporting** occurs when an individual shares an allegation(s) of SVHM that the individual knows to lack a basis in fact.

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## 11.2 Terminology

**11.2.1 Sexual Violence Liaison Officer (SVLO)** is a member of staff who has undergone specific, specialist training to enable them to support students who have experienced sexual violence

**11.2.2 First meeting** with an SVLO is to establish enough information as to direct immediate and future/ongoing support (therefore a full disclosure is not required) involves an individual choosing to tell anyone who is part of the Institute community about their experience of SVHM not including significant or specific detail (different from Report and disclosure).

**11.2.3 First disclosures** are where the victim/survivor tells any third party, in detail, for the first time.

**11.2.4 Report** is the sharing of information with a staff member of the Institute regarding an incident of SVHM experienced by that individual for the purposes of initiating the investigation process by the Institute, as set out in this Policy and the accompanying procedures (different from first meeting and first disclosure).

**11.2.5 Allegation** – where a member of the Dyson Institute community is the reported party.

**11.2.6 Reporting party** is the person(s) who has been the subject of the alleged incident of Sexual Violence and Misconduct or other policy breach.

**11.2.7 Reported party** is the person(s) whose behaviour, it is alleged, amounted to an incident of Sexual Violence and Misconduct or other policy breach.

**11.2.8 Consent** is affirmative, conscious, voluntary and revocable. It is the agreement by choice where the individual has both the freedom and capacity to make that choice. Consent cannot be assumed on the basis of previously given consent.

**11.2.9 Capacity to consent:** Free consent cannot be given if the individual does not have the capacity to give consent.

**11.2.10 Freedom to consent:** For consent to be present, the individual has to freely engage in a sexual act. Consent cannot be inferred from a lack of verbal or physical resistance.

**11.2.11 Coercion** is when someone is pressured unreasonably for sex, which can include manipulation.

**11.2.12 Force** includes any physical or emotional harm or threat of physical or emotional harm which would reasonably place an individual in fear of immediate or future harm, with the result that the individual is compelled to engage in a sexual act.

**11.2.13 Alcohol and/or drug use:** Incapacitation arising from alcohol or drug consumption. Intoxication is never a defense for committing an act of Sexual Misconduct and Violence, or for failing to obtain consent.