

HIGHER EDUCATION HARASSMENT AND SEXUAL MISCONDUCT POLICY

1. Purpose

The College is committed to ensuring there is a safe, secure, and inclusive environment for all students, employees, and visitors. The purpose of this policy is to set out the College's policy for all students, employees, contractors and visitors that engage with Higher Education on harassment and sexual misconduct, including definitions, disclosure procedures, support and training, and disciplinary procedures in accordance with the Office for Students (OfS) Condition E6 and relevant UK legislation.

This policy provides sexual misconduct survivors, supporters and alleged perpetrators with information on support, disclosure procedures.

2. Background

One of the College's key values states: 'Within our college community we all treat each other with trust, openness, care and consideration'. In line with this ongoing commitment, the College considers that all students have the right to be treated with dignity and respect and will not tolerate any form of harassment.

3. Consultation with learners

As part of the process of developing this policy, regular consultation occurs throughout the academic year (including 'Have Your Say' surveys, Student Representative meetings and NSS). The college will continue to engage with feedback from students to evaluate the effectiveness of procedures and inform improvements to the prevention and support of harassment and sexual misconduct, alongside analysis of reports and investigation to amend policy and procedures.

4. Scope

This policy applies to all Higher Education College students at their place of study, in College grounds, on off-site visits and at other locations while undertaking work placement either physical or online. The College will act where incidents, regardless of location, have an impact on students' ability to study or participate safely in College activities. If harassment or sexual misconduct should occur off-site, we would encourage learners to involve the Police and keep the College involved.

The policy also applies to all staff, contractors and visitors who engage with Higher Education students at the College where they have an active role to play to promote an inclusive culture, can identify the signs of harassment and follow the actions that need to be undertaken if suspected.

5. Related documentation

- Anti Bullying Policy
- Complaints Policy
- Data and Document Retention Policy
- Equality & Diversity Policy
- Fitness to Study Policy
- Guidance for working safely online with students
- Health & Safety Policy

- Higher Education Freedom of Speech Policy
- Safeguarding Vulnerable Adults Policy
- Student Disciplinary Procedure

6. What is Harassment and Sexual Misconduct?

6.1 Harassment and sexual misconduct encompasses a range of inappropriate, unwanted behaviours, typically disregarding informed consent. The college applies the definition of harassment as defined by [Section 26 \(2\) of the Equality Act 2010](#) and section 1 of the Protection from Harassment Act 1997.

6.2 Examples of harassment and sexual misconduct, but not limited to, include:

- **Sexual misconduct:** Any unwanted conduct of a sexual nature, in person or electronic including social media. It includes but is not limited to:
 - organising or engaging in conduct that could reasonably degrade or humiliate those who have experienced sexual misconduct.
 - recording or sharing intimate images/videos without consent.
 - creating, sharing, or distributing sexual content about another person that causes degradation, humiliation, or serious distress.
 - Inappropriately exposing genitals.
- **Unwanted physical sexual advances or sexual:** Unwanted sexual conduct, whether comments, gestures, physical contact, or other actions has the purpose or effect of either violating a person's dignity, or creating an intimidating, hostile, degrading, humiliating, or offensive environment. This means any such behaviour can constitute sexual harassment if it makes a student or staff member feel uncomfortable, unsafe, or undermined. This includes but is not limited to:
 - Unwanted touching (e.g., groping, stroking, brushing against someone's body).
 - Forcing or coercing a student into sexual physical contact.
 - Sexual assault, encompassing any non-consensual sexual contact.
 - Engaging in or attempting any sexual act, touching, or kissing without consent.
 - Repeatedly following or stalking another person.
 - Inappropriate physical proximity, such as deliberately invading personal space in a sexualised way.
- **Intimidation, promising resources or benefits in return for sexual favours:** This includes use of threats, pressure, or coercion to obtain sexual favours; or the offer of benefits in exchange for sexual acts. Such behaviour is sexual misconduct regardless of compliance.
- **Domestic abuse and coercive or controlling behaviour:** any controlling, coercive, threatening behaviour, violence, or abuse between intimate partners or family members, regardless of gender or sexuality. This can include but is not limited to:
 - Physical
 - Sexual
 - Financial
 - Psychological
 - Emotional
- **Complicity:** knowingly helping, promoting, or encouraging any form of sexual misconduct by another individual.
- **Retaliation:** any words or actions made in response to disclosures or reports under this policy. This includes behaviour from reported and disclosing persons, as well as witnesses, friends, or relatives.

6.3 Examples of where sexual misconduct can occur, but not limited to, include:

- physically in-person
- email, social media and other electronic communications
- telephone, text or letter
- by someone known to the victim or by stranger
- in any location, including on and off College grounds

- 6.4 **Disclosure:** telling the College about an experience of harassment or sexual misconduct in order to seek support, advice, or information. A disclosure does not automatically result in a formal investigation.

Report: a request for the College to take formal action, which may include investigation under disciplinary procedures.

7. Training and Prevention

- 7.1 The College has a training strategy for staff so that they understand the behaviour that may constitute harassment and/or sexual misconduct and can respond effectively to different types of sexual misconduct incidents and provide support. This strategy will be maintained and regularly reviewed to ensure its effectiveness.
- 7.2 All students will be required to participate in training to understand the behaviour that may constitute harassment and/or sexual misconduct. Training will also provide students understanding of the College's policies and procedures on sexual misconduct and harassment. The College will use its judgement in relation to individual students who may have good reasons for not participating, for example, a student who has previously experienced sexual misconduct.
- 7.3 This policy, as the single comprehensive source of information, will be available in multiple formats including on the College's public facing website, communicated at least annually to students and staff and shared during training.
- 7.4 Ongoing training will be offered to both staff and students to increase awareness and promote prevention and disclosure including consent, bystander intervention, how to handle disclosures and regular updates on recognising and disclosing harassment and related incidents.
- 7.5 Risk assessments are completed for trips, visits and placement that considers any potential risks, ensuring any required control measures are implemented.
- 7.6 The College will ensure that sufficient staff, resources, and training are allocated to support the effective delivery of this policy and will review resource capacity annually.

8. Support and Disclosures

- 8.1 All disclosure of sexual misconduct will be treated confidentially and with sensitivity. Students and staff can disclose, report, or seek support and advice for sexual misconduct incidents experienced or witnessed, through different disclosure options that are communicated to all students and staff through regular training, including initiation of an investigation where a student chooses.
- 8.2 Mechanisms to disclose include: directly to staff, including Programme Management; through complaints procedure and anonymous disclosure. The College will regularly review processes to remove potential barriers.
- 8.3 Where an incident is disclosed directly to a member of staff who becomes aware of possible sexual misconduct, they should pass the information to the Head of School for the curriculum area where the student is based and the relevant Programme Manager or member of their team. All disclosures of sexual misconduct need to be recorded via the wellbeing or safeguarding referral process.
- 8.4 If a student chooses to make a formal report, they should be supported to make a statement to include the following:
- date(s), times(s) and place(s) of incident(s)
 - names of any witnesses
 - what actually happened
 - any action taken e.g. reported to a member of staff

- original copies of any correspondence or written material connected with the issue.
 - where the incident has taken place electronically, printouts should be obtained wherever possible (e.g. screenshots), or the member of staff taking the statement should sign it to say they have seen any text messages/call records on the learner's mobile phone.
- 8.5 Where a student requests or needs it (e.g. because they have learning difficulties, or their first language is not English), a member of staff can record this for them, taking care to ensure the student's words are accurately recorded.
- 8.6 Where a formal report is made, this information may be used as evidence in a subsequent investigation.
- 8.7 All disclosed incidents will be recorded centrally by Programme Management and will be monitored. If necessary, the College safeguarding team will be informed, and relevant action will be taken to safeguard those involved. Those investigating the allegation will be mindful of the student's wishes to ensure that they are not taking steps that the student does not want the college to take i.e., speaking to the potential perpetrator unless deemed as a safeguarding concern. The College may need to act without consent where there is a serious and immediate safeguarding risk.
- 8.8 Support will be available for students making a disclosure, whether they decide to make a formal report or not, throughout the process of their initial disclosure and throughout any further investigation and subsequent decisions.
- 8.9 The College accepts anonymous and third-party disclosures and will be acted on where possible, however the College's ability to investigate these cases will be limited.
- 8.10 The Police may need to be informed if there is evidence that a crime has taken place e.g. upskirting, assault. The student may wish to report this crime with the support of the Programme Management team.

9. Investigation Process

- 9.1 All individuals involved in an investigatory process will have access to appropriate and effective support at all stages of an investigation, including prior to a formal investigation, during an investigation and following the outcome of an investigation. All individuals involved will also be supported in the continuation of their academic studies and assessments.
- 9.2 The College will provide clear communication to all relevant parties regarding the investigatory process, the decision-making process, and the expected timescales, including any factors that may affect those timescales. Relevant processes dependent on involved parties can be found in the Student Disciplinary Policy and the Staff Disciplinary Policy, including appeal mechanisms for outcomes of an investigation.
- 9.3 Counselling can be offered to both parties; appointments can be made in Programme Management.

10. Staff-Student Relationships

- 10.1 Staff are in a position of trust and care in relation to students and must not engage in behaviour which is likely to jeopardise this position. However, where such a relationship existed prior to the student or member of staff joining a college, the member of staff must inform their line manager, with the College maintaining a record of these.
- 10.2 Where a prior relationship exists, the College will manage the academic and/or professional interaction between the staff member and student, in order to ensure the student's academic, employment and pastoral interests are not compromised; ensuring that students

are able to report any harassment or sexual misconduct without the involvement of the member of staff they have an intimate personal relationship.

- 10.3 The College will review data, at least annually, on the prevalence of prior relationships between staff and staff and any associated reports or risks. Through this mechanism the College will review its approach to relationships between staff and students and amend that approach as necessary.

11. Data Protection

- 11.1 Records of disclosures, reports, investigations and related activity will be stored in line with College's Data Protection Policy and Data and Document Retention Policy.
- 11.2 The College will store and maintain anonymised data to support monitoring and reporting on sexual harassment and misconduct cases.
- 11.3 The College prohibits the use of non-disclosure agreements (NDAs) in all their practice, including cases involving harassment or sexual misconduct.

12. Freedom of Speech and Academic Freedom

- 12.1 The College is committed to addressing misconduct while simultaneously upholding the principles of freedom of speech, academic freedom and tolerance for controversial views in an educational context or environment.
- 12.2 The content of higher education course materials, including but not limited to books, videos, sound recordings, and pictures; or statements made, and views expressed by a person as part of teaching, research or discussions about any subject matter which is connected with the content of a higher education course are unlikely to amount to harassment, unless demonstrably proved to be so.
- 12.3 When developing and reviewing training and policies related to sexual misconduct the College will carefully consider its freedom of speech obligations and ensure that it places weight on these obligations when working to help protect students from harassment.

13. Governance

- 13.1 Governing bodies are responsible for ensuring the College's policies and procedures for safeguarding, including sexual harassment and misconduct. All governors have a responsibility to ensure the College's safeguarding measures meet statutory requirements.
- 13.2 The Governing Body will undergo safeguarding training specific to their role and responsibilities at a minimum of every three years. The Designated Governor for Safeguarding will attend appropriate Roles and Responsibilities training at least every two years.
- 13.3 A summary of harassment and sexual misconduct cases that have been reported and/or investigated by the College will be reported to the Board of Governors on at least an annual basis. All reporting to the Board of Governors will be anonymised and will contain enough detail to allow appropriate scrutiny and oversight.