

# SEXUAL MISCONDUCT & HARASSMENT POLICY



## PURPOSE

This Policy outlines the College's position on sexual misconduct and harassment, and outlines policies and protocols that students, staff, visitors and other individuals must follow if they experience, witness or become aware of sexual misconduct or harassment.

## 1. DEFINITION AND SCOPE

1.1. Sexual Misconduct is a serious matter, which may or may not overlap with other issues such as safeguarding, Prevent, bullying, harassment, hate crime, peer-on-peer abuse, harmful sexual behaviour, or breaches of the code of conduct. Sexual misconduct can include:

- Sexual harassment
- Unwanted conduct which creates an intimidating, hostile, degrading, humiliating or offensive environment
- Assault
- Rape
- Physical unwanted sexual advances
- Intimidation, or promising resources or benefits in return for sexual favours
- Distributing private and personal explicit images or video footage of an individual without their consent

1.2. Cases of reported misconduct will be managed in line with policies, procedures or protocols which are already embedded within the College. The nature of the situation will determine which process to follow: Safeguarding Policy and Procedure; Disciplinary Policy (Learner Conduct); Disciplinary Policy and Procedure (staff conduct); or Respect at Work Procedure. There are not discrete reporting, investigatory, disciplinary or support structures for cases of sexual misconduct.

## 2. SHARING CONCERNS

2.1. Students who experience or witness any incident of harassment and sexual misconduct should report this to an appropriate member of staff (such as their tutor) or use TalkCampus to share their concerns. TalkCampus is an immediate response app with safeguarding protocols in place. Students can access a report a concern via Moodle and will receive a response in 5 working days. If a student requires an immediate response, they can ring the safeguarding phone, during working hours. Students will not be victimised for coming forward and sharing concerns. In situations which are also a safeguarding concern, the appropriate reporting structures from the Safeguarding Policy should be followed. If a student discloses an incident of harassment or sexual misconduct to a member of staff, that member of staff must follow the guidelines for dealing with disclosure, as outlined in the Safeguarding Policy.

2.2. Staff must follow the Safeguarding Policy if they witness or learn of sexual misconduct in relation to a student. In situations which require an immediate response, staff should call the Safeguarding phone for immediate assistance, during working hours. If a staff member

experiences sexual misconduct or harassment themselves, they should follow the Respect at Work Procedure.

- 2.3. Visitors and Contractors must report any concerns in line with the Safeguarding Policy and Procedure.

### **3. ACTION TO BE TAKEN**

- 3.1. Depending upon the nature of the report, various action might be taken. If the allegation is around a member of staff (including a volunteer or member of the corporation), the Safeguarding Policy will be followed.
- 3.2. If the allegation surrounds a current student, investigation may be undertaken in line with the Disciplinary Policy (Learner Conduct) including following protocols for where misconduct might also constitute a Criminal Offence (9.1), if appropriate. In line with the Disciplinary Policy, appropriate reasonable adjustments may be made to ensure students can access appropriate learning for the duration of the investigation. In instances where internal investigation of a student is undertaken, this should be led by an appropriately qualified member of staff, such as the Head of Student Experience. Dependent upon the nature of the circumstances, it might also be necessary to consult with other agencies or specialists with appropriate expertise. Any investigations will be undertaken by staff who are free from any reasonable perception of bias. Confidential information will be used and shared as far as is appropriate to allow the College to meet its duty to safeguard students and ensure appropriate investigatory and / or disciplinary action is taken. This will likely involve reporting via internal safeguarding systems, including MyConcern. Upon beginning the process, the person leading the investigation will clearly communicate to the student or students involved expected timescales for completion. It must be noted that dependent upon the situation it may not always be possible to give an accurate deadline for completion of proceedings, especially where external agencies are involved, including but not limited to situations where misconduct may constitute a criminal offence, and completion of internal proceedings is therefore dependent upon the involvement of these external agencies.
- 3.3. In instances where it is not possible for the College to take investigatory action around a report, the reporting party will be signposted and encouraged to contact an appropriate authority who could progress their concerns, such as the Police. Whether or not the College is able to investigate the allegation will not impact upon a student's ability to access support, as outlined below.
- 3.4. The College takes reports of sexual harassment and misconduct very seriously. In instances of anonymous or third-party disclosures, we would endeavour to investigate in a proportionate manner based upon the information available. Owing to our statutory duty around safeguarding, we cannot guarantee confidentiality to those making disclosures.

### **4. DISCIPLINARY PROCEEDINGS**

- 4.1. In instances where a College investigation identified sexual misconduct, appropriate disciplinary action would be taken, either in line with the Disciplinary Policy and Procedure for Staff, or the Disciplinary Policy (Learner Conduct) for students. Disciplinary proceedings will be conducted by staff who are appropriately qualified and free from any reasonable perception of bias.
- 4.2. Those involved in disciplinary proceedings will be appropriately supported, in line with the Disciplinary Policy and Procedure for Staff, or the Disciplinary Policy (Learner Conduct) for students. Outcomes will be reported in line with established timescales.

## **5. SUPPORT AVAILABLE**

- 5.1. Students wishing to seek support in relation to experiencing or witnessing harassment or sexual misconduct can speak to their tutor or contact a relevant member of the Student Experience team at College, including by requesting to complete a counselling referral form. Students may also choose to seek support from a range of external agencies, including NSPCC, BASE from Barnado's, Somerset Phoenix Project, their GP, the police, other voluntary organisations such as Women's Aid, Victim Support, The Survivors Trust or Survivors UK. Students do not need to have made a formal complaint in order to receive this support.
- 5.2. Students who are part of an investigation or disciplinary process, whether as a reporting or responding party, will be offered the opportunity to access support, and can request to speak to a member of the Student Experience team in order to access pastoral and wellbeing support.
- 5.3. Students are welcome to make requests for reasonable adjustments to be made for the duration of the period of investigation, or as part of a risk assessment / safety plan. However, there is no guarantee that adjustments could be made, especially where a requested adjustment would limit the College's ability to provide education and training and safeguard students.

## **RELATED POLICIES AND PROCEDURES**

Safeguarding Policy and Procedure

Disciplinary Policy and Procedure (Staff)

Disciplinary Policy (Learner Conduct)

Respect at Work Procedure

Whistleblowing Policy and Procedure

Office for Students Statement of Expectations ref [Sexual Harassment and Misconduct](#)

Keeping Children Safe in Education

Policy Review				
Author/Owner	Position	Approved by Corporation	Approval date	Review date Start of New Academic Year
Sian Deasy & Michelle Joy	HE Manager & Head of Student Experience	Signed: Peter Thomas 	07.07.22	June 2023

### Document Control – Revision History

Author/Owner	Summary of Changes	Date	Version
Sian Deasy	Added numbering. Replaced 'Tootoot' with TalkCampus. Added 'related policies & procedures' section.	14.04.2022	v1

Initial Equality Impact Screening	
<b>Who has been consulted on this policy &amp; procedure?</b> Principal and Vice Principal – Quality of Education	
<b>What evidence has been used for this impact screening?</b> Prevent guidance, Safeguarding Policy and Procedure, Equality Policy	
<b>Declaration (please tick one statement and indicate any negative impacts)</b>	
<input checked="" type="checkbox"/>	We are satisfied that an initial screening has been carried out on this policy/procedure and a full Equality Impact Assessment is not required. There are no specific negative impacts on any of the Protected Characteristics groups.
<input type="checkbox"/>	We recommend that an Equality Impact Assessment is required by the Equality and Diversity group, as possible negative impacts have been identified for one or more of the Protected Characteristics groups as follows: <ul style="list-style-type: none"> <li><input type="checkbox"/> Age</li> <li><input type="checkbox"/> Disability</li> <li><input type="checkbox"/> Gender Reassignment</li> <li><input type="checkbox"/> Race</li> <li><input type="checkbox"/> Religion or belief</li> <li><input type="checkbox"/> Sex</li> <li><input type="checkbox"/> Sexual orientation</li> <li><input type="checkbox"/> Marriage &amp; civil partnership</li> <li><input type="checkbox"/> Pregnancy &amp; maternity</li> </ul>
<b>Completed by Author:</b> Susie Peart	<b>Position:</b>
<b>Date:</b>	
Reviewed by Equality & Diversity Group:	<b>Date:</b>
We confirm that any recommended amendments have been made	
Completed by Author:	Position:                      Date:
<b>Summary of Comments/Recommendations from Equality &amp; Diversity Group Review:</b>	