

## Sexual Misconduct Statement

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### Purpose of the Statement

This statement sets out the College's approach to responding to incidents of **sexual harassment** and **sexual misconduct**.

This statement applies to all students, staff, and contractors of the College (including Supervisors).

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### Our commitment

We are committed to ending all forms of harassment and sexual misconduct in the College community.

We recognise the significant negative effects that this can have on individuals, and we will support them, as well as support those members of the College community who receive reports of misconduct.

We are committed to building a supportive and confidential environment where individuals feel confident and empowered to report misconduct and understand the options available to them.

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### Definitions

**Sexual harassment** is unwelcome conduct of a sexual nature, which makes a person feel offended, humiliated, or intimidated. Sexual harassment does not have to be directed at a particular individual to be unlawful.

Examples of sexual harassment include, but are not limited to:

- Physical contact such as pinching, touching, grabbing, kissing, or hugging.
  - Staring or leering at a person or parts of their body.
  - Sexual jokes or comments.
  - Requests for sexual favours.
  - Persistent requests to go out, where refused.
  - Sexually explicit conversations.
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- Displays of offensive material such as posters, screen savers, Internet material etc.
- Accessing or downloading sexually explicit material from the Internet.
- Suggestive comments about a person's body or appearance.
- Sending rude or offensive emails, attachments, or text messages.

**Sexual misconduct** relates to all unwanted conduct of a sexual nature by one member of the College community to another. This includes staff-staff, student-staff, and student-student misconduct. It includes, but is not limited to:

- 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.

**Staff-to-student sexual misconduct** refers to behaviour of a physically or emotionally intimate or sexual nature by a staff member or contractor (including Supervisors) that, reasonably considered, is inappropriate and/or unacceptable. This includes unwanted behaviour of a sexual nature that:

1. has the purpose, or may reasonably be considered to have the effect, of violating a student's dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment for a student; or
2. is an abuse of power over a student; or

3. is more or less favourable treatment of a student because the student has rejected or submitted to such behaviour – through any medium, including online.

Even if the behaviour is not expressly unwanted, this would still be regarded as sexual misconduct if points 2 or 3 apply.

The **reporting party** is the person who submits a report of misconduct, and the **responding party** is the person against whom a complaint is made.

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## Disclosure

We encourage all those affected by or who know about an incident of sexual misconduct to report this to the College so we can investigate. Reports can be submitted anonymously or non-anonymously, by those affected or by a third party, e.g. a tutor to whom an incident has been disclosed.

We recognise that reporting an incident can be distressing, and we will encourage reporting parties to contact Spectrum for welfare support through our Student and Employee Assistance Programme.

Reports should be submitted via the links on the Student Hub or the staff SharePoint.

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## What happens when a report is made?

The College is not able to take any direct action on anonymous reports but will keep a record of the report to supply statistical information to inform our work. Anonymous reporting parties will be signposted to Spectrum for welfare support as needed.

Upon receipt of a non-anonymous report, the report will be acknowledged, and the reporting party will be encouraged to speak to Spectrum for welfare support as needed. We will advise them of their options:

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1. To take no action.
2. To report to the Police, in the case of potentially criminal offences.
3. To progress to a formal complaint.

Where a reporting party chooses to contact the Police, normally the College will not consider a formal complaint until the investigation is complete. The College may however take precautionary measures such as assigning a different supervisor in the case of alleged staff-student misconduct.

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### **Formal complaint**

If a reporting party chooses to progress to a formal complaint, this will be considered under one of two policies:

1. The Student Charter and Code of Conduct via the Student Disciplinary Process – in cases where a student is a responding party.
2. The Code of Conduct for Personnel via the HR Grievance Procedure – in cases where a staff member is a responding party.

Throughout and after the complaints process, we will encourage the reporting party and responding party to access welfare support through Spectrum.

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### **Information Sharing**

Any information provided within a disclosure or formal complaint will remain confidential and the information contained within will only be passed on to relevant parties on a strictly need-to-know basis to investigate and deal with a report.

When a reporting party asks us to consider a formal complaint, we will need to provide information to the responding party. Where possible, we will seek permission to share information from the

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reporting party. A refusal to allow the College to share information will make it difficult to consider the complaint.

Outside of the above, we will not disclose any identifiable personal data unless we believe there is a genuine threat to a person's health and safety.

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### **Staff-student relationships**

Given the power differentials and professional relationships between staff and students, the College strongly discourages staff-student relationships. When a relationship does occur, the staff member must inform their line manager.

The College will mitigate against the risk of actual or perceived conflicts of interest and/or abuses of power where a staff member declares a relationship. This may include removing the staff member from all teaching and supervision responsibilities involving the student.

Staff should be aware that failure to declare a staff-student relationship may be a disciplinary offence as outlined in the Code of Conduct for personnel.

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### **Governing body oversight**

The Board will receive annual reports of any cases raised under this policy plus their outcomes to review our effectiveness in tackling sexual harassment and misconduct. These reports will not have any identifying information about the reporting party or the responding party.

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