

Higher Education: Sexual Harassment and Misconduct Policy and Procedure (OfS Condition of Registration E6)

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Higher Education: Sexual Harassment and Misconduct

Policy and Procedure

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Contents

1.0	Introduction	3
2.0	Legislation.....	3
3.0	What is sexual harassment and misconduct?.....	4
4.0	Consent.....	4
5.0	Staff-Student Relationships	5
6.0	Reporting and Disclosure	5
7.0	Support for Reporting and Reported Students.....	7
8.0	Investigation	7
9.0	Appeal.....	7
10.0	Training and Prevention	8
11.0	Record Keeping and Data Protection	8
12.0	Non-Disclosure Agreements	8
13.0	Freedom of Speech and Academic Freedom	8

1.0 Introduction

Basingstoke College of Technology (BCoT) is dedicated to ensuring a learning environment where every individual has the right to study and work completely free from sexual harassment and misconduct. We have a zero-tolerance policy for all such matters to ensure learners feel safe and secure. This includes the conduct of students towards students and staff towards students.

We understand that sexual harassment can occur anywhere – on college grounds, at college events, social gatherings, or online. BCoT is committed to promoting a culture where any incident of sexual misconduct will not be tolerated and will be actively challenged. We want everyone affected to feel safe and supported in reporting any incident.

All disclosures of sexual misconduct will be handled promptly and with confidentiality and sensitivity. We will actively respond to all reports and respect the rights of the individual disclosing an incident to choose how to proceed. We believe that no one should have to deal with the effects of sexual misconduct alone, and we will ensure support is available for everyone involved.

All BCoT staff and students will be made aware of this policy. Staff delivering our Higher Education (HE) courses will complete annual training relevant to their role, in line with the Office for Students (OfS) Condition of Registration. Students on our HE courses will also receive annual training related to this policy and its supporting procedures.

2.0 Legislation

- 2.1 Individuals are protected from sexual misconduct under the Equality Act 2010. This policy applies to all employees, students, officers, consultants, self-employed contractors, casual workers, agency workers, apprentices, volunteers and interns at Basingstoke College of Technology. Our obligations and duties under this policy also extend to job applicants.
- 2.2 This policy should be read in conjunction with the following policies and procedures:
- EDS 1.2 Safeguarding Policy and Procedure
 - EDS 1a Equality and Diversity Policy
 - EDS 1d Anti-Bullying Policy – Learner
 - Stu 2e Learner Disciplinary Procedure
 - Stu 2h Electronic Communications Acceptable Use
 - Stu 2j Tell Us How We Are Doing
 - HR07f Bullying and Harassment Policy and Procedure
 - HR07a Disciplinary and Capability Policy
 - Student Contract
 - Employment Contract
- 2.3 This policy has been produced in accordance with the Office for Students (OfS) Condition of Registration E6, which stipulates that higher education providers must take steps designed to make a significant and credible difference in protecting students from harassment and sexual misconduct. This includes, but is not limited to, maintaining a comprehensive source of information regarding policies and procedures, providing appropriate training for both staff and students, ensuring accessible support for affected individuals, and taking steps to prevent conflicts of interest and abuse of power in intimate personal relationships between staff and students.
- 2.4 **If you believe you have been a victim of sexual misconduct, the process to follow is outlined in Appendix 1 of this document (page 10).**

3.0 What is sexual harassment and misconduct?

3.1 Sexual harassment is defined as unwanted behaviour or comments of a sexual nature which violate the individual's dignity or create an intimidating, hostile, degrading, humiliating or offensive environment. A legal definition of sexual harassment can be found in Section 26 (2) of the Equality Act 2010.

3.2 For the purposes of this policy, sexual misconduct is defined as any unwanted conduct of a sexual nature. This includes, but is not limited to:

Unwanted behaviour that creates an environment where a person feels intimidated, threatened, degraded, humiliated, or offended. This can include, but is not limited to:

- Inappropriate or unwelcome touching, groping, or physical contact
- Sexually suggestive comments, jokes, or innuendos
- Displaying or circulating sexually explicit materials
- Persistent, unwanted sexual attention or propositions
- Sexual gestures or leering
- Intimidation, or promising resources or benefits in return for sexual favours
- Using or attempting to use facilities designated for the opposite sex
- Sexual assault (as defined by the Sexual Offences Act 2003)
- Rape (as defined by the Sexual Offences Act 2003)
- Distributing (or threatening to distribute) private and personal explicit images or video footage of an individual without their consent (as defined by the Criminal Justice and Courts Act 2015)

3.3 Sexual misconduct can occur:

- In person, by letter, telephone, text, email or other electronic means and/or online.
- Between individuals of any sex or sexual orientation
- By someone known to the victim or by a stranger
- In any location, on or off site.

4.0 Consent

4.1 Consent is the foundation of healthy and respectful intimate relationships. We strongly encourage everyone to communicate openly, honestly, and clearly about their wishes and intentions before engaging in any intimate conduct.

4.2 Consent is defined as where a person has the freedom and capacity to make the choice whether to agree to the sexual activity, or not, and free from any pressure. This can be considered in two stages:

1. Whether a person had the capacity (i.e. the age and understanding) to make a choice about whether to take part in the sexual activity at the time in question;
2. Whether they were in a position to make that choice freely and were not constrained in any way. This is particularly relevant when an individual is intoxicated by alcohol or affected by drugs.

4.3 Assuming that the person had both the freedom and capacity to consent, the crucial question is whether they agreed to the activity by choice. Consent can be withdrawn at any point.

- 4.4 Consent must be voluntarily given and may not be valid if a person is being subjected to actions or behaviours that elicit emotional or psychological pressure, intimidation, or fear.

5.0 Staff-Student Relationships

- 5.1 Basingstoke College of Technology prohibits intimate or close personal relationships between staff and students.
- 5.2 For the purposes of this policy an intimate or close personal relationship will be one that involves:
- a) physical intimacy, including isolated or repeated sexual activity and/or
 - b) romantic or emotional intimacy
- 5.3 The rule against intimate relationships does not mean staff can not engage with students professionally, with compassion and consideration. However, staff must always be mindful of maintaining appropriate boundaries. Intimate personal relationships between staff and students are likely to increase the risk of abuse of power and conflicts of interest. This could lead to students being treated unfairly, or to the perception that some students are receiving preferential treatment.
- 5.4 Where staff become enrolled as students during their employment at the college, they will be defined for the purposes of this policy as an employee. In cases where a student undertakes casual employment or volunteers alongside their studies, they will still be classified as a student under this policy.
- 5.5 BCoT acknowledges that students in our Higher Education programmes are adults. In certain circumstances, intimate personal relationships between staff and students may be acceptable where these pre-existed the enrolment of the student and/or the employment of the staff member. Staff must declare any such relationship to the college, in writing to the Assistant Principal, who will complete a risk assessment. Any working arrangements put in place should ensure that potential conflicts of interest and power imbalances that could arise from the relationship are avoided.
- 5.6 Although students in our HE provision will in almost all circumstances be over 18 years of age, the majority of students are aged between 16 and 19. Staff are reminded that intimate personal relationships between staff and students under the age of 18 are strictly forbidden in all circumstances and are likely to constitute gross misconduct on the part of the member of staff involved. Staff involved in a sexual relationship with a student below the age of 18 will be committing a criminal offence.
- 5.7 Any breach of this policy by a staff member will be treated as a serious disciplinary matter and may result in sanctions up to and including dismissal.

6.0 Reporting and Disclosure

- 6.1 All HE students will be informed of this policy and associated procedures during their induction and details will always be available on the BCoT dashboard. Staff will be informed through annual staff training sessions.
- 6.2 Anyone who feels they are the victim of sexual harassment or misconduct should make a written record of the details of the incident(s) as soon afterwards as possible. For example:

- The dates, times and places where the incident(s) occurred.
 - The names of the people involved, including any witnesses
 - A description of what took place
 - How the person felt at the time.
 - Action taken at the time or since.
 - Whether the incident was reported to a staff member
- 6.3 If you are not certain whether an incident or series of incidents amounts to sexual harassment, you could initially speak to your course tutor or another trusted member of staff informally for advice. That member of staff should refer you to a Designated Safeguarding Lead for further advice at the earliest opportunity.
- 6.4 **Informal Process.** If you feel you are being sexually harassed, you may feel able to address the issue informally without the need for a formal process. You should explain clearly to the person you feel is harassing you that their behaviour is not welcome and/or makes you uncomfortable. If you do not feel able to raise your concerns directly with the person responsible, you may wish to speak to your course tutor, another trusted member of staff or friend who can provide confidential advice and assistance in resolving the issue informally. If you feel unable to speak to your course tutor because the complaint concerns them, you should speak to another trusted member of staff or the Head of Higher Education and Adult Learning.
- 6.5 You have the option to make a formal report immediately, even if you haven't tried to resolve the issue informally first. However, if you have attempted an informal resolution and the harassment or misconduct hasn't stopped, then a formal report is the next step.
- 6.6 Anyone wishing to make a formal report of an incident of sexual misconduct or harassment can follow any of the options below:
- Speak with a trusted member of staff. Where the complaint involves the course tutor, students may wish to make a report through the Course Director for the area or by speaking with the Head of Higher Education and Adult Learning. Any member of staff receiving a disclosure relating to sexual harassment or misconduct should then inform the Assistant Principal at the earliest opportunity for further advice and guidance and inform the student that this is what will be done.
 - Use the Speak Up button, found on Dashboard, from which a response will be received promptly - <https://dashboard.bcot.ac.uk/SpeakUp/SpeakUp.aspx>
 - Email your report to - safeguarding@bcot.ac.uk which will receive a prompt response.
 - Contact Alexis Smith, Assistant Principal of Foundation Learning and Student Voice on 01256 306471 or visit B102
- 6.7 Anonymous and third-party reports can be made using the above options. All reports will be considered and acted upon where possible.
- 6.8 Any member of staff who receives a disclosure of an incident of sexual misconduct or harassment from a student should consult with a designated safeguarding lead for further advice. The course of action taken following a report of sexual harassment or misconduct will always take the wishes of the victim into account, but staff are reminded that sometimes a report will need to be referred further when the safeguarding of others may be affected. A written record should be made of any verbal disclosure as soon as possible.
- 6.9 All reports of sexual harassment or misconduct will be reviewed by the Assistant Principal who will complete a risk assessment at the earliest opportunity. This applies whether any formal investigation is carried out or not.

- 6.10 Having completed the risk assessment; the Assistant Principal will initiate a formal investigation through the Student Behaviour Policy or the Disciplinary Policy as appropriate.

7.0 Support for Reporting and Reported Students

- 7.1 BCoT is committed to supporting both sexual misconduct survivors and those accused of sexual misconduct.
- 7.2 Appropriate support will be targeted at the individual needs of the students and will be provided from the initial report and throughout any resulting processes including during an investigation and/or decision-making process.
- 7.3 Appropriate support for students will be provided from Student Support Services, including but not limited to:
- Appropriate ongoing advice, including referrals to wellbeing, medical services and local Sexual Assault Referral Centres (SARC) as appropriate.
 - Referral to the BCoT counselling service.
 - Assistance in making an informed decision about next steps should an individual choose to initiate a formal investigation under the relevant college policy.
 - Assistance in navigating resources and making appropriate responses to allegations.
 - Self-care resources, safety planning and wellbeing support.
 - Advocacy.
 - Making a report to the police in cases where a criminal offence has been committed.
- 7.4 Where a complaint is made against a member of staff, BCoT may consider suspending them on full pay or making other temporary changes to working arrangements pending the outcome of any investigation.
- 7.5 Where a complaint is made against a student, BCoT may consider excluding them pending the outcome of any investigation. Any temporary suspension will be carried out in accordance with the procedure outlined in the BCoT Learner Disciplinary Procedure.

8.0 Investigation

- 8.1 Where a formal report results in disciplinary procedures against a student, we will follow the process laid out in the BCoT Student Disciplinary Procedure.
- 8.2 Where a formal report results in disciplinary procedures against a member of staff, we will follow the process laid out in the HR07a Disciplinary and Capability Policy.
- 8.3 BCoT recognises that it is not able to undertake a criminal investigation. It will, however, cooperate fully with any associated police investigation and subsequent legal proceedings.

9.0 Appeal

- 9.1 If at the end of the formal investigation process you are unsatisfied with the outcome; you have the right to appeal any decisions. You should follow the appeals process.
- 9.2 If you are unsatisfied with the outcome of your appeal, all students have the right to take their complaint to the Office for the Independent Adjudicator (OIA) once all BCoT processes have been exhausted. Details of how to refer your complaint to them can be found on their website: <https://www.oiahe.org.uk/students/>

10.0 Training and Prevention

- 10.1 BCoT will implement a training strategy with relevant staff to enable them to respond effectively to different types of sexual misconduct incidents as well as ensuring they are familiar with and able to implement the requirements of this policy and the associated procedures. This strategy will be reviewed and evaluated regularly to ensure it remains fit for purpose. This training will be mandatory and will be delivered to staff annually.
- 10.2 BCoT will require all HE learners to engage in training to ensure they are appropriately informed of and have a clear understanding of the policies and procedures relating to sexual misconduct. This training will also ensure learners have knowledge regarding behaviours that may constitute harassment or sexual misconduct.
- 10.3 Training will be made available on an ongoing basis for all staff and students to raise awareness of sexual misconduct with the purpose of preventing incidents and encouraging reporting. This may include areas such as bystander initiatives, consent, and receiving and responding to disclosures.

11.0 Record Keeping and Data Protection

- 11.1 Records of disclosures and proceedings will be kept in accordance with BCoT's data retention policies and relevant data protection legislation.
- 11.2 BCoT will maintain non-identifying annual data on disclosures and reports of any incidents of sexual misconduct on site, reported to the relevant governance committee.

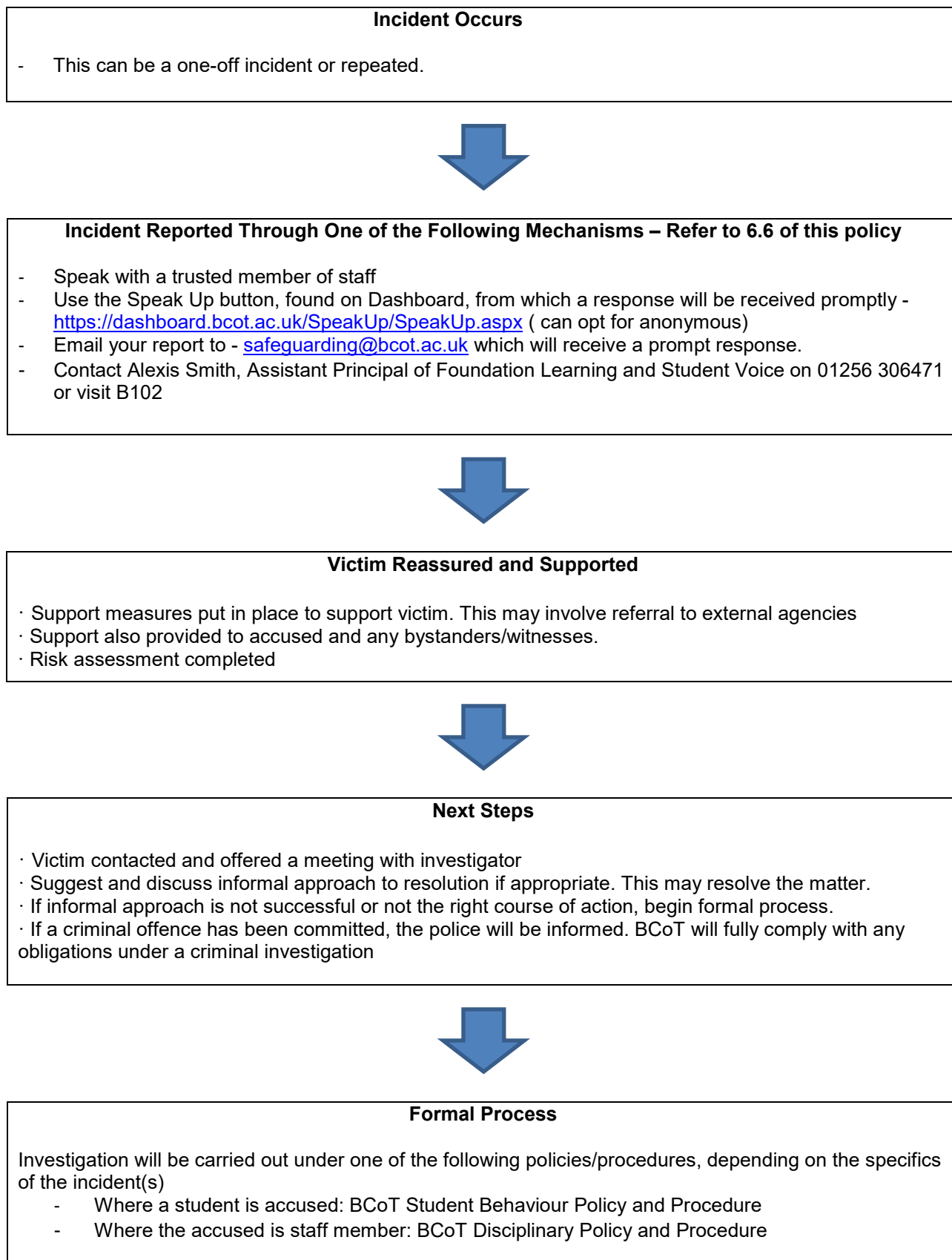
12.0 Non-Disclosure Agreements

- 12.1 BCoT expressly prohibits the use of non-disclosure agreements (NDAs) in cases involving harassment, sexual misconduct, or any other form of student misconduct. This prohibition applies to all stages of the reporting, investigation, and resolution process

13.0 Freedom of Speech and Academic Freedom

- 13.1 BCoT is committed to addressing sexual misconduct while simultaneously upholding the principles of freedom of speech and academic freedom. We recognise that in an educational context, students may encounter ideas, materials, or discussions that they find challenging or uncomfortable, but which do not constitute harassment or sexual misconduct.
- 13.2 The content of academic discourse, including lectures, seminars, debates, and course materials, is protected under principles of academic freedom and is unlikely to be considered sexual misconduct unless it is targeted at or delivered in a way that harasses a specific individual. However, this protection does not extend to personal conduct or behaviour that crosses the line into harassment or sexual misconduct.
- 13.3 Any training, policies, or procedures related to sexual misconduct will be developed and implemented in a manner consistent with BCoT's obligations to protect freedom of speech and academic freedom.

APPENDIX 1: FLOW CHART





Outcome

- Formal process concluded which could result in one of the following outcomes:
 - No action taken, although support will remain available for all who need it.
 - Formal sanctions against perpetrator which could include action up to dismissal (in the case of staff) or permanent exclusion (in the case of students).



Review

This policy and related policies/procedures will be reviewed following the resolution of this process to identify improvements and amendments to be made at the next policy review.

APPENDIX 2: OTHER SOURCES OF SUPPORT

Here is a list of support organisations for those who may have been subjected to sexual harassment and misconduct, drawing on local and national resources:

Emergency and Immediate Support:

- **Emergency Services:** 999 (If you are in immediate danger or need urgent medical help)
- **Samaritans:** 116 123 (Free, confidential emotional support, 24 hours a day, 365 days a year. You don't have to be suicidal to call.)
- **Papyrus (Suicide Prevention):** 0800 068 4141 (For young people under 35 experiencing suicidal thoughts, and anyone concerned about them.)

Sexual Harassment and Misconduct Specific Support:

- **Sexual Trauma & Abuse Restorative Therapies (START):**
 - **Advice & Support Line:** 01962 868 688 or 01962 864 433
 - **Anonymous SMS Text Helpline:** 07860 027 793
 - **Website:** <https://start-org.uk/>
 - **Note:** START is the new sexual trauma service operating across North, Central, and West Hampshire, including Basingstoke. They offer confidential specialist counselling and support for anyone who has experienced unwanted sexual abuse and/or sexual assault and has suffered sexual trauma, including remote, online, and face-to-face counselling, telephone support, information, advice, and specialist peer support groups. Services are for female and male survivors of rape and sexual abuse, including under 18s.
- **Solace SARC – Sexual Assault Referral Centre:**
 - **24/7 Telephone:** 0330 223 0099
 - **Email:** solacethamesvalley.sarc@nhs.net (monitored 9 am-5 pm, Monday-Friday)
 - **Note:** Solace offers free, confidential healthcare and compassionate support to anyone in Thames Valley (which can cover parts of Hampshire, though Bicester and Slough are their centres) who has experienced sexual assault, including rape. You can self-refer.
- **Rape Crisis England & Wales:**
 - **24/7 Rape & Sexual Abuse Support Line:** 0808 500 2222 (Call free)
 - **Website:** <https://rapecrisis.org.uk/> (Free online chat also available)
 - **Note:** This national charity works to end sexual violence and abuse, offering a free phone and online chat service for anyone aged 16+ in England and Wales affected by sexual violence, including harassment and assault.
- **Survivors UK:** Offers helpline services and online advice for male survivors of sexual assault and rape. (While no specific Basingstoke number is given, their national service is available).
- **Galop:**
 - **National Helpline for LGBT+ Victims and Survivors of Abuse and Violence:** 0800 999 5428
 - **Email:** help@galop.org.uk
 - **Note:** Galop supports LGBT+ people affected by sexual abuse, assault, or violence.

Stalking and Online Harassment Support:

- **The National Stalking Helpline (Suzy Lamplugh Trust):**

- **Call:** 0808 802 0300 (Free, 9:30 am – 4 pm, Monday to Friday; 1 pm – 4 pm on Wednesdays)
- **Website:** <https://www.suzylamplugh.org/>

Revenge Porn Helpline:

- **Call:** 0345 6000 459 (10 am – 4 pm, Monday to Friday)
- **Email:** help@revengepornhelpline.org.uk
- **Website:** <https://revengepornhelpline.org.uk/>
- **Note:** This service provides practical help with removing online content and advice about reporting revenge porn/intimate image abuse.

Domestic Abuse Support (often interlinked with sexual harassment/misconduct):

- **Paragon (part of The You Trust):**
 - **Phone (free for confidential advice):** 0800 916 9878
 - **Email:** paragonhants@theyoutrust.org.uk
 - **Note:** Offers advice and help to people experiencing domestic abuse, including practical and emotional support, safety planning, and counselling. They work across Hampshire.
- **Stop Domestic Abuse:**
 - **Phone (free):** 0330 016 5112
 - **Email:** advice@stopdomesticabuse.uk
 - **Note:** Provides information, advice, and assessment for people in Basingstoke experiencing domestic abuse, including access to refuge, outreach support, and support for children and young people. They also provide the Stalking Advocacy and Support Service in Hampshire.
- **Respect Men's Advice Line:**
 - **Telephone:** 0808 801 0327
 - **Email:** info@mensadviceline.org.uk
 - **Website:** www.mensadviceline.org.uk
 - **Note:** Confidential helpline for men experiencing domestic abuse, offering emotional and practical support (phone lines open Monday - Friday 9 am – 5 pm).
- **Mankind Initiative:**
 - **Telephone:** 01823 334 244
 - **Website:** www.mankind.org.uk
 - **Note:** A charity helping men escape domestic abuse.
- **Yellow Door:**
 - **General Enquiries:** 023 8063 6312
 - **Helpline:** 023 8063 6313 (Wednesdays 4 pm – 7 pm)
 - **Email:** info@yellowdoor.org.uk
 - **Website:** www.yellowdoor.org.uk
 - **Note:** A registered charity working to support individuals and communities across Southampton and western Hampshire (including parts of Basingstoke's wider area), dedicated to supporting those who have experienced or are at risk of abuse. They also offer an ISVA (Independent Sexual Violence Advisor) service.

General Support and Mental Health:

- **Victim Support:**
 - **24-hour Support Line:** 0808 16 89 111

- **Hampshire & Isle of Wight Victim Care Hub:** 0808 178 1641 (Mon-Sat 8 am – 8 pm)
- **Website:** www.victimsupport.org.uk (Free live chat service available 24 hours a day)
- *Note:* Provides emotional and practical support for all crime types for adults, children, and young people who are victims of crime or impacted by crime, regardless of whether it's recent or non-recent, or reported to the police or not.
- **Andover Mind:**
 - **Website:** <https://www.andovermind.org.uk/>
 - *Note:* Provides services across mid and North Hampshire, including Basingstoke, supporting people with mental ill health.
- **Basingstoke Counselling Service:**
 - **Telephone:** 01256 843125
 - **Email:** info@basingstokecounselling.org.uk
 - **Website:** <https://basingstokecounselling.org.uk/>
 - *Note:* Offers affordable and professional counselling in Basingstoke and surrounding areas. Not a crisis service.