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| <b>Title:</b>                 | Harassment and Sexual Misconduct Policy |                 |   |
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## **1. Overall Aim**

- 1.1. This Policy is designed to protect all staff, students from any forms of sexual harassment, sexual violence, and sexual misconduct. Harassment and sexual misconduct are unacceptable behaviours and contrary to the Equality Act 2010 and/or the Protection from Harassment Act 1997, and to the College's ethos.
- 1.2. This Policy outlines the College's expectations of behaviour by staff, students and third parties. The policy provides approaches for dealing with complaints of sexual harassment which may include, but is not limited to, violence, grooming, misconduct, and harassment.
- 1.3. Any reports of sexual harassment, sexual violence, and sexual misconduct will be investigated, and any staff or students found to be behaving contrary to this policy will be dealt with through internal disciplinary procedures.

## **2. Scope**

- 2.1 This policy regarding sexual harassment, sexual violence, and sexual misconduct applies to staff, students and third parties (for example, visitors or contractors) to all College campuses.

## **3. Definition**

- 3.1 Harassment, as defined under the Equality Act 2010 ("the Act") is unwanted conduct related to an appropriate protected characteristic that has the purpose of violating an individuals' dignity or creating an intimidating, hostile, degrading, humiliating, or offensive environment.
- 3.2 Under the Act, sexual harassment is defined as occurring when a person engages in unwanted conduct of a sexual nature that has the purpose or effect of:
  - violating someone's dignity, or
  - creating an intimidating, hostile, degrading, humiliating, or offensive environment for them.
- 3.3 The Office for Students (OfS) defines; sexual misconduct as all unwanted conduct of a sexual nature, including, but not limited to:
  - Sexual harassment (as defined by the Equality Act 2010)
  - Unwanted conduct which creates an intimidating, hostile, degrading, humiliating, or offensive environment (as defined by the Equality Act 2010)
  - Assault (as defined by the Sexual Offences Act 2003)
  - Rape (as defined by the Sexual Offences Act 2003)
  - Physical unwanted sexual advances (as set out by the Equality and Human Rights Commission: Sexual harassment and the law, Guidance for employers 2017)
  - Intimidation, 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, Guidance for Employers 2017)

- 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).

3.4 Sexual misconduct is a form of harassment and unacceptable. This can include but not limited to:

- Sexual violence
- Sexual comments or jokes
- Displaying sexually graphic pictures, posters, or photos
- Propositions and sexual advances
- Making promises in return for sexual favours
- Sexual gestures
- Intrusive questions about a person's private or sex life, and discussing your own sex life
- Sexual posts or contact on social media
- Spreading sexual rumours about a person
- Sending sexually explicit emails or text messages
- Unwelcome touching, hugging, massaging, or kissing
- Criminal behaviour, including sexual assault, stalking, grooming, indecent exposure, and sending offensive communications
- Coercion

#### **4. First Step: informal process: concerns**

4.1 Provided that the issue is not considered serious, (it is not a complaint), an informal approach can often be the quickest way of resolving concerns. Staff should speak with their line manager or HR. Students should speak to either their teacher, personal tutor, progress coach, or Senior Curriculum Manager responsible for their course or programme. If this does not resolve the concern, then a complaint can be made.

#### **5. Second Step: formal process: complaints**

5.1 Students who have witnessed or experienced harassment or sexual misconduct by another student or a member of staff may make a complaint to the Safeguarding Lead: Email: [keepsafe@ncclondon.ac.uk](mailto:keepsafe@ncclondon.ac.uk)

5.2 A HE can student can contact the Academic & Support Tutor to support them through the reporting process via email: [Higher.Education@ncclondon.ac.uk](mailto:Higher.Education@ncclondon.ac.uk)

5.3 Staff making a complaint of harassment or sexual misconduct by another member of staff should make the complaint to the Group Director HR: Email: [Peter.Armah@NCCLondon.ac.uk](mailto:Peter.Armah@NCCLondon.ac.uk) or the Deputy Group Director HR: Email: [Wendy.Murphy@NCCLondon.ac.uk](mailto:Wendy.Murphy@NCCLondon.ac.uk)

#### **6. Investigation**

6.1 Student complaints are investigated by the Campus Safeguarding Lead (CSL). The CSL may contact the police as appropriate, for example, where a criminal offence may have taken place.

- 6.2 For complaints regarding staff, HR will inform the Designated Safeguarding Lead (DSL) who will inform the Local Authority Designated Officer (LADO).
- 6.3 The CSL will take the steps necessary to ensure the safety of the students in question and any other person who is considered at risk (in conjunction with the DSL).
- 6.4 The College shall seek advice from the relevant external agency as to whether to hold in abeyance its own internal inquiries while any Duty & Referral Team, LADO and/or Police investigation proceeds; to do otherwise may prejudice the investigation. Any subsequent internal inquiries should conform to existing staff and student disciplinary procedures.

## **7. Outcome**

- 7.1 The Reporting Person will be informed of the outcome of their complaint, and will be asked to respect the confidentiality of the outcome.
- 7.2 Where appropriate outcome information will be shared to minimise the effect on the parties' work or study.
- 7.3 Cases of harassment and sexual misconduct are reported termly to the SMT and, for serious cases, weekly.

This Policy should be read in conjunction with the following College documents and policies & procedures:

- Safeguarding Policy
- Student Code of Conduct
- Student Disciplinary Policy
- Staff Harassment and Bullying Policy
- Staff Consensual Relations Policy
- Staff Disciplinary Policy
- Whistleblowing Policy & Procedure

## Harassment / Sexual Misconduct Process Map

