

# Student Sexual Harassment & Misconduct Policy

## Contents:

1. **General**
2. **Purpose of the policy**
3. **Terminology**
4. **Relationship with other policies**
5. **Sexual misconduct- the Colleges approach**
6. **Making a disclosure of sexual misconduct**
7. **Available Support**
8. **Where help can be found**
9. **Further Information**
10. **Document Control**

This policy outlines how the College will identify and respond to allegations of incidents of sexual misconduct between student members of the College community, representative of (including staff) and visitors to the campus. Its scope extends to instances of online sexual misconduct.

## **The purpose of this policy**

The purpose of this policy is to outline how we will:

- Raise awareness of the College's commitment to dealing with incidents of sexual misconduct, bullying, harassment, and discrimination.
- Set out our expectations around the unacceptability of sexual misconduct.
- Support students who have experienced any form of sexual misconduct.
- Respond to disclosed incidents which breach this policy. This may be via internal and external support services.
- Provide a campus environment in which all members of our community feel safe and are respected. Promote an inclusive culture.
- This policy will be reviewed on an annual basis.

For the purposes of this policy, the following terminology is used:

- **“The Reporting Party”** is the person(s) who has been the subject of the alleged incident of sexual misconduct.
- **“The Accused Party”** is the person(s) whose behaviour it is alleged amounted to sexual misconduct.
- **“Bullying”** may be characterised as offensive, intimidating, persistent malicious or insulting behaviour, including an abuse of power to undermine, humiliate or injure the recipient. Power does not always mean being in a position of authority but can include both personal strength and the power to coerce through fear or intimidation.
- **“Discrimination”** occurs when a person is treated less favourably for a reason related to a protected characteristic.
- **“Harassment”** is unwanted conduct related to a relevant protected characteristic which has the purpose or effect of violating an individual’s dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment as defined by the Equality Act 2010. This includes harassment by association or perception.
- **“Victimisation”** occurs when a person is treated less favourably because they have asserted their rights to raise a complaint under this policy. This also applies to those who have acted as witnesses or supporters of individuals who have complained of harassment, bullying and/or sexual misconduct.
- **“Sexual Misconduct”** relates to all unwanted conduct of a sexual nature. This includes, but is not limited to:
  - Sexual harassment as defined by Section 26(2) 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, 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, 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.

### **Relationship with other policies**

The College acknowledges that sexual misconduct covers a broad range of inappropriate and unwanted behaviours of a sexual nature. This includes behaviour arising at any time when the student may be regarded as representing the College as an individual or as part of a team or group and when the student is at a location away from the College e.g., as part of their study or following an arrangement made through the College. It also extends to interactions that take place virtually including email and social media using personal or College issued facilities. Students’ attention will be drawn to the Student Handbook provided on enrolment which outline our ICT policy as well as others such as:

### **Related College Policies:**

- Staff Disciplinary Policy
- Discipline and Complaints (Regulations and Procedures)
- Code of Conduct for Staff
- Equal Opportunities Policy
- Equality and Diversity Policy
- Safeguarding Policy
- Student Charter

The policy does not preclude individuals from seeking recourse through criminal or civil proceedings. The College will support students in accordance with the law. The policy applies equally to all students regardless of any protected characteristics.

### **Sexual misconduct:**

Sexual misconduct may include, but is not limited to:

- Engaging or attempting to engage in sexual intercourse or a sexual act where consent is not or cannot be given
- Sharing another person's private sexual materials without their consent. This may be in person or the sharing on digital images
- Kissing/inappropriately touching without consent
- Inappropriately showing sexual organs to another person
- Making degrading remarks, sounds or gestures of a sexual nature
- Up skirting or concealed viewing or recording of an individual
- stalking

Consent and the capacity to consent will be taken into consideration in all cases. The college will take the appropriate steps to ensure all students understand the appropriate terminology and use said terms when investigating alleged instances of sexual misconduct. The College

### **The Colleges approach:**

Bird College takes a zero-tolerance approach to all forms of sexual misconduct. The College is committed to implementing robust measures to safeguard its students from all forms of discrimination and misconduct. The College recognises that significant long-lasting physical, emotional and psychological impact on those who experience sexual misconduct. This is especially true for those who may have increased vulnerabilities as identified by the Equality Act 2010. The College will work closely with the member of the College community and other key stakeholders to ensure said vulnerabilities do not prejudice the reporting and investigation process. Support will also be provided to the members of the College community (peers, personal tutors, DSL etc.) to whom such experiences are disclosed. The College recognises its responsibilities for assessing risk factors and putting measures in place to minimise the risk of incidents of sexual misconduct affecting its students.

Our approach has been further informed by the College of the University of Greenwich's Students Harassment and Sexual Misconduct Policy and reviewed considering the Office for Students' statement of expectations for preventing and addressing harassment and sexual misconduct affecting students in higher education.

The College has three key strategic objectives in seeking to prevent sexual misconduct from affecting members of its community: **Prevent, Respond, Act.**

**Prevent sexual misconduct from occurring as follows:**

The College is committed to working towards preventing sexual misconduct from occurring within its community by maintaining a culture and environment in which sexual misconduct is unacceptable.

The College will ensure that its zero-tolerance approach to sexual misconduct is clearly communicated to all students and staff. This may include but not limited to student and staff handbooks, policies, and procedures, talks and events.

The College is committed to ongoing education, raising awareness, and supporting prevention initiatives to combat sexual misconduct from occurring within its community.

The College approach will be overseen by the Safeguarding, learning support and Counselling teams who report to the Principal and Senior Leaders.

**Respond to the needs of those who disclose sexual misconduct, whether personally or as a witness as follows:**

Any disclosure of sexual misconduct will be treated with sensitivity and understanding.

Appropriate support will be provided to any student that discloses an act of sexual misconduct. This may include calling on internal and external support including law enforcement

The College has in place appropriate procedures to respond to any allegation of sexual misconduct, regardless of where the incidents occurred. The College will seek out the support of its appointed Wellbeing and Safeguarding team.

Ensure that those who have committed acts of sexual misconduct are held to account through the College's Student Disciplinary Procedure, Safeguarding Policy, Student Charter or Staff Disciplinary Policy and Procedure and/or the criminal justice system where appropriate:

Any allegation of sexual misconduct against a student falling within the scope of this policy will be referred for investigation under the College's Student Disciplinary Procedure. Those who have been found to have committed an act of sexual misconduct may be subject to sanction, including expulsion.

The College will ensure that those investigating allegations of sexual misconduct under the Student Disciplinary Procedure are provided with the appropriate training. Where necessary and appropriate, the College may appoint a specially trained investigator external to the College to investigate allegations of sexual misconduct. If necessary and proportionate precautionary action (including suspension) may be taken by the College against any individual who is accused of an act of sexual misconduct. Where an incident of sexual misconduct falling within the scope of this policy is reported to the police, the College will liaise with the police as necessary to support its investigation. The College will not take any action that may prejudice or otherwise interfere with the criminal investigation process in any way. The College may defer the conclusion of its own investigation until the criminal process is at an end.

Any allegation of sexual misconduct against a member of the College's staff will be referred for investigation under the Staff Disciplinary Policy and Procedure. The Safeguarding Policy will be invoked if the student is underage. A referral to a LADO may be required.

In the event of a report that an incident of sexual misconduct has taken place, the College will undertake a review of its risk assessment and associated documents to consider whether it could have reasonably put in place any steps to prevent the incident from having taken place, together with any additional measures to put in place moving forwards.

These strategic objectives will be reviewed by the College's Safeguarding, wellbeing and E&I teams on an annual basis and may be updated as necessary and appropriate.

### **Making a disclosure of sexual misconduct:**

It is important to remember that a student may have overcome a number of barriers in order to disclose. Therefore, it is hugely important that we give them our full attention, listen carefully to what is being said, and reassure the person that what they are saying will be taken seriously. Only ask questions to establish the basic facts, such as when the assault occurred, and whether the student knows the perpetrator of the offence (to help us to establish if they are in immediate danger). It is essential that we do not investigate. Any pre-trial discussion of the incident can be used in court, and we do not want to jeopardise evidence.

Where the College is made aware of an allegation made by a student, staff responsible for Safeguarding will ensure that the individual understands the options available to them in terms of disclosing the allegation to the police and/or for investigation under the College's Student Disciplinary Procedure or Staff Disciplinary Policy. Staff must ensure that no pressure is put on the individual to take one course of action over another. The safeguarding staff are also able to provide support and assistance to students where the allegations do not involve another member of the University community.

### **Available Support:**

Students who disclose having experienced sexual misconduct will be provided with appropriate support.

The first point of contact for students will be the College's safeguarding team who will be responsible for assisting the student to access relevant support services both within and external to the College. Students who disclose having experienced sexual misconduct have the right to determine what and how much they choose to share about their experience. The College will not pressure any individual to make a formal disclosure if they do not wish to do so. In some cases, the College may be required to take certain action without the student's consent, for example where there are concerns about a risk of significant harm to the student or to a third party. If this is necessary, the student will be informed and supported unless it is not reasonable, possible, or practicable for the College to do so. The University is also committed to providing support to any student against whom an allegation of sexual misconduct is made.

## Where help can be found:

Support service	Who	What	Contact details
Internal	Safeguarding, Wellbeing Counselling team Assistant Principal (Student Wellbeing): Luisa Figuerola	Onsite support for students who disclose having experienced sexual misconduct	<a href="mailto:luisa.figueroa@birdcollege.co.uk">luisa.figueroa@birdcollege.co.uk</a>
External	Sexual Assault Referral Centres (SARC)	SARCs offer medical, practical, and emotional support. They have specially trained doctors, nurses, and support workers.  You don't have to report an incident to the police to use a SARC. You can still refer yourself for assessment and medical care.  If you do decide to make a report to the police, they can also arrange for you to attend a SARC for medical care and, if you wish, a forensic medical examination.  The NHS non-emergency helpline 111 will be able to give details of your nearest SARC, or you can use a postcode search facility.	<a href="https://www.cqc.org.uk/guidance-providers/primary-medical-services/sexual-assault-referral-centres">https://www.cqc.org.uk/guidance-providers/primary-medical-services/sexual-assault-referral-centres</a>
External	HAVENS (London)	HAVENS Specialist Centres (SARC-Sexual Assault Referral Centre) (Women, Men, LGBT) are based in Camberwell, Whitechapel and Paddington in London.	For urgent advice/appointments: telephone 020 3299 6900
External	Beech House (Kent)	Beech House – The Kent and Medway SARC Sexual Assault Referral Centre (Men, Women, LGBT)	Telephone: 0800 133 7432
External	Rape Crisis England and Wales	At Rape Crisis you'll find the following:  How to get help if you've experienced rape, child sexual abuse or any kind of sexual violence. Details of local Rape Crisis services. Information about sexual violence for survivors, people supporting survivors, and information about their work. They also have information on support for men and boys	<a href="https://www.rapecrisis.co.uk/">https://www.rapecrisis.co.uk/</a>
External	SurvivorsUK	SurvivorsUK can offer a range of support services including counselling and therapy appointments as well as online chat. All services are provided by trained professionals.  SurvivorsUK welcome anyone who identifies as male, trans, non-binary, has identified as male in the past, or anyone who feels that they are the right fit for them.	<a href="https://www.survivorsuk.org/">https://www.survivorsuk.org/</a>
External	Sexual health advice/testing	Boroughwide	STI Tests <a href="#">Bexley Sexual Health : Home</a> <a href="#">Greenwich Sexual Health : Home</a> <a href="#">Sexual Health Services at Lewisham and Greenwich NHS Trust   Lewisham and Greenwich</a>
External	Support services	National	<a href="https://rapecrisis.org.uk/get-help/">https://rapecrisis.org.uk/get-help/</a> <a href="https://www.womensaid.org.uk/">https://www.womensaid.org.uk/</a> <a href="https://lgbt.foundation/helpline">https://lgbt.foundation/helpline</a> <a href="https://switchboard.lgbt/">https://switchboard.lgbt/</a> <a href="https://www.thesurvivorstrust.org/">https://www.thesurvivorstrust.org/</a> <a href="https://malesurvivor.co.uk/">https://malesurvivor.co.uk/</a> <a href="https://www.respect.uk.net/">https://www.respect.uk.net/</a>

**Further information:**

- [University of Greenwich Student Harassment and Sexual Misconduct Policy](#)
- Office for Students '[Statement of Expectations](#) for preventing and addressing harassment and sexual misconduct affecting students in Higher Education'.

**Document Control:**

Document title: **Student Sexual Harassment & Misconduct Policy**

Version	Author(s)		Reviewed/Authorised	
	By	Date	By	Date
1.1	Luisa Figuerola & Stella Oduola	01.09.2017	Luis De Abreu	18.10.2022
1.2	Luisa Figuerola	13.11.2023	Luis De Abreu	13.11.2023

Issue: 1.2  
Date of current issue: 13.11.2023  
Date of next review: 31.07.2024