

# Prevention of Harassment, including Sexual Harassment Policy

## 2021-2022

<b>Policy name:</b>	Prevention of Harassment, including Sexual Harassment Policy
<b>Policy reference:</b>	POL-POH-DW
<b>Created by:</b>	Safeguarding & Welfare Manager
<b>Approved by:</b>	Director of Student Support and Inclusion
<b>Date of last review:</b>	June 2021
<b>Date of next review:</b>	June 2024
<b>Revision number:</b>	1

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## Contents

1. Purpose .....	3
2. Scope .....	3
3. Responsibility .....	5
4. Expected Behaviour of Employees (staff) and Students.....	5
5. Working with Students, incl. Student Council and Student Representatives .....	7
6. Reporting of Sexual Harassment.....	7
7. Reporting Channels for Employees.....	7
8. Reporting Channels for Students.....	8
9. Investigations into Complaints or Allegations.....	8
10. Support & Advice for Employees.....	8
11. Support & Advice for Students.....	9

## 1. Purpose

Warrington & Vale Royal College are committed to providing a positive work and study experience for all our employees and students, which includes a zero tolerance approach to sexual harassment of any kind. The purpose of the policy is to ensure there is a visible and ongoing commitment from senior leaders and the governing body to both prevent and respond to all forms of harassment and sexual misconduct.

The governing body should ensure that the college's approach to sexual harassment and sexual misconduct is adequate and effective. They should ensure that risks relating to these issues are identified and effectively mitigated.

This policy sets out our expectations of behaviour by staff, visitors and students, and provides approaches for dealing with complaints of harassment and sexual harassment. It intends to protect staff and students from inappropriate sexual behaviour, which may include, but is not limited to, violence, grooming, misconduct and harassment.

## 2. Scope

**2.1 Harassment** (as defined by Section 26 of the Equality Act 2010, "the Act") includes unwanted behaviour or conduct which has the purpose or effect of violating a person's dignity or creating an intimidating, hostile or degrading, humiliating or offensive environment because of, or connected to, one or more of the following protected characteristics:

- Age
- Disability
- Gender reassignment
- Race
- Religion or belief
- Sex
- Sexual orientation

Harassment could also include domestic violence and abuse (which could also involve control, coercion, threats) and stalking. It is also unlawful to treat someone less favourably because they have either submitted a complaint of harassment, or have rejected such behaviour.

College would also consider harassment to include any incidents of physical violence towards another person(s) on the basis of a protected characteristic, and hate crimes, such as those criminal offences which are perceived by the victim or any other person, to be motivated by hostility or prejudice, based on a person's disability or perceived disability; race or perceived race; or religion or perceived religion; or sexual orientation or perceived sexual orientation or transgender identity or perceived transgender identity.

**2.2 Sexual Harassment** is unlawful under the Act. It is also unlawful to treat someone less favourably because they have either submitted a complaint of sexual harassment, or have rejected such behaviour. 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.

**2.3 Sexual Harassment** (as defined by Section 26 (2) of the Equality Act 2010) includes a wide range of behaviours (both face to face, digitally and online) including but not limited to:

- 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)
- Sexual comments or jokes
- Displaying sexually graphic pictures, posters or photos
- Suggestive looks, staring or leering
- Propositions and sexual advances
- 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 including distributing private and personal explicit images or video footage of an individual without their consent.
- 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
- Predatory behaviour
- Coercion

**2.4 Sexual interaction** that is invited, mutual and consensual is not sexual harassment because it is not unwanted. An individual can experience sexual harassment from someone of the same or different sex, and the recipient of the behaviour decides whether or not it is unwanted

**2.5 Sexual harassment** can be a one-off event and does not need to be directed at a person. It can be witnessed or overheard. Sexual conduct that has been welcomed in the past can become unwanted.

**2.6** For the purposes of this Policy, 'employees' are defined as any individual either employed or engaged by the College on a paid or unpaid basis to carry out work for the College under any type of employment contract. This includes:

- Students undertaking paid or unpaid work
- People designated as workers for the College including those engaged through temporary staffing services
- Agency workers and honorary appointments
- Governors
- Those attending College to support students, including for example carers

**2.7** A Student is considered to be any individual enrolled to study on any programme or study, including apprenticeships and adult short courses. Students may also study away from College on their course, including distance learning programmes.

**2.8** People working on a voluntary basis at the College, including those working as contractors are also bound by the terms of this Policy, as in any person engaged with, or representing the College.

**2.9** Victimisation of any individual making a complaint under this Policy will not be tolerated, and will be dealt with under the College's disciplinary procedures for staff/students.

**2.10** Sexual harassment constitutes serious misconduct and could result in dismissal for employees, or exclusion for students.

**2.11** The college considers the statutory duties, and the OfS's regulatory requirements, relating to academic freedom and free speech.

### **3. Responsibility**

It is the responsibility of the Director of Student Support and Inclusion to ensure this policy is up to date and relevant.

### **4. Expected Behaviour of Employees (Staff) and Students**

**4.1** The College believes that the professional relationship of trust and confidence that exists between students and employees is a central and essential part of a student's educational development and pastoral care. Those who work for, or represent, the College must not abuse their position in any way. Given the inherent imbalance of power between many employees and students, the College strongly discourages intimate relationships between its employees and its students where there is a potential conflict of interest, or abuse of power. Such relationships could compromise the trust and confidence that underpins the learning experience, and may negatively impact on the student's educational development and pastoral care, and may in some circumstances constitute an abuse of power.

- 4.2** An imbalance of power can also exist between employees due to positions they hold within the College. Any abuse of the professional working relationship between employees is unacceptable and could result in disciplinary action.
- 4.3** The College recognises that, on occasion, a consensual relationship may develop between an adult student (over 18) and an employee. In such cases the employee must report the relationship to the college HR Department as soon as possible, and the guidance with regards to conflict of interest must be followed. This is to safeguard the student, themselves and the College.
- 4.4** The College recognises that, on occasion, a consensual relationship may also develop between two employees. In such cases, both employees must follow the guidance in the conflict of interest regulations
- 4.5** The Sexual Offences Act 2003 (Sections 16- 21) prohibits sexual contact between a person and another person aged under 18 where such a relationship would be an abuse of position of trust between two parties. This includes situations where the young person is attending an educational institution.
- 4.6** Sexual harassment by a student towards an employee and/or another student will be considered under the College's disciplinary procedures. Action taken under this Policy can include exclusion.
- 4.7** The college provides a clear statement of behavioural expectations for all students, staff and visitors, and the possible sanctions that can be imposed where these are not followed. These expectations will be visible and easy to understand for all students, staff and visitors, with communications adapted to the needs of different groups. It should be made clear to new and continuing students and staff as part of induction and relevant ongoing activities.
- 4.8** The college will provide effective staff and student training with the purpose of raising awareness of, and preventing, harassment and sexual misconduct. It includes: a mandatory unit, and the topic will be revisited at different points of the year.
- a) A clear training strategy which supports staff to respond effectively to different types of harassment and sexual misconduct incidents. This should involve an assessment of the training needs to all staff. This will be reviewed and evaluated on a regular basis to ensure it is fit for purpose.
  - b) Training to be made available on an ongoing basis for all staff and students to raise awareness of harassment and sexual misconduct, with the purpose of preventing incidents and encouraging reporting where they do occur. For example, this may include covering areas such as bystander initiatives, consent and receiving and handing disclosures. For students the topic will be covered in tutorials and contextualised to the relevant audience.

## **5. Working with Students, including Student Council and Student Representatives**

The college will collaborate with the student council and student representatives to deliver a clear and consistent message to students, staff and visitors that harassment and sexual misconduct will not be tolerated. This will involve making clear the possible consequences and action the college may take in response to such instances.

For Higher Education learners' students will have contributed to develop and evaluate systems, policies and processes to address harassment and sexual misconduct. This includes:

- a) Proactive and meaningful engagement with students and student representatives in the development, implementation and evaluation of systems, policies and processes for preventing and responding to harassment and sexual misconduct, and in how to support students who have experienced it.
- b) Engagement with a diverse range of students, as well as learning from the experience of students who have been involved in reports or investigations, to ensure that the development, implementation and evaluation of systems, policies and processes are adequate and effective. This may include consideration of protected characteristics and mode and level of study.
- c) Engagement conducted in a sensitive manner to support student wellbeing. This means that engagement should be accompanied by appropriate support and safeguards, which have been informed by specialist expertise, where appropriate.
- d) Higher Education learners have contributed to this policy in line with Office for Students. The learners agreed with the process and provided valuable input such as sign posting and referrals to external agencies.

## **6. Reporting of Sexual Harassment**

Any member of the College is encouraged to formally report cases of sexual harassment, whether they are the recipient of the behaviour, or are witness to it as soon as reasonably practicable.

## **7. Reporting Channels for Employees**

- 7.1** Employees should make a complaint to their HR Director, who can advise on how to proceed. Complaints will normally be processed through the College's policy. If the complaint is against a student then the Student Behaviour Policy will be followed.
- 7.2** If an employee becomes aware of sexual harassment between a colleague and a student, or another employee, then advice should be sought from the HR Director.
- 7.3** Sexual harassment can also give rise to situations where there is coercive or predatory behaviour. If intimate relationships arise between colleagues and any person has concerns about predatory or coercive element to such relationship, they

are encouraged to report or disclose this to the HR Director. The HR Director will then determine whether to make arrangements for an investigation to be undertaken in accordance with the relevant behaviour policy.

## **8. Reporting channels for Students**

Any student complaint relating to sexual harassment, including witnessing such behaviour, should be made to a member of the Safeguarding Team. The HR Director will be informed if the complaint is against a member of staff.

Students involved in an investigatory process because a disclosure about an incident of harassment and/or sexual misconduct has been made, whether they are the reporting or responding parties, will be given access to appropriate and effective support. This will include support prior to a decision to launch a formal investigation, for the duration of the investigation, and also following its outcome.

## **9. Investigations into complaints or Allegations**

**9.1** Any investigations into allegations of sexual harassment by employees will be conducted under the College's Staff conduct procedures, and for students the student behaviour policy.

**9.2** Sexual harassment may also lead to a criminal investigation being instigated into the actions of an employee or student. Where there are concerns that a criminal act has taken place then the matter will be reported to the Police.

**9.3** Confidentiality will be maintained, subject to any requirement to involve external agencies where a criminal offence may have been committed, or where maintaining confidentiality would pose a risk to the person making the report, or to others.

**9.4** If a student is suspended without prejudice pending investigation, the hearing would normally be heard within 5 days to meet usual suspension guidelines. It should be noted that the suspension period may exceed 5 days if the investigation becomes protracted due to the involvement of external agencies, for example the Police.

## **10. Support and Advice for Employees**

There are many sources of support available to employees prior to making a complaint or to both complainant and alleged perpetrator once a complaint has been made.

These include:

- Union representatives (for union members)
- HR Department

- Line Manager
- Staff counselling service

## **11. Support and Advice for Students**

For students support is available via internal and external services. These include:

- External agencies such as rape crisis groups
- Children & Young Person's Independent Sexual Advisor
- College Safeguarding Team
- Office for Students (HE)