



Sexual Harassment and Sexual Misconduct Procedures

Document title:	Sexual Harassment and Sexual Misconduct Procedures
Audience:	Staff and Students
Version:	2.0
Approved by:	Quality and Standards Committee
Date approved:	July 2024
Date of next review:	July 2027
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Document owner:	Vice Principal EDI & Student Experience

Revision history

Version	Type (e.g. replacement, revision etc...)	Date	History (reason for changes)
2	Update	May 2024	Revision and update

Monitoring and review

This procedure will be reviewed by the quality and Standards Committee every three years in line with the Sexual Harassment and Sexual Misconduct Policy

1. Sexual Harassment and Sexual Misconduct Procedures

The purpose of the Sexual Harassment and Sexual Misconduct Policy is:

The Sexual Harassment and Sexual Misconduct Policy aims to:

- Create a safe environment free from sexual harassment and misconduct, where the rights and dignity of all College community members are valued and respected.
- Address a broad range of inappropriate and unwanted behaviours, including but not limited to unwanted touching, stalking, and abusive or degrading remarks, which undermine the principle of informed consent.
- Recognise the profound impact of harassment and sexual misconduct on individuals, their supporters, and the College community, and commit to promoting a culture where such incidents are not tolerated, actively challenged, and addressed to maintain a positive and safe environment for everyone.
- Ensure mechanisms are in place to identify and support SEND students who may be more vulnerable to sexual harassment and misconduct. Support should be tailored and appropriate for SEND students who are victims of sexual harassment or misconduct.

Consent

Consent represents the cornerstone of respectful and healthy intimate relationships. We encourage open, honest, and clear communication about actions, wishes, and intentions regarding sexual behaviour before engaging in intimate conduct. Consent is defined as clear and unambiguous agreement, expressed in mutually understandable words or actions, which can be withdrawn by either party at any point. It must be voluntarily given and may not be valid if obtained under emotional or psychological pressure, intimidation, or fear. We must recognise that some SEND students may have difficulties understanding social cues and boundaries, which can affect their ability to give informed consent.

Consent is defined as *‘where a person has the freedom and capacity to make the choice whether or not to consent to the sexual activity.* This can be considered in two stages:

- 1) whether a complainant had the capacity (i.e. the age and understanding) to make a choice about whether or not 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 a complainant is intoxicated by alcohol or affected by drugs). Assuming that the complainant had both the freedom and capacity to consent, the crucial question is whether the complainant agrees to the activity by choice.

College Commitments

The College will:

- Ensure a safe environment free from sexual harassment and misconduct, valuing and respecting the rights and dignity of all community members.
- Firmly commit to promoting a culture where incidents of sexual harassment and misconduct are not tolerated.
- Actively challenge and address incidents of sexual harassment and misconduct to ensure a positive, safe environment for all community members.
- Provide support referrals to counselling and medical services, safety planning, academic and workplace adjustments, self-care resources, advocacy, and navigation of resources.

2. Roles & Responsibilities

The **Vice Principal EDI & Student Experience** is responsible for ensuring:

- There are adequate and effective policies and processes in place for all students to report and disclose incidents of Sexual Harassment and Sexual Misconduct.
- In all cases of reported Sexual Harassment and Sexual Misconduct, Bradford College will discharge its duty of care by establishing the extent of any reported and identified breaches of its misconduct policies and thereafter by entering into a process of formal risk assessment to reduce the risk of future harm. This will consider the potential risks to the individual, their peers and the organisation. The College will take affirmative action to mitigate risks where Sexual Harassment and Sexual Misconduct may be involved. This process is separate from disciplinary action.
- Risk assessment and disciplinary decisions in this context rests ultimately with the **Designated Safeguarding Lead**, who delegates operations as necessary.
- The Sexual and Sexual Misconduct Policy and procedures are adhered to and implementing any necessary actions if the policy is breached.
- There is a fair, clear and accessible approach to taking action in response to reports and disclosures.
- The College's Sexual Harassment and Sexual Misconduct Policy is included as part of a new Corporation member's induction.
- The Sexual Harassment and Sexual misconduct policy and any supporting action plan are working in practice, and taking action to address any issues.
- The Quality and Standards committee are satisfied that the College approach to Sexual Harassment and Sexual misconduct is adequate and effective.
- The monitoring of non-identifying annual data on disclosures and reports on any incidents of Sexual Harassment and Sexual Misconduct on campus.

The **Designated Safeguarding Lead** is responsible for ensuring:

- Risk assessments and disciplinary decisions are in place and actioned when appropriate.
- Appropriate action and support is in place for students under the age of 18, and fulfil our duty of care to report allegations of sexual offences against minors to the Police and to Parents or Carers of the student.

The **Assistant Principal, Student Services** is responsible for ensuring:

- Heads of Departments are briefed about the implementation of the Sexual Harassment and Sexual Misconduct Policy and Procedures.
- The student body is engaged in the development of policies and processes to address Sexual Harassment and Sexual Misconduct.
- That adequate and effective staff and student training is implemented to raise awareness of, and prevention of Sexual Harassment and Sexual Misconduct.
- Students who are involved in an investigatory process have access to appropriate, effective and timely support.

The **Head of Student Support** is responsible for ensuring:

- The student has assistance in making an informed decision about next steps should an individual choose to report to authorities within the College or to the Police;
- Students over 18 years of age who have experienced Sexual Harassment and Sexual Misconduct are encouraged to contact the College's Safeguarding and Wellbeing team.

Students under 18 years of age will be referred to the College's Safeguarding and Wellbeing team.

N.B. for students under the age of 18 we have a legal obligation and a duty of care to report allegations of sexual offences against minors to the Police and to Parents or Carers of the student. All such incidents will be flagged with the College **Designated Safeguarding Lead**.

- Details of Sexual Harassment and Sexual Misconduct are reported and held centrally, subject to the provisions of the Data Protection Act, and are reported periodically to the College Executive Committee and to College Governors.
- Resources are in place to deliver education, training and awareness activities that contribute to promoting a safe environment free from Sexual Harassment and Sexual Misconduct.
- Up-to-date community resource information is available and publicised widely.

Head of Department is responsible for ensuring:

- Visitors are made aware of the College's Sexual Harassment and Sexual Misconduct Policy when visiting any site.
- That students and prospective students are made aware of the behavioural expectations in relation to the Sexual Harassment and Sexual Misconduct policy as part of the ongoing recruitment activity.

3. Guidance

Bradford College recognises its role in cooperating fully with any associated police investigations and subsequent legal proceedings but will not undertake any actions that may impede a police investigation. Disciplinary action may run parallel to risk assessment processes, but in case of a police investigation, College disciplinary proceedings will typically be suspended. However, risk assessment processes may continue to fulfil the College's duty of care.

Procedures: Where disciplinary procedures are initiated, they will adhere to the process outlined in the College Student and Staff Disciplinary Procedures. Students enrolled in professional programs where Fitness to Practice is applicable should note that this procedure interacts with Student Disciplinary Procedures and may be invoked when facing allegations of sexual harassment and misconduct.

Criminal Offences: For students aged 18 years and above, College will not normally report an incident of Sexual Harassment and sexual misconduct to the police without the complainant's permission. However, in reference to the College duty of care, on occasion it may be required to notify the police of behaviour/areas of concern especially where there is believed to be a risk to others. If a criminal investigation is undertaken, the College will facilitate the police enquiry wherever possible.

Vexatious Complaints: Bradford College treats reports of Sexual Harassment and sexual misconduct seriously. However, the possibility of malicious or spurious complaints is recognised and any complaints identified as such will be dealt with under the College Disciplinary Procedures.

Confidentiality: Bradford College recognises the importance of privacy in cases where Sexual Harassment and sexual misconduct is alleged. Confidentiality will be maintained as far as possible unless otherwise agreed; however, there may be circumstances – e.g. danger of physical assault – that mean the College will be required to disclose certain information to additional College personnel or to third parties on a 'need to know' basis: this is consistent with meeting our duty of care obligation.

Related policies and procedures

Safeguarding Policy

Equality Diversity and Inclusion Policy
Positive Behaviour Policy
Harassment and Bullying policy
Sexual Harassment and Sexual Misconduct Policy
Safeguarding Procedures
Student Disciplinary Procedures
Staff Disciplinary Procedures