



Sexual Harassment and Sexual Misconduct Procedures

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Revision history

Version	Type (e.g. replacement, revision etc...)	Date	History (reason for changes)

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:

- To create a safe environment that is free from Sexual Harassment and sexual misconduct, in which the rights and dignity of all members of the College community are valued and respected.

Sexual Harassment and Sexual Misconduct covers a broad range of inappropriate unwanted behaviour. It extends to unwanted touching, stalking, abusive or degrading remarks and across the vast range of inappropriate behaviour in between. Whilst detailing all the behaviour covered by this policy statement would be unhelpful, the common thread is the disregard of **informed consent**.

Consent comes first; it represents the cornerstone of respectful and healthy intimate relationships. We strongly encourage members of our community to communicate – openly, honestly and clearly – about their actions, wishes, and intentions when it comes to sexual behaviour, and to do so before engaging in intimate conduct.

Consent is about clear and unambiguous agreement, expressed in mutually understandable words or actions, to engage in a particular activity. Consent can be withdrawn by either party at any point. 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.

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.

The College will:

- Take all necessary steps to ensure a safe environment that is free from Sexual Harassment and sexual misconduct, in which the rights and dignity of all members of the College community are valued and respected.
- Seriously and firmly commit ourselves to the promotion of a culture in which any incident of Sexual Harassment and sexual misconduct will not be tolerated.
- Actively challenge and address incidents of Sexual Harassment and sexual misconduct to ensure a positive, safe environment for all members of our community.
- Support referrals to counselling and medical services; safety planning; academic and workplace adjustments; self-care resources; advocacy; navigating resources;

2. Roles & Responsibilities

The **Vice Principal Quality & 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 **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 Services** 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 that it is not placed to undertake criminal investigations. It will however co-operate fully with any associated police investigation and subsequent legal proceedings. The College will not undertake any investigations or actions which may confound any police investigation. Hence, disciplinary action may run in parallel to risk assessment processes, but in the event of police investigation, College disciplinary proceedings will normally be placed on hold. In that event, the process of risk assessment may continue despite the police investigation because the College feels that this is a reasonable and proportionate way of discharging its duty of care to all concerned.

Procedures: Where disciplinary procedures are invoked, they will follow the process laid out in the College Student and Staff Discipline Procedures. Students studying professional programmes in which Fitness to Practice is used should note that the Fitness to Practice procedure interacts with the Student Discipline Procedures and may be invoked when a student faces an allegation of Sexual Harassment and sexual 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 Discipline 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.