

# Harassment and Sexual Misconduct Policy

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## Policy Summary

Newbury College and University Centre Newbury's commitment to preventing and addressing harassment and sexual misconduct, in line with the Equality Act 2010 and the Office for Students' requirements. This policy applies to all students, staff, contractors, and third parties, covering on- and off-campus activities. The policy defines unacceptable behaviours such as harassment, sexual assault, stalking, grooming, revenge porn, and abuse of power, and explains expectations for respectful conduct. It outlines prevention measures, reporting routes, investigation procedures, and available support for victims, witnesses, and those accused, with a clear stance that such behaviour will not be tolerated. The College promotes training, awareness, and a culture of dignity, respect, and safety, ensuring incidents are handled fairly, sensitively, and transparently, without the use of non-disclosure agreements to silence victims.

# Harassment and Sexual Misconduct Policy

## 1. Policy Statement and Purpose

Newbury College and the University Centre Newbury (UCN) (hereinafter together referred to as the College) strives to foster an inclusive, diverse, and equitable environment for all members of its community.

This policy sets out the College's commitment to protecting students from harassment and sexual misconduct, in compliance with the Office for Students' (OfS) Condition E6.

It applies to:

- All students enrolled at the College, including those studying via partnerships, apprenticeships, franchises, or transnational education arrangements
- All staff, contractors, employers and third parties (sub-contractors) engaging with students
- All activities conducted on or off campus, including placements and field trips

The College aims to foster a learning and working environment where all members of the community feel safe, respected, and supported. This aligns to our values of AIR - Aspiration, Integrity and Respect.

This policy states our dedication to building a culture free from harassment, and sexual misconduct and clarifies:

- Expected behaviour.
- Unacceptable behaviour.
- Support for students who have experienced/experiencing harassment, or discrimination.
- Steps to take if you experience harassment, or discrimination
- Our full compliance with the Equality Act 2010

No member of the college community is expected to tolerate such unacceptable behaviour, whether by a member of the college community, or by a third party such as a supplier, contractor or visitor to the college; or a member of the public. This policy seeks to ensure that the college students, and the wider college community are protected from harassment and sexual misconduct. Students have the right to disclose experiences of unacceptable behaviour experienced while studying or working; to be listened to, and to seek support.

Breaches of this policy by staff or students will be investigated under the relevant disciplinary procedure which may result in dismissal and a referral to the police.

We will work with our employers and placement providers and their policies to ensure the dignity and respect for all our students placed in their care. Breaches by third parties will be dealt with appropriately and will be referred to the police if appropriate.

## 2. Definitions

For the purposes of this policy:

- **Harassment** means unwanted behaviour related to a relevant protected characteristic (as defined in the [Equality Act, 2010](#)) that violates a person's dignity or creates an intimidating, hostile, degrading, humiliating or offensive environment.

A person can be sexually harassed by someone of the same or different sex. Sexual harassment can include, for example:

- a. unwanted physical conduct of a sexual nature, including touching, pinching, pushing and grabbing, invading personal space, groping, tugging or lifting someone's clothing, and more serious forms of sexual assault.
  - b. continued suggestions for sexual activity after it has been made clear that such suggestions are unwelcome.
  - c. sending or displaying material that is pornographic or that some people may reasonably find offensive (including emails, text messages, social media content, video clips and images sent by mobile phone or posted on the internet);
  - d. unwelcome sexual advances or suggestive behaviour (which the harasser may perceive as harmless); sexual jokes; remarks or comments about someone's body or appearance; sexual derogatory comments about women or men; innuendos; wolf whistling; or stalking.
- **Sexual misconduct** includes, but is not limited to, sexual harassment, sexual assault, rape, stalking, and any other unwanted sexual acts or communications.
  - **Grooming** can be defined as a gradual process that someone in a position of power uses to manipulate someone to do things they may not be comfortable with and to make them less likely to reject or report abusive behaviour. Grooming will initially start as befriending someone and making them feel special and may result in sexual abuse and/or exploitation.
  - **Stalking** Following a person, watching or spying on them or forcing unwanted contact with the victim through any means, including social media. The effect of such behaviour is to curtail a victim's freedom, leaving them feeling that they constantly have to be careful. In many cases, the conduct might appear innocent (if it were to be taken in isolation), but when carried out repeatedly to amount to a course of conduct, it may then cause significant alarm, harassment or distress to the victim.
  - **Revenge porn** involves the non-consensual distribution of private sexual images or videos, typically by a former partner or acquaintance, to humiliate, harass, or revenge. This form of abuse often exploits intimate moments shared in confidence, causing emotional distress and harm to the victim. It can also involve the unauthorised sharing of explicit content via social media, websites, or other digital platforms.
  - **Upskirting** refers to the act of positioning a camera or mobile phone beneath a person's clothing, aiming to capture images of their genitals, buttocks, or undergarments without their consent. It applies regardless of attire or gender identity. For instance, this may involve practical workplace scenarios, such as inappropriate images of people bending over, climbing stairs, or using ladders.

- **Victimisation** Treating someone less favourably because they have made a claim or complaint of discrimination, or helped someone else to make a complaint (under the Equality Act), or made a disclosure (whistleblowing) under the Public Interest Disclosure Act 1998, or in either case the affected person is believed to have made or helped make, or is believed that they may make or help make, a complaint or disclosure. Where the college becomes aware of victimisation taking place, this may lead to disciplinary action including dismissal in line with staff and student disciplinary policies
- **Consent** is agreeing by choice and having the freedom and capacity to make that choice. The person seeking consent should always take steps to ensure that consent is freely given, that it is informed and recognises that it can be withdrawn at any time.

**Freedom to consent:** a person is free to make a choice if nothing negative would happen to them if they said no. For example, a person may not feel free to make a choice if:

- they are being threatened with violence (by the perpetrator and/or by someone else)
  - they are being threatened with humiliation
  - they believe that the continuation or assessment of their studies, or progression or advancement of their career, will be at risk if they refused
  - they are being blackmailed
  - there is a significant power imbalance and the party without power feels pressured to continue in the relationship against their will.
- **Capacity to consent:** Capacity is about whether someone is physically and/or mentally able to make a choice and to understand the consequences of that choice. For example, a person does not have capacity to give consent if:
    - they are drunk or under the influence of drugs- this means someone may still be physically able to have sex but they may not be able to consent;
    - they are asleep or unconscious;
    - a person may also not have capacity to give consent if they have, for example, a cognitive or learning difficulty, a disability which impairs their speech, or are experiencing a mental health crisis.
  - **Abuse of Power Abuse of power refers to** abuse of power is where someone uses their position of power or authority in an abusive and unacceptable manner. Abuse of power can take various forms and may include, but is not limited to manipulation, coercion, pressuring students to engage in workplace sexual misconduct and harassment. The above behaviours may be expressed in person, in writing and/or by electronic means.
  - **Comprehensive Source of Information (CSI)** refers to this policy and related resources, which provide clear guidance on prevention, reporting, response, support, and rights.

### 3. Our commitment

Harassment, and sexual misconduct are unacceptable and will not be tolerated.

The College is committed to:

- Taking **significant and credible action** to prevent harassment and sexual misconduct
- Providing **clear, accessible information** on how students and staff can report concerns
- Offering **appropriate support** to those affected, whether complainants, witnesses, or respondents
- Handling all reports **fairly, promptly, and sensitively**, ensuring procedural fairness
- **Banning the use of non-disclosure agreements (NDAs)** to silence students in harassment or sexual misconduct cases. This policy aims to ensure transparency and accountability, allowing victims to discuss their experiences freely.
- Upholding **freedom of speech** and academic freedom, ensuring that measures to prevent harassment do not unduly restrict lawful debate or teaching

### Roles and Responsibilities

#### Members of the College Community

The College values of Aspiration, Integrity and Respect support and uphold this policy, all members of the college community are expected to support and implement this policy in their day to day lives.

All staff and students have a responsibility to ensure a working and studying environment where everyone is treated with equal respect and dignity. Each member of staff and each student is expected to contribute to preventing unacceptable behaviours, including harassment, or sexual misconduct (including sexual harassment) through self-awareness; and by modelling positive behaviour for others, and raising any concerns.

Staff and students will have an opportunity to review the policy.

#### Governing Board

- Ensure the College meets legal compliance in relation to the Equality Act 2010 in Section 26
- Stay informed on policy changes and complete relevant training.
- Review data and maintain an overview of the activities taken to address harassment, bullying and sexual misconduct.
- Receive, review and challenge, as required, reports on any disciplinary actions taken or complaints received related to harassment, and sexual misconduct.

- Discuss and contribute to any preventative measures being implemented and their likely impact on students.

### **Principal**

- Empower staff to implement the Policy across the College.
- Conduct Equality Impact Assessments for key actions, policies, and changes.
- Foster a culture of zero tolerance towards sexual harassment.
- Ensure all staff understand their responsibilities through training.
- Take all reports of sexual harassment and bullying seriously.
- Report serious incidents to the Governing Board via the Governor Chair.
- Provide the Governing Board with data to monitor any incident of sexual harassment and misconduct.
- Ensure managers are trained to recognise harassment or bullying and how to deal with such situations.

### **Senior Leadership Team**

- Provide all employees with training and development opportunities to recognise these behaviours and how to report and support staff/students in their care.
- Ensure that behaviour expectations are set out clearly in the student code of conduct and any supporting documentation, together with the sanctions that will be imposed.
- Address complaints of bullying, harassment, and victimisation, among staff, students, and external parties.
- Ensure that training is provided to staff and students to ensure that all are aware of this policy.
- Provide clear and consistent communication to students, student representatives, staff and the wider College community that harassment, and sexual misconduct will not be tolerated.
- Ensure that behaviour expectations are followed.

### **All Staff (Teaching and Non-Teaching)**

- Follow the College's Policy and treat everyone with dignity, and respect.
- Foster an inclusive workplace environment for all colleagues and the wider college community.
- Report any instances of harassment, or victimisation.
- Undertake regular training to reflect on behaviours and strengthen understanding of expected behaviours as they are in a position of trust.
- Staff must demonstrate exemplary behaviour as they are in a position of trust. Actions can be misinterpreted regardless of intention, so always consider the appropriate environment and conduct for activities.
- Support students on how to report an incident whether they have directly experienced an incident or have witnessed an incident.

### **Students**

- Engage with discussions of the policy and its implementation at Student Council Meetings.

- Participate in training and development activities that educate on the Equality and diversity Act, 2010, harassment, bullying, sexual misconduct, its prevention and the implications of the lack of compliance.
- Adhere to the college's policy guidelines while on campus, attending college events, and traveling to and from the college.
- Report any incidents of bullying, prejudice, or discrimination to staff immediately.

### **Third Party**

Third Party sexual harassment of college staff or students will not be tolerated. The law requires employers to take reasonable steps to prevent sexual harassment by third parties.

We will monitor any potential risk areas for third-party harassment and take steps to prevent it occurring. Where third-party harassment does occur at the college, we will take steps to remedy any complaints and prevent it from happening again (e.g. by warning the third-party about their behaviour, banning a third-party from the college, reporting any criminal acts to the police or sharing information with other branches of the organisation based on the severity).

## **4. Support for students**

If you think you have experienced harassment and/or sexual misconduct, you can choose who to report it to. You may choose to tell someone you trust such as your tutor at the university or college.

We will ensure to act sensitively and led by the victim's needs and wishes, tailoring our support to students with different needs, including those with needs affected by protected characteristics.

We will allocate a dedicated person who will provide support at the appropriate times, such as before, during or at the outcome of, an investigation including signposting academic support where a student's academic experience may be affected

We provide tailored support to:

- Students who report harassment or sexual misconduct
- Students accused of harassment or sexual misconduct
- Witnesses or others affected

Support includes:

- Counselling and wellbeing services

- Academic adjustments if needed (e.g., deadline extensions)
- Assistance in reporting to police or accessing external specialist services
- Named support contacts for case management
- Support is available regardless of whether a formal complaint is made.

See section 13 for details of external support services.

## When the issue falls under the safeguarding policy:

Where the student who has experienced harassment or sexual misconduct is under the age of 18 or is deemed to be an “adult at risk”, there may be a safeguarding element involved, and the safeguarding policy should be considered in the response. This also applies to any harassment outside of college or the home.

<https://newbury-college.ac.uk/policies/48-safeguarding-policy>

## 5. Preventive measures

We have implemented a range of actions to reduce the risk of harassment and sexual misconduct, including:

- Mandatory training for all students and staff on definitions, harassment, consent, reporting procedures, professional boundaries and active bystander intervention
- Awareness campaigns promoting respect, inclusivity, and safe campus environments
- Anonymous reporting tools and clear reporting pathways for both victims and witnesses
- Specialist support services for survivors and accused students
- Policies regulating staff-student relationships (see Section 8)

## 6. Reporting and handling incidents

Students, staff, and third parties can report student harassment or sexual misconduct through the following channels internally:

- Online reporting platform – [Safeguarding, Behaviour and Prevent](#)
- Email to [safeguarding@newbury-college.ac.uk](mailto:safeguarding@newbury-college.ac.uk)
- In-person to speak - drop into room 114 and speak to the safeguarding officer
- All matters involving a member of staff and a student will be shared with the HR Manager or Vice Principal – Central Services to take the relevant action.

- Staff on staff harassment is dealt with under the [Dignity at Work Policy 2022.doc](#)
- The Safeguarding Manager and the Head of Inclusion and Safeguarding will provide support and advise for students on how you can take forward any cases of harassment or misconduct.

If you feel more comfortable reporting externally:

- If the incident is happening now or has recently happened, you can call 999. Or you can find more information here: [Rape, sexual assault and other sexual offences | Thames Valley Police](#)
- If the incident/s have happened recently, you may want to visit a Sexual Assault Referral Centre (SARC). [SARCs | Rape Crisis England & Wales](#). Newbury SARC is called First Light, [The Swindon and Wiltshire Sexual Assault Referral Centre \(SARC\) - First Light](#) and they provide confidential medical and forensic support and treatment (e.g. for STIs/pregnancy) after recent rape or sexual assault; you don't have to report to the police to access their service. They are open 24/7 and you can make an appointment by calling 01793 781916 Day, 01793 781917 out of hours
- There is no time limit on reporting one or multiple incidents, either to the College or external services. Reports can be made:
  - Named or anonymous
  - By the individual affected or a third party

All reports will be handled in accordance with the following principles:

- **Fairness:** ensuring impartiality for all parties involved
- **Sensitivity:** recognising the impact of trauma and respecting confidentiality
- **Transparency:** communicating outcomes and decisions to relevant parties

Outcomes may include informal resolution, disciplinary action, safeguarding interventions, or referrals to external authorities where appropriate.

## Making a complaint

If you want to make a complaint, please follow the informal stage of the Complaints Policy which is located on the college website [Newbury College Website](#). Students are required to start the process as soon as possible following an incident so that the process may be responded to within a timely manner.

## 7. Training and awareness

Training is mandatory for:

- All students (during induction and periodically throughout their study programme)  
All staff, including academic, administrative, and frontline support teams  
Staff in specialist roles (e.g., investigators, case handlers) who will receive enhanced training

Training covers:

- Definitions and examples of harassment and sexual misconduct
- Consent and respectful relationships
- How to report concerns and where to access support
- Freedom of speech and academic freedom considerations

Training materials are evidence-based and reviewed regularly for effectiveness.

## 8. Staff-student relationships

To protect students from potential abuse of power:

- Staff are prohibited from entering into romantic or sexual relationships with any student over whom they have academic, professional, or pastoral responsibility.
- Any existing or developing intimate personal relationships between staff and students must be **formally disclosed** to Cathy Wright, Vice Principal – Central Services.
- Failure to disclose or breach of this policy may result in disciplinary action.

Further guidance is available in the codes of conduct.

## 9. Freedom of speech and academic freedom

This policy is implemented consistently with the College's obligations to uphold freedom of speech and academic freedom. Exposure to lawful academic content, discussion of controversial ideas, or participation in open debate, even if upsetting to some, does not constitute harassment unless it is **targeted, personal, and unlawful**. [Freedom of Speech policy](#)

## 10. Monitoring and continuous improvement

The College will:

- Monitor reports and case outcomes
- Evaluate the effectiveness of this policy through feedback, surveys, and data analysis
- Review and update this policy annually
- Report on compliance with Condition E6 to the governing body
- Publish an updated version of this Comprehensive Source of Information each year

## 11. Legislation and guidance

This policy is based on the following legislation and guidance:

- Sexual harassment, bullying and as defined by unwanted conduct which creates an intimidating, hostile, degrading, humiliating or offensive environment [section 26\(2\) of the Equality act 2010](#).
- The Worker Protection (Amendment of Equality Act 2010) Act 2023 came into effect on 26 October 2024, introducing a legal duty for employers to proactively take reasonable steps to prevent sexual harassment.
- [Protection from Harassment Act 1997](#) defines harassment as: a course of conduct conducted on at least two occasions that harasses one other person, or a course of conduct that harasses two or more persons at least once each. References to harassing a person include alarming the person or causing the person distress. This act also includes stalking offences.
- Assault and rape (as defined by the [Sexual Offences Act 2003](#))
- Physical unwanted sexual advances, intimidation or promising resources or benefits in return for sexual favours (as set out by the [Equality and Human Rights Commission](#))
- Unauthorised sharing of explicit content (explicit images or video footage) via social media, websites, or other digital platforms, without their consent often recognised as revenge porn is addressed under the [Criminal Justice and Courts Act 2015](#)
- Upskirting is recognised as a criminal under the [Voyeurism \(Offences\) Act 2019](#)
- Data will be managed confidentially in accordance with the [Data protection Act](#)

## 12. Accessibility

This policy is accessible without login at: [Newbury College Policies](#)

For any questions or assistance regarding this policy, please contact Leanne Butters, Head of Inclusion and Safeguarding.

## 13. External Support Services

**RAPE UK** works with anyone affected by rape, child sexual abuse, sexual assault, sexual harassment or any other form of sexual violence – at any point in their life. This includes people of all genders who have experienced sexual violence or abuse, as well as anyone supporting them. You can use this service if you don't have leave to remain in the UK or your immigration status is insecure.

[24/7 Rape and Sexual Abuse Support Line 0808 500 2222](https://www.rapeuk.org.uk)

**The Survivors Trust** is a charity aiming to empower survivors of rape, sexual violence or childhood sexual abuse through supporting and improving effective responses to survivors. Trust House [Trust House](https://www.trusthouse.org.uk) | **0118 958 4033**

**Galop** is the LGBTQ+ helpline here to offer emotional support, guidance and help to explore what options may be available to anyone aged 18+ who is experiencing or has experienced violence and abuse.

[Galop - the LGBTQ+ anti-abuse charity](https://www.galop.org.uk) | **0800 999 5428** | [help@galop.org.uk](mailto:help@galop.org.uk).

**Survivors UK** support male and non-binary survivors of sexual violence, providing counselling, practical help and community on your healing journey.

[SurvivorsUK | We challenge the silence to support sexually abused men](https://www.survivorsuk.org.uk)

**Safe line** is the national Male Survivor Helpline and Online Support Service, dedicated support for men and boys affected by sexual abuse and those who support them.

[National Male Survivor Helpline and Online Support Service - Safeline](https://www.safe-line.org.uk) | **01926 402 498**

### **Revenge Porn Helpline:**

The Revenge Porn Helpline is a UK service supporting adults (aged 18+) who are experiencing intimate image abuse, also known as, revenge porn.

[0345 6000 459 | Revenge Porn Helpline](https://www.revengepornhelpline.org.uk)

The Suzy Lamplugh Trust offers personal safety and stalking advice and support.

[Suzy Lamplugh Trust](https://www.suzy.org.uk) | **0808 802 0300** Advice for victims

**Independent sexual violence advisors (ISVAs)** are specially trained staff who give practical and emotional support to adults, children and their families.

An ISVA can help you in lots of different ways:

- if you're thinking of reporting to the police, but are unsure what that involves, they can talk you through the process
- if you do decide to report to us, they can support you throughout the investigation and if your case goes to court
- they can advise you about your health, wellbeing and rights
- they can help you access other support services

You can find out more here: 24/7 Rape and Sexual Abuse Support Line, provides free, specialist and confidential support for victims of sexual violence or abuse. Open 24 hours a day, 365 days a year.

Visit [247sexualabusesupport.org.uk](https://247sexualabusesupport.org.uk) to chat online or call [0808 500 2222](tel:08085002222)

**Stop It now** give anonymous support and advice to anyone with concerns about sexual abuse, whether this is your own or someone else's behaviour. The helpline is a safe space for callers to talk about their concerns and questions. [Stop It Now - Preventing child sexual abuse](#)

**Samaritans:** 08457 90 90 90 suicidal thoughts /struggling to cope

**Papyrus:** 0800 068 4141 or text 07786 209 697 suicidal thoughts.

**Berkshire Women's Aid:** [www.berkshirewomensaid.org.uk](http://www.berkshirewomensaid.org.uk) | 0118 950 4003

**Bullying UK:** 0808 800 2222 <https://www.bullying.co.uk/>

**Ditchthelabel.org** : international anti-bullying charity. <https://www.ditchthelabel.org/>

**Support U** Thames Valley LGBTQIA+ charity running support groups in Berkshire area for the LGBTQIA+ community

At Support U, we believe that everyone deserves to be treated with respect and dignity, regardless of their sexual orientation or gender identity.

<https://www.supportu.org.uk/> | 0118 321 9111

**CAMHS:** 01635 295555 [www.cypf.berkshirehealthcare.nhs.uk](http://www.cypf.berkshirehealthcare.nhs.uk) Mental Health Support.

**Time2Talk Counselling:** 01635 [0331office@t2twb.org](mailto:0331office@t2twb.org) Newbury/Thatcham/Hungerford)

**Talking Therapies Counselling:** 0300 365 2000 [www.talkingtherapies.berkshire.nhs.uk](http://www.talkingtherapies.berkshire.nhs.uk) **YPI**  
**Counselling:** 01256-423-878 [office@ypicounselling.co.uk](mailto:office@ypicounselling.co.uk) (Basingstoke)  
**NO5 Counselling:** 0118 901 5668 no5.org.uk (Reading)