

UNIVERSITY CENTRE SOMERSET

HIGHER EDUCATION

SEXUAL HARASSMENT AND MISCONDUCT POLICY

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1. POLICY STATEMENT

This policy provides a framework to provide guidance on, and respond to incidents of, harassment and/or sexual misconduct involving students. University Centre Somerset (UCS) aims to protect students from any form of harassment or sexual misconduct and to respond effectively to such incidents through clear, fair procedures and adequate support. Ensuring a safe and respectful environment for all.

2. SCOPE

UCS is committed to providing a learning environment free from sexual harassment and where everyone is treated, and treats others, with dignity and respect.

The content of this policy details the processes that UCS students should follow to report a potential sexual harassment or misconduct incident, whether it involved them directly or not.

This policy applies to all Higher Education provision and covers UCS Students enrolled on a UCS programme, validated by UCS or not, and provides guidance on the prevention and reporting of sexual harassment and misconduct incidents between UCS students and others. Including, but not limited to, Bridgwater & Taunton College (BTC) students, UCS and BTC staff, visitors, contractors, and third parties.

UCS staff should refer to the college's Preventing Sexual Harassment Policy should they feel the need to escalate their concerns.

The aim of this policy is to

- Detail the standards of behaviour expected by UCS students,
- Detail the process for reporting an incident of sexual harassment or misconduct, and
- Explain the response that a reporting student should expect from UCS and BTC.

3. KEY PRINCIPLES

Sexual harassment is unlawful, and UCS will not tolerate it. This policy provides details and information on:

- The recognised definitions of sexual harassment and misconduct,
- Responsibilities of individuals and the institution,
- Procedures for reporting a suspected incident of sexual harassment or misconduct, and
- The procedures the institution will take to respond to a report of a suspected incident.

All reports of suspected incidents of sexual harassment or misconduct, irrespective of where it took place, will be reviewed and responded to. UCS is committed to treating all allegations of sexual harassment seriously and ensure all concerns are investigated thoroughly, confidentially and without unreasonable delay. Whilst ensuring all parties are treated sensitively and students do not fear victimisation for making, or being witness of, a complaint.

Examples of non-UCS locations, but UCS settings, that an incident could occur at include, but are not limited to:

- in a remote learning/studying situation such as attending a class online.
- on social media or other platforms and involves a UCS student or any other person connected to UCS.
- during any situation related to a student's studies such as conferences, awards ceremonies and social events

Upon the completion of an investigation into a reported suspect incident, reports of sexual harassment or misconduct may be reported to the police if it is believed a criminal offence has occurred. The outcomes of any report will also be reviewed against the 'Positive Behaviour Policy and Behaviour Management Procedure (All Learners)' for possible disciplinary action within the institution.

4. DEFINITION

The Office for Students (OfS), as the regulator for Higher Education in England, defines sexual misconduct as all unwanted conduct of a sexual nature and states that students may be subjected to sexual misconduct or harassment from other students, staff, or visitors to educational settings.

The perpetrator may be a stranger, or someone they are acquainted with or know (including a former or current intimate partner). The misconduct can occur through any medium (including online) and in any setting relating to the student experience.

Anyone can be subject to sexual harassment, misconduct. Unwanted conduct can be experienced from someone of the same or a different sex. Sexual harassment also includes treating someone less favourably because they have submitted or refused to submit to unwanted conduct of a sexual nature in the past. Sexual misconduct allegations can include use of misogynistic language, harassment (in person or by social media), unwanted sexual touching and rape.

Examples of key terms related to sexual harassment and misconduct, and examples of sexual harassment and misconduct, are available in Appendix A.

5. RESPONSIBILITIES

The responsibility of preventing and reporting incidents of sexual harassment and misconduct sits with every member of the institution. It is therefore expected that every student, staff member, visitor, and third party with a relationship to BTC and UCS, will promote a safe and inclusive environment for all. Should an incident occur, it is the responsibility of the institution to support the affected individuals and ensure a thorough investigation is carried out. With suitable actions being taken as a result. Including disciplinary action and reporting to the Police if required.

Institutional Responsibilities:

As a registered higher educational provider, UCS has the legal responsibility to ensure compliance with the Office for Students (OfS) Condition of On-Going Registration (E6) which focuses on Sexual Harassment and Misconduct. Failure to do so may result in intervention or action from the OfS. Therefore, UCS will ensure compliance with the broader compliance of the institution, as well as the responsibilities of UCS students and staff, with the requirements of the condition.

UCS will maintain this policy, ensure it is accessible, and regularly review its effectiveness. UCS also commits to appropriately training staff in managing and responding to these cases so that an effective and supportive response can be provided upon receipt of a report.

UCS will ensure that all students are provided with appropriate training regarding sexual harassment and misconduct at suitable times throughout their programme of study.

UCS Students

Although all UCS and BTC students are responsible for ensuring a safe and inclusive environment is maintained, this policy focuses on the conduct of UCS Students specifically. All BTC students will be managed through the 'Positive Behaviour Policy and Behaviour Management Procedure (All Learners)'. Whereas UCS students will come under both the 'Positive Behaviour Policy and Behaviour Management Procedure (All Learners)' and this Sexual Harassment and Misconduct Policy.

Students are responsible for upholding the respectful environment that UCS strives to create, ensuring that all individuals within the institution feel safe throughout their time with UCS. Should any student not feel comfortable and safe, they should inform a member of staff at the first possible opportunity.

Where knowledge of a potential (not yet happened) or suspected incident of sexual harassment or misconduct occurs, students are encouraged to use the reporting facility to submit a report of an incident (See section 6).

Where a student is believed to be immediately in harms way, those that can are to call 999 and contact the Police in the first instance. Following this up with a report to UCS once harm has been removed.

If any student has a previous, or current, relationship with a member of UCS or BTC staff, they must declare this at the first possible opportunity. Doing so allows UCS to perform a risk assessment around the individuals. This allows for mitigations to be put in place where there is a potential for an in-balance of power. Ensuring that an abuse of power situation is avoided as much as possible, as well as reducing conflicts of interest.

It is expected that, in most cases, individuals with a pre-existing relationship will have minimal impact on each other's role and position within the institution. In which case a note will be made and mitigations checked. Where potential conflicts of interest and potential abuse of power may occur, stronger mitigations will be reviewed and implemented.

As part of a student Induction, or re-introduction, to their course, UCS students will receive training on sexual harassment and misconduct from suitably trained individuals. This training will, initially, be delivered once per academic year, but may be repeated as deemed necessary. This training will cover a selection of topics, including (but not limited to) consent, bystander intervention, and reporting on UCS systems.

Staff Responsibilities

UCS and BTC Staff are responsible for supporting the provision of a safe and inclusive environment for UCS students, as well as other staff, visitors and third parties. As part of this, staff should conduct regular 1:1s and 'check-ins' with students under their tutelage; whether as a lecturer, module or programme leader.

All UCS delivery and support staff are expected to conduct themselves in alignment with the college's Professional Boundaries policy/guidance.

Any staff member that becomes aware of a potential (not yet happened) or a suspected incident of sexual harassment or misconduct is to contact the Safeguarding Team and provide information which they hold and/or ensure this is reported via the 'My Concern' platform.

If a staff member believes that a student is at immediate risk of harm, then they should call 999 and ask for the Police in the first instance. Following this up with a report to the Safeguarding team with details.

All staff engaged with UCS delivery or support are to complete mandatory training on the responsibilities of the institution and its employees on Sexual Harassment and Misconduct as requested and as part of the 'baseline' mandatory training for staff. Where required, additional training will be provided by relevant teams within UCS and BTC. These additional trainings may also be mandatory, and it is therefore an expectation that all staff will complete this training.

If any UCS staff member has a previous, or current, relationship with a UCS student, they must declare this at the first possible opportunity. Doing so allows UCS to perform a risk assessment around the individuals. This allows for mitigations to be put in place where there is a potential for an in-balance of power. Ensuring that an abuse of power situation is avoided as much as possible, as well as reducing conflicts of interest.

6. PROCEDURES FOR REPORTING INCIDENTS

UCS has set procedures to support students with clarity for seeking support around, or reporting an incident of, sexual harassment and misconduct. UCS will review these processes each year to ensure it remains supportive and meets the needs of students using them.

How to Report:

The UCS reporting process for sexual harassment and misconduct incidents is designed to be easy to access on and off campus. The reporting system does not require users to be logged in to UCS systems, and is accessible to UCS students, staff, visitors, third parties, and the public. Allowing those that need to report an incident, to do so.

Reports can be submitted anonymously, or with the reporter's details, using the form at <https://forms.office.com/e/M5T3qpiKEq>. Individuals making reports anonymously will not be able to receive updates due to no contact information being shared. Where possible, those making reports with contact details will be contacted by the Safeguarding Team upon receipt of the report. The reporting form can also be located on the UCS website (accessible 24/7) and through QR codes situated on posters located in HE spaces across a college campus.

Submitted reports will be viewed at the next possible opportunity, during working hours for the College (0830 hrs to 1700 hrs Monday to Friday, and 0830 hrs to 1630 hrs on Fridays). Outside of these times, and should an individual be at risk of harm, the reporter is to call 999 and ask for the police to submit a report in the first and immediate instance.

Incidents can also be reported in person by contacting requesting the Duty Manager through Reception at each campus. Details of reporting and seeking support are also available through posters around each campus. Including details of the Safeguarding Team.

When an incident is reported, the more detail that can be provided will assist the Safeguarding Team in their response. The reporting form is designed to be easy to use and not overly prescriptive. If possible, the reporting individual should include the following details:

- Nature of the sexual harassment
- By whom
- When [date(s) and time(s)]
- Where
- Witnesses
- Any action that has been taken to attempt to stop the harassment from occurring
- Any other relevant information.

Confidentiality:

All received reports will be handled with extreme consideration for data protection and confidentiality, as detailed within the 'UCS HE Safeguarding Policy' or 'Safeguarding and Child Protection Policy and Procedure', whichever is relevant.

8. INVESTIGATION PROCESS

Investigations in to reported incidents of sexual harassment or misconduct will be conducted by the Safeguarding Team, following the processes set out in the 'UCS HE Safeguarding Policy' or 'Safeguarding and Child Protection Policy and Procedure', whichever is relevant.

8. SUPPORT PROVISIONS

UCS has support systems and tools available for alleged perpetrators, victims, witnesses, and others affected by an incident of sexual harassment or misconduct. These are accessible through various routes, including (but not limited to) Course Leaders, Safeguarding and Wellbeing Teams, UCS Central Team, and the UCS Student Engagement Officer.

Available support includes

- Personal and emotional support through counselling services.
- Academic support, such as accommodations for attendance or assessments if needed.
- Resources and guidance for both the affected party and alleged perpetrators during the investigation process.

Alongside promoting in-house support services, UCS actively promotes external support services and platforms. These include, but are not limited to:

- **SARSAS (Somerset and Avon Rape and Sexual Abuse Support)** provide information on the different types of sexual violence including domestic abuse.
- **Rape Crisis** offers support around experiences of sexual harassment.
- **The Bridge Avon and Somerset Sexual Assault Referral Centre (SARC)** provides crisis intervention and support to help collect evidence that sexual abuse has occurred. It has a 24-hour phone line and a separate friends and family service. 0117 342 6999
- **Safelink** provides independent sexual violence advisors. This includes advocacy and support when reporting to the police and going to court.
- **Sexual Violence Services Pathway** for more information about sexual violence services available in the Southwest.
- **The National Stalking Helpline** has information and advice.
- **Revenge Porn Helpline** provides practical help with removing online content and advice about reporting revenge porn.
- **Right to Be** is a movement to end harassment in public spaces powered by local activists.
- **Victim Support** has sexual harassment guidance and support. You can call their free support line on 08 08 16 89 111 or get email support.

10. FREEDOM OF SPEECH CONSIDERATIONS

In alignment with freedom of speech principles, UCS will ensure that its response to harassment and misconduct respects lawful free speech. However, any conduct that qualifies as harassment or misconduct under relevant policies will be addressed in accordance with this policy.

11. MONITORING AND EVALUATION

UCS will regularly review and update this policy to ensure alignment with best practices and legal standards. Data on incidents and responses will be used for evaluation and continuous improvement of our processes.

This policy is designed to create a comprehensive, supportive framework that balances the need for a safe educational environment with the rights of all parties involved.

Appendix A

Key Terms related to sexual harassment and misconduct

- A) 'Abuse of power'** means a situation where a relevant UCS staff member exploits a position of power in relation to a student to apply pressure in a way which:
- i. may result in the student doing something, or refraining from doing something, that they may not have otherwise done; and
 - ii. that action or inaction could reasonably result in something that falls within the scope of an intimate personal relationship.
- B) 'Harassment'** has the meaning given in section 26 of the Equality Act 2010 and section 1 of the Protection from Harassment Act 1997 (in its entirety, and as interpreted by section 7 of the Act).
- C) 'Intimate personal relationship'** means a relationship that involves one or more of the following elements:
- i. physical intimacy including isolated or repeated sexual activity; or
 - ii. romantic or emotional intimacy.
- D) 'Sexual misconduct'** means any unwanted or attempted unwanted conduct of a sexual nature and includes, but is not limited to:
- i. sexual harassment.
 - ii. sexual assault.
 - iii. rape.
- E) 'Incident'** includes, but is not limited to, circumstances where:
- i. allegations or complaints are made to UCS about harassment and/or sexual misconduct; and
 - ii. UCS could reasonably be considered to have grounds for suspecting that harassment and/or sexual misconduct has taken place or is taking place.
 - iii. can include instances where a formal complaint is not made or where there is insufficient evidence to progress to disciplinary proceedings
 - iv. All information received in relation to incidents of harassment and/or sexual misconduct will be stored securely and in line with GDPR. Students should be aware that information disclosed may be used during disciplinary processes for staff and students.

Examples of Sexual Harassment and misconduct

A range of behaviours recognised to be conduct of a sexual nature are listed below. This list is not exhaustive, and sexual harassment covers a broad spectrum of behaviour. This list is intended to give a clear impression of the types of behaviour that UCS considers to be unacceptable.

Examples of unacceptable behaviour include, but are not limited to:

- Sexual comments or jokes
- Suggestive looks, staring or leering
- Sending or display of sexually graphic pictures, posters, or photos (including emails, text messages, video clips and images sent by mobile phone or posted on the internet)

- Unwelcome sexual advances or suggestive behaviour
- Making promises in return for sexual favours
- Sexual gestures
- Intrusive questions about a person's private or sex life or a person discussing their own sex life
- Sexual posts or contact on social media
- Spreading sexual rumours about a person
- Sending sexually explicit emails or text messages
- Unwanted physical conduct including touching, hugging, massaging, or kissing
- Abuse of power (e.g. staff harassment of a student)
- Continued unwanted conduct or suggestions for sexual activity after it has been made clear that such conduct or suggestions are unwelcome
- Banter of a sexual nature

A person may be sexually harassed even if they were not the intended target. For example, a person may be sexually harassed by pornographic images displayed on another student's computer/phone or by overhearing another student boasting about their sexual conquests.

A person may experience sexual harassment because of conduct of a sexual nature that they find unwanted, even if it was not intended to have that effect by the person doing it. For example, whilst a joke may have been intended to be inoffensive, it may be offensive to the recipient and if it is of a sexual nature, this may amount to sexual harassment.