

POLICY/PROCEDURE: STUDENT HARASSMENT AND SEXUAL MISCONDUCT POLICY

Approval required by:	Executive	Y	Governing Body	N
Senior Lead:	Vice Principal Students			
Responsible Manager:	Head of Safeguarding			
Date approved:	July 2025			
Date to be reviewed:	July 2026			

Significant changes to policy

New policy covering the requirements of the new Office for Students Condition of Registration E6 (Harassment and Sexual Misconduct).

Impact of changes

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SCOPE AND PURPOSE

This policy outlines Barnsley College's commitment to responding to incidents of sexual misconduct, harassment, bullying and discrimination within our community.

This policy applies to allegations of bullying, harassment and sexual misconduct involving HE students at the college.

This Policy aims to:

- Create a clear and fair process to prevent, report, and address sexual harassment and misconduct.
- Raise awareness of sexual misconduct, harassment, bullying and discrimination to promote a fully inclusive culture to enable issues to be tackled appropriately if they occur.
- Improve understanding across our HE community and to provide a supportive culture which encourages disclosure of incidents.
- Ensure that all parties are treated with dignity and respect and provided with access to support.

Barnsley College will take appropriate steps to deal with behaviour that results in a breach of this policy.

This policy is a sub-policy of our Safeguarding policy.

BACKGROUND TERMINOLOGY

Harassment (as defined by Section 26 of the Equality Act 2010), includes unwanted behaviour or conduct which has the purpose or effect of violating a person's dignity or creating an intimidating, hostile, 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

In line with the Office for Students definition, at the College we understand harassment to include domestic violence and abuse (which can also involve control, coercion and threats) and stalking.

We 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.

Sexual misconduct: relates to all unwanted conduct of a sexual nature. This includes, but is not limited to:

- Sexual harassment (as defined by Section 26 (2) of the Equality Act 2010)
- 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)
- Physical unwanted sexual advances
- Intimidation, or promising resources or benefits in return for sexual favours
- Distributing private and personal explicit images or video footage of an individual without their consent

Office for Students definitions include harassment and sexual misconduct through any medium, including online activity.

Unacceptable Behaviours

Bullying, harassment and sexual misconduct are unacceptable and, if found, disciplinary action may follow, up to and including expulsion. These behaviours can take a wide variety of forms. Unacceptable behaviours may occur in person, online, via electronic means (including social media) and may take place on or off campus (including overseas), and in or out of working hours.

Appendix 1 contains non-exhaustive examples of behaviours that may be considered unacceptable and contrary to this policy.

REPORTING AND MONITORING OF CONCERNS

Reporting unacceptable behaviour

Allegations of unacceptable behaviour should always be taken seriously. Action should be taken to stop any inappropriate behaviour identified as quickly as possible, and consideration should be given to the use of disciplinary processes where necessary.

All college staff have access to our safeguarding system (CPOMS) and this should be used to record and report all disclosures to the safeguarding team. Students are also able to self-refer to

the safeguarding and welfare team, contact details are available on posters displayed throughout our college sites and on our designated HE Student Safety webpage (insert link).

Informal Resolution

A person affected by alleged bullying, harassment or sexual misconduct may wish to explore informal resolution in the first instance. This could include speaking directly to the person responsible for the unwanted behaviour, if the person affected prefers this approach and feels it is safe to do so, or requesting mediation.

Students can seek advice on informally resolving issues of bullying, harassment and sexual misconduct from:

- Their personal tutor
- Their Pathway Leader
- Student Support and Wellbeing

Formal Complaints:

Students who feel they have experienced or witnessed bullying, harassment or sexual misconduct by another student or member of staff may make a formal report to the Student Services Team . This process may also be initiated through HE Student Safety Webpage.

All complaints should be made in writing and should set out full details of the conduct in question, including references to specific details such as dates, times, and potential witnesses where possible.

All reports of bullying, harassment or sexual misconduct will be investigated fairly and impartially under the relevant procedure. This includes providing both the Reporting Party and the Reported Parties the opportunity to present their accounts and any supporting evidence. During any investigation consideration will be given to whether any interim measures are required to protect the interests of all parties.

Confidentiality is important in dealing with cases of alleged unacceptable behaviour. The Reporting Party, the Reported Party and senior staff handling the report should only divulge information to relevant people on a 'need-to-know' basis to ensure the safety and wellbeing of the individuals involved.

If a complaint is found to be false, misleading or in bad faith, action may be taken in accordance with the Student Behaviour Support Policy. However, the fact that a complaint is not upheld of itself is not an indicator of any wrongdoing on the part of the Reporting Party.

Outcome of a formal complaint

Once a formal complaint has been investigated and, if appropriate, action has been taken under the College disciplinary procedures, the reporting party will be told whether their complaint has been upheld or not, and whether the Reported Party has been expelled. The Reporting Party will also be informed of the reason/s for the decision.

If the complaint is not upheld or the Reported Party is not expelled, there may be limits to the information that can be shared with the Reporting Party. The level of information that can be shared with a Reporting Party will need to be carefully considered on a case-by-case basis.

The College will balance the need to provide information to a Reporting Party related to the outcome of their complaint, with the need to maintain confidentiality around disciplinary

processes and its obligations to students under GDPR. The Reporting Party will be asked to respect confidentiality with regards to the outcome.

Whether or not a complaint is upheld, it may be useful to refer to mediation to help repair the ongoing relationship between the Reporting Party and the Reported Party.

Reporting Channels

Any member of the College community 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.

The following reporting channels should be used for reporting incidents of sexual harassment:

- Incidents relating to students only (not involving staff) should be reported to The Designated Safeguarding Lead. Complaints will normally be progressed through the College's Safeguarding Policy.
- Incidents which involve both staff and students should be reported to the Designated Safeguarding Lead and HR. Complaints will normally be progressed through the College's Safeguarding Policy and Disciplinary Procedure.

Training and information

Specific training will be provided to all staff via CPD events and induction. Specialist training has also been provided to the safeguarding team and a team champion is in place who will lead on this area of safeguarding. Tutorial and induction materials ensure that all students are aware of their right, how to report concerns and what the process of support will be.

Support Available

Barnsley College is committed to providing support for members of its community affected by bullying, harassment and sexual misconduct.

EQUALITY AND DIVERSITY

An EqIA is available for this policy.

LINKED POLICIES AND PROCEDURES

Safeguarding Policy and Procedure
Statement on Freedom of Speech Policy and Procedure
Behaviour, Support and Disciplinary Policy and Procedure
Staff Code of Conduct
Single Equity Scheme
Complaints Policy and Procedure

LOCATION AND ACCESS TO THIS POLICY

This policy is available on the college's website.