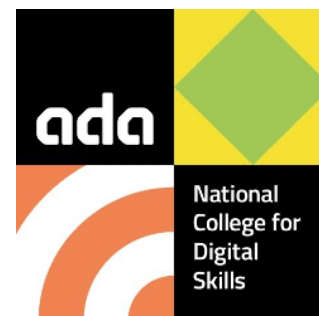


Sexual Harassment and Misconduct Policy



Version	Purpose/Changes	Author	Date
1	Drafted following ELT review of all College policies and in response to change in OU requirements	Mark Smith	Oct. '21
2			
3			

Date Approved:	13th Dec. 2021
Approved By:	Board
Executive Lead:	Mark Smith
Document Owner:	Dee De Bellotte
Review due:	August 2023

Context:

The following Harassment and Sexual Misconduct Policy is intended as a standalone document that is referenced by the College's Safeguarding and Prevent Policy and Health and Safety Policy. It is approved by the College's Board of Governors, via its Education Committee, and made public on the College's website.

Ada, National College for Digital Skills has an up-to-date Safeguarding and Prevent Policy that covers all learners and staff who study at the College regardless of age. This policy will sit alongside that and all staff will be asked to read it during their induction and re-read once a year and complete a signed declaration form to say they have read and understood the policy and its expectations of them as employees of Ada, National College for Digital Skills.

In addition, all staff are required to undertake training during their induction to ensure they are aware of basic Safeguarding and Prevent requirements and then complete annual refresher training to

ensure they remain cognisant of the risks and issues in dealing with and supporting our students. An explicit section around keeping learners safe from sexual harassment and misconduct will be included in this training. We have designated safeguarding leads for both our students and our apprentices who produce regular written summaries of any safeguarding and prevent issues that are presented to College leaders and the Board of Governors regularly throughout the academic year. The College also has a designated safeguarding governor. Any incidents relating to sexual harassment and misconduct involving either learners or staff members will be included in this.

The College also has a range of other policies that relate to staff and learners – e.g. social media usage policy, staff code of conduct, equity, diversity and inclusion policy, student handbooks and relevant learner disciplinary policies.

The College recognises that, that it needs to define more explicitly its expectations regarding staff and learner conduct in relation to sexual harassment, misconduct and violence.

Policy Statement:

Sexual Harassment, Sexual Misconduct and Sexual Violence Policy

Ada, the National College for Digital Skills is committed to ensuring a working and learning environment free from sexual harassment, sexual misconduct and sexual violence so all members of the College community can enjoy the right to study, live, work and be respected for the contribution they make.

Sexual misconduct and violence can be experienced by any individual, regardless of sex, gender, sexual orientation, relationship status, age, disability, faith, ethnicity, nationality and economic status. Women, members of the LGBTQ+ community, and individuals with disabilities are disproportionately affected by experiences of sexual violence. Experiences of sexual misconduct and violence may also intersect with other forms of harassment and discrimination. The College will listen to and take seriously all disclosures of sexual harassment and sexual misconduct.

Disciplinary action will be taken against learners or staff members if allegations of sexual harassment or misconduct are upheld following a formal complaint and subsequent investigation.

- **Scope:**

This policy applies to all staff, students, contractors and relates to sexual harassment or misconduct perpetrated by:

- a student against a student or a member of staff;

- a member of staff against a student or a member of staff;
- a student or staff member against a third party

It applies to sexual misconduct that may take place outside of the College premises or hours, e.g. social events, trips abroad or on social media.

Sexual misconduct is not necessarily confined to the behaviour of senior staff towards more junior staff or staff towards students. It can take place between persons at the same level or involve staff or students behaving inappropriately towards more senior members of the College.

- Definitions:

For the purposes of this Policy, the following definitions apply:

Sexual Misconduct is an umbrella term and can include harassment and bullying.

Harassment is unwelcome behaviour that violates an individual's dignity and/or creates an intimidating, hostile, degrading, humiliating or offensive environment. Harassment may be physical, written, verbal, non-verbal, online or via social media. It can be intentional or unintentional.

Bullying is offensive, intimidating, malicious or insulting behaviour, which may include abuse or misuse of power, through means that threaten, undermine, humiliate, denigrate, take advantage of, or injure the recipient. Causing offence may be a deliberate act or it may not be. It is the impact on the individual which is the key consideration.

Unlike bullying, harassment is legally defined in the UK and included as a form of discrimination in the Equality Act (2010).

Sexual Misconduct is any act of violence or harassment which is sexual in nature or any kind of unwanted, non-consensual sexual touching or harassment within or outside a relationship. This may include rape, sexual assault, sexual exploitation or groping. It also covers behaviours such as grooming, coercion, the promise of a reward for sexual access and sexual demands or threats. It often arises where there is an imbalance of power in a relationship and it violates the principle that the parties involved have given willing consent to the behaviour.

Harassment, bullying and sexual misconduct might be a series of different behaviours, repeated forms of the same unwanted behaviour or a one-off incident.

The following non-exhaustive list gives examples of behaviour that may also constitute harassment or bullying:

- offensive or inappropriate comments, body language, jokes, innuendos or gestures
- openly hostile, insulting, abusive or embarrassing comments or criticism
- persistently demeaning, ridiculing, excluding or isolating someone
- threats to disclose, or disclosing, private or personal information, including photographs
- comments, notes, publications or posts on social media that are derisory, disparaging, abusive, offensive or intimidating
- knowingly addressing or referring to someone using a pronoun (for example, he or she) with which an individual does not identify

Examples of sexual misconduct include:

- sexually explicit remarks, innuendos or banter
- sexual insults, jokes, teasing or songs
- wolf-whistling, cat-calling or making other offensive sexual noises
- offensive comments about someone's dress, appearance or private life, including their sexuality or gender identity
- unwanted or inappropriate physical contact including touching, pinching, groping or smacking
- unwanted requests to engage in or discuss sexual activity
- lifting or removing clothing without consent (including upskirting)
- display or distribution of sexually explicit material
- stalking

Stalking is the persistent and unwanted conduct of one or more kinds of behaviours described above. It can be physical or psychological and take place directly against a person, or by approaching a third party about a person. The more common examples of stalking are following a person home, following a person around, between or to/from campus, sending or leaving them unwanted and repeated messages, bullying them on social media or making intrusive or unwanted visits.

- Related policies:
 - Staff Code of Conduct
 - Social Media Policy
 - Staff Disciplinary Policy
 - 6th form Student Behaviour and Disciplinary Policy
 - Apprentice Handbook (inc. apprentice disciplinary procedures)