

HE Sexual Harassment and Misconduct Policy

Audience:	X College (HE)
Requirement:	ESSENTIAL
Policy Owner:	Executive Director Business & Civic Partnerships
Review Delegation:	Curriculum & Quality Committee
Review Cycle:	Every 2 years
Last Review:	June 2025
Due for Review:	June 2027

1. STATEMENT OF PRINCIPLES

1.1. The South Hampshire College Group (SHCG) is committed to creating a learning environment that is free from sexual harassment and misconduct and commits to a zero-tolerance threshold for matters pertaining to sexual harassment. We recognise that sexual harassment can occur both inside and outside of college premises, for example at college related events, social functions or online.

1.2. We recognise the significant impact that sexual harassment and misconduct can have on individuals, their friends, family and peers, and the community. We acknowledge the potential harmful effects on both studies and employment, regardless of when or where the experience occurred.

1.3. We will promote a culture in which any incident of sexual misconduct will not be tolerated, will be actively challenged and in which anyone affected feels safe and supported in reporting any incident.

1.4. All disclosures of sexual misconduct will be treated confidentially and with sensitivity.

1.5 We will actively respond to all reports of sexual misconduct and will respect the rights of the individual disclosing an incident to choose how to take the matter forward.

1.6 We believe that no person should suffer the effects of sexual misconduct alone, and will ensure that there is support for all individuals involved.

1.7. All SHCG staff and students will be made aware of this policy and supporting policies and procedures. Staff involved in the delivery of our HE courses will be required to complete annual training appropriate to their role, in line with the OfS Condition of Registration. Students on our HE courses will also be provided annual training in relation to this policy and supporting procedures.

1.8. We will endeavour to work with local partners and organisations to support our work in this area. In working with external experts, we seek to continuously improve our policies and practices according to sector guidance and our own experiences of cases.

2. SCOPE AND LEGISLATION

2.1 This policy applies to all employees, students, officers, consultants, self-employed contractors, casual workers, agency workers, apprentices, volunteers and interns who are connected with HE provision at South Hampshire College Group. Our obligations and duties under this policy also extend to job applicants.

2.2 This policy should be read in conjunction with the following policies and procedures:

- SHCG Prevention of Sexual Harassment Policy
- SHCG Safeguarding Policy
- SHCG Student Behaviour Policy
- SHCG Disciplinary Policy.

2.3. This policy has been produced in accordance with the Office for Students condition of registration E6.

2.4. The process to follow if you feel you have been a victim of sexual misconduct is outlined in appendix 1 of this document.

3. RESPONSIBILITIES

3.1. South Hampshire College Group recognises that safeguarding is the responsibility of everyone within the organisation and, as such, this policy applies to all staff, governors, visitors, volunteers and subcontractors working with the SHCG. It also applies to all students, including part-time, full-time, HE, apprentices, students who study online or at any provider within our subcontracting network and those on work placement. Staff and students are reminded of their duty to report any incident that gives rise to a safeguarding concern to the Designated Safeguarding Lead (DSL) or Deputy Designated Safeguarding Lead (DDSL) at their campus.

3.2. The Executive Director for Business & Civic Partnerships holds overall responsibility for this policy.

3.3. If a member of the SHCG community is a survivor of sexual misconduct, the college group will take all reasonable steps to ensure their physical safety and facilitate their access to appropriate specialist support. We will show regard to their feelings and respect their decisions. We actively encourage and support individuals affected to come forward, to disclose with confidence and seek help.

3.4. We will manage expectations and possible outcomes for all parties involved in sexual misconduct cases.

3.5. We will ensure all students who've experienced sexual misconduct have equitable access and support to both external and internal support services.

3.6. We will ensure there is a set procedure for handling sexual misconduct cases for staff and students.

4. WHAT IS SEXUAL HARRASSMENT AND MISCONDUCT?

4.1. Sexual harassment is defined as unwanted behaviour or comments of a sexual nature which violate the individual's dignity or create an intimidating, hostile, degrading, humiliating or offensive environment. South Hampshire College Group is committed to taking reasonable steps to prevent sexual harassment in all forms. A legal definition of sexual harassment can be found in Section 26 (2) of the Equality Act 2010.

4.2. It should be noted that sexual harassment can be deemed as such even if the effects mentioned above were not intended.

4.3. For the purposes of this policy, sexual misconduct is defined as any unwanted conduct of a sexual nature. This includes, but is not limited to:

- Unwanted behaviour that creates an environment where a person feels intimidated, threatened, degraded, humiliated, or offended. This can include, but is not limited to:
 - Inappropriate or unwelcome touching, groping, or physical contact
 - Sexually suggestive comments, jokes, or innuendos
 - Displaying or circulating sexually explicit materials
 - Persistent, unwanted sexual attention or propositions
 - Sexual gestures or leering
 - Intimidation, or promising resources or benefits in return for sexual favours
 - Using or attempting to use facilities designated for the opposite sex
- Sexual assault (as defined by the Sexual Offences Act 2003)
- Rape (as defined by the Sexual Offences Act 2003)
- Distributing (or threatening to distribute) private and personal explicit images or video footage of an individual without their consent (as defined by the Criminal Justice and Courts Act 2015)

4.4. Sexual misconduct can occur:

- In person, by letter, telephone, text, email or other electronic means and/or online.
- Between individuals of any sex or sexual orientation
- By someone known to the victim or by a stranger
- In any location, on or off campus.

5. CONSENT

5.1. Consent 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, and to do so before engaging in intimate conduct.

5.2. Consent is defined as where a person has the freedom and capacity to make the choice whether or not to agree to the sexual activity free from any pressure. This can be considered in two stages:

1. Whether a person 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 an individual is intoxicated by alcohol or affected by drugs.

5.3. Assuming that the person had both the freedom and capacity to consent, the crucial question is whether they agreed to the activity by choice. Consent can be withdrawn at any point.

5.4. 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.

6. STAFF–STUDENT RELATIONSHIPS

6.1. South Hampshire College Group prohibits intimate or close personal relationships between staff and students except in exceptional circumstances explained in 7.6 below.

6.2. For the purposes of this policy, an **intimate or close personal relationship** will be one that involves:
a) physical intimacy, including isolated or repeated sexual activity and/or
b) romantic or emotional intimacy

6.3. The prohibition of intimate relationships in 7.1 should not prevent a member of staff engaging compassionately and considerately with a student on a professional basis but staff should be mindful of maintaining appropriate boundaries at all times. Intimate personal relationships between staff and students are likely to increase the potential for abuse of power and conflicts of interest which may lead to students suffering detrimental treatment or give rise to the suspicion of favourable treatment.

6.4. Where staff become enrolled as students during their employment at the group, they will be defined for the purposes of this policy as an employee. In cases where a student undertakes casual employment or volunteers alongside their studies, they will still be classified as a student under this policy.

6.5. Any action taken against students in respect of this policy will take into account the impact of an imbalance of power between staff and student.

6.6 SHCG acknowledges that students in our Higher Education programmes are adults. In certain circumstances, intimate personal relationships between staff and students may be acceptable where these preexisted the enrolment of the student and/or the employment of the staff member. Staff must declare any such relationship to the college through a member of the People and Culture team who will complete a risk assessment. Risk assessments, and actions arising from them, should be completed with reference to the SHCG Conflict of Interest Policy. Any working arrangements put in place should ensure that potential conflicts of interest and power imbalances that could arise from the relationship are avoided.

6.7. Although students in our HE provision will in almost all circumstances be over 18 years of age, the majority of students on our campuses are aged between 16 and 19. Staff are reminded that intimate personal relationships between staff and students under the age of 18 are strictly forbidden in all circumstances and are likely to constitute gross misconduct on the part of the member of staff involved. Staff involved in a sexual relationship with a student below the age of 18 will be committing a criminal offence.

6.8. Any breach of this policy by a staff member will be treated as a serious disciplinary matter and may result in sanctions up to and including dismissal.

7. REPORTING AND DISCLOSURE

7.1. SHCG will provide easy to understand information for all students and staff on how they can report, disclose or seek support and advice if they experience or witness any incident of sexual misconduct. This will include information on anonymous reporting and third-party reporting options.

7.2. All HE students will be informed of this policy and associated procedures during their induction and details will be available at all times on both the SHCG website and on the HE Students Canvas page. Individual course pages/sites on Canvas or other platforms will also be required to provide links to this policy and include reference to it in course handbooks. Staff will be informed through annual staff induction sessions.

7.3. Anyone who feels they are the victim of sexual harassment or misconduct should make a written record of the details of the incident(s) as soon afterwards as possible. For example:

- The dates, times and places where the incident(s) occurred.
- The names of the people involved, including any witnesses
- A description of what took place
- How the person felt at the time.
- Action taken at the time or since.
- Whether the incident was reported to a staff member

7.4. . If you are not certain whether an incident or series of incidents amounts to sexual harassment, you could initially speak to your course tutor or another trusted member of staff informally for advice. That member of staff should refer you to the DSL or DDSL for further advice at the earliest opportunity.

7.5. Informal Process. If you are being sexually harassed, you may feel able to address the issue informally without the need for a formal process. You should explain clearly to the person you feel is harassing you that their behaviour is not welcome and/or makes you uncomfortable. If you do not feel able to raise your concerns directly with the person responsible, you may wish to speak to your course tutor, another trusted member of staff or friend who can provide confidential advice and assistance in resolving the issue informally. If you feel unable to speak to your course tutor because the complaint concerns them, you should speak to another trusted member of staff or a member of the student support team.

7.6. If you have attempted to resolve the matter informally and this has not been successful in ending the harassment/misconduct, you may make a report to initiate a formal process to address your complaint. It should be emphasised that you do not need to have attempted to resolve the matter through an informal approach to initiate a formal process.

7.7. Anyone wishing to make a formal report an incident of sexual misconduct or harassment can use the following process.

- By speaking with a trusted member of staff such as a course tutor. Where the complaint involves the course tutor, students may wish to make a report through the Curriculum Area Manager or Curriculum Director for the area or by speaking with a member of the student support team in person. Any member of staff receiving a disclosure relating to sexual harassment or misconduct should inform the safeguarding team at the earliest opportunity for further advice and guidance.
- By submitting a report via the safeguarding enquiry form on the [student support section](#) of the SHCG website. Anyone making a report via this route will be contacted by a member of the safeguarding team and offered support to progress their complaint further.
- You can report an incident of sexual harassment or misconduct directly to the safeguarding team by email.
 - Safe.FC@shcg.ac.uk for reports related to the Fareham, CEMAST or CTEC campuses.
 - Safeguarding.CCS@shcg.ac.uk for reports related to the Southampton campus.
 - Safeguarding.EC@shcg.ac.uk for reports related to the Eastleigh campus.
- For urgent safeguarding concerns during college hours, you can also contact the safeguarding team by telephone on 07596 858479.
- Students on courses at Eastleigh College which are delivered as part of the partnership arrangement with the University of Portsmouth may wish to use the university's "report and support" system if they feel that it would be more effective for the university to handle an investigation. If you don't feel that SHCG has adequately resolved any complaint reported to them, you may wish to take your complaint to the University through this process. Website: <https://reportandsupport.port.ac.uk/>

7.8. SHCG will work to understand and minimise any barriers to reporting and disclosing incidents that may exist for particular groups of learners and use this information to inform the review and update of this policy and associated procedures.

7.9. Anonymous and third-party reports can be made via the safeguarding enquiry form on the SHCG website. All reports will be considered and acted upon where possible, although SHCG's ability to investigate will be limited in these cases.

7.10. Any member of staff who receives a disclosure of an incident of sexual misconduct or harassment from a student should consult with the designated safeguarding lead at their campus for further advice. The course of action taken following a report of sexual harassment or misconduct will always take the wishes of the victim into account but staff are reminded that sometimes a report will need to be referred further when the safeguarding of others may be affected. A written record should be made of any verbal disclosure as soon as possible.

7.11. All reports of sexual harassment or misconduct will be reviewed by the DSL or DDSL who will complete a risk assessment at the earliest opportunity. This applies whether any formal investigation is carried out or not.

7.12. Having completed the risk assessment, the DSL or DDSL will initiate a formal investigation through the SHCG Student Behaviour Policy or the SHCG Disciplinary Policy as appropriate.

7.13. Incidents of Sexual Harassment or Misconduct where all the parties involved are members of staff should be dealt with through the SHCG Prevention of Sexual Harassment Policy.

8. SUPPORT FOR REPORTING AND REPORTED STUDENTS

8.1. SHCG is committed to supporting both sexual misconduct survivors and those accused of sexual misconduct.

8.2. Support will be available to reporting students regardless of whether they chose to make a formal report under the Student Conduct Policy.

8.3. Appropriate support will be targeted at the individual needs of the students and will be provided from the initial report and throughout any resulting processes including during an investigation and/or decision making process.

8.4. The Safeguarding team will provide appropriate support to students, including but not necessarily limited to;

- Appropriate ongoing advice, including referrals to wellbeing, medical services and local Sexual Assault Referral Centres (SARC) as appropriate.
- Referral to the SHCG counselling service.
- Assistance in making an informed decision about next steps should an individual choose to initiate a formal investigation under the relevant college policy.
- Assistance in navigating resources and making appropriate responses to allegations.
- Self-care resources, safety planning and wellbeing support.
- Advocacy.
- Making a report to the police in cases where a criminal offence has been committed.

8.5. Where a complaint is made against a member of staff, SHCG may consider suspending them on full pay or making other temporary changes to working arrangements pending the outcome of any investigation. Any suspension will be implemented in accordance with the procedure set down in appendix 2 of the SHCG Disciplinary Procedure.

8.6. Where a complaint is made against a student, SHCG may consider excluding them from campus pending the outcome of any investigation. Any suspension will be carried out in accordance with the procedure outlined in the SHCG Behaviour Policy Procedure.

9. INVESTIGATION AND DECISION MAKING

9.1 Where a formal report results in disciplinary procedures against a student, we will follow the process laid out in the SHCG Behaviour Policy.

9.2. Where a formal report results in disciplinary procedures against a member of staff, we will follow the process laid out in the SHCG Disciplinary Policy.

9.3 SHCG recognises that it is not placed to undertake a criminal investigation. It will, however, cooperate fully with any associated police investigation and subsequent legal proceedings.

9.4 If a police investigation is ongoing, SHCG may also undertake separate disciplinary proceedings where such measures are deemed appropriate, although SHCG will not undertake any investigations or actions which may hamper any police investigation. Hence, SHCG disciplinary proceedings will normally be placed on hold once the police are involved. Where formal disciplinary proceedings are placed on hold, appropriate risk assessments and safeguarding considerations will remain in effect to ensure the safety and wellbeing of all involved parties.

9.5. SHCG will ensure that investigations undertaken, and decisions made in respect of sexual misconduct incidents are credible, reasonable, and reflect established principles of natural justice.

9.6. All parties involved in an investigatory process will have access to appropriate and effective support prior to the decision to launch a formal investigation, for the duration of any investigation, and following its outcome.

9.7. SHCG will communicate clearly with relevant parties about the investigatory process, decision-making process, associated timescales, and factors which may impact on timescales as required by the SHCG Student Behaviour Policy or SHCG Disciplinary Procedure for staff.

10. APPEAL

10.1. If at the end of the formal investigation process you are unsatisfied with the outcome, you have the right to appeal any decisions. You should follow the appeals process as described in the relevant policy.

10.2. If you are unsatisfied with the outcome of your appeal, all students have the right to take their complaint to the Office for the Independent Adjudicator (OIA) once all SHCG processes have been exhausted. Details of how to refer your complaint to them can be found on their website: <https://www.oiahe.org.uk/students/>

10.3. Students on courses at Eastleigh College that are part of the partnership agreement with Portsmouth University should be aware that the university's "report and support" system is open to them. <https://reportandsupport.port.ac.uk/> . Please speak to your tutor or another member of staff if you are unsure if this provision applies to you.

11 TRAINING AND PREVENTION

11.1. SHCG will implement a training strategy with relevant staff to enable them to respond effectively to different types of sexual misconduct incidents as well as ensuring they are familiar with and able to implement the requirements of this policy and the associated procedures. This strategy will be reviewed and evaluated regularly to ensure it remains fit for purpose. This training will be mandatory and will be delivered to staff annually.

11.2. SHCG will require all HE learners to engage in training to ensure they are appropriately informed of and have a clear understanding of the policies and procedures relating to sexual misconduct. This training will also ensure learners have an understanding of behaviours that may constitute harassment or sexual misconduct.

11.3. Training will be made available on an ongoing basis for all staff and students to raise awareness of sexual misconduct with the purpose of preventing incidents and encouraging reporting. This may include areas such as bystander initiatives, consent, and receiving and responding to disclosures.

11.4. SHCG will endeavour to deliver regular awareness raising campaigns throughout the academic year.

12. RECORD KEEPING AND DATA PROTECTION

12.1. Records of disclosures and proceedings will be kept in accordance with SHCG data retention policies and relevant data protection legislation.

12.2. SHCG will maintain anonymised data on conduct cases for monitoring and reporting purposes.

12.3. SHCG will maintain non-identifying annual data on disclosures and reports of any incidents of sexual misconduct on campus, reported to the relevant governance committee.

13. NON-DISCLOSURE AGREEMENTS

13.1. SHCG expressly prohibits the use of non-disclosure agreements (NDAs) in cases involving harassment, sexual misconduct, or any other form of student misconduct. This prohibition applies to all stages of the reporting, investigation, and resolution process. SHCG recognises that NDAs can have a silencing effect on individuals who have experienced misconduct and may hinder the pursuit of justice and institutional improvement.

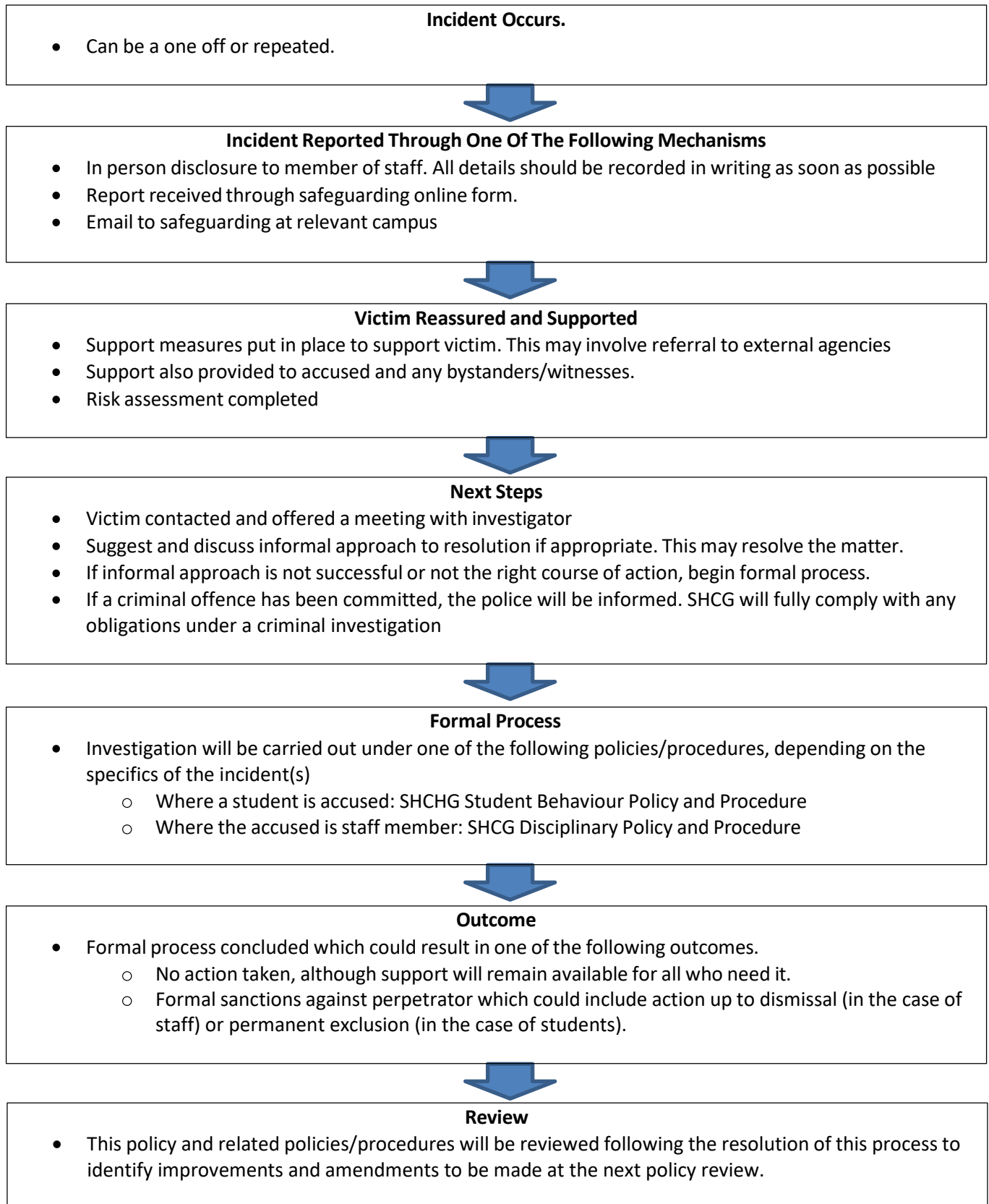
14. FREEDOM OF SPEECH AND ACADEMIC FREEDOM

14.1. South Hampshire College Group is committed to addressing sexual misconduct while simultaneously upholding the principles of freedom of speech and academic freedom. We recognise that in an educational context, students may encounter ideas, materials, or discussions that they find challenging or uncomfortable, but which do not constitute harassment or sexual misconduct.

14.2. The content of academic discourse, including lectures, seminars, debates, and course materials, is protected under principles of academic freedom and is unlikely to be considered sexual misconduct unless it is targeted at or delivered in a way that harasses a specific individual. However, this protection does not extend to personal conduct or behaviour that crosses the line into harassment or sexual misconduct. In implementing this policy, SHCG will carefully consider the context of any allegation, ensuring that legitimate academic discourse is protected while still taking appropriate action against genuine instances of sexual misconduct.

14.3. Any training, policies, or procedures related to sexual misconduct will be developed and implemented in a manner consistent with SHCG's obligations to protect freedom of speech and academic freedom.

APPENDIX 1: FLOW CHART



APPENDIX 2: OTHER SOURCES OF SUPPORT

Additional sources of support for this impacted by sexual misconduct and harassment can be accessed from the following organisations.

- **Emergency Services:** 999
- **Portsmouth Abuse and Rape Counselling Service (PARCS)** can offer support to anyone who has been sexually violated.
 - Women's Service: 023 9266 9511,
 - Men's Service: 023 9366 9516
- **Survivors UK** offers helpline services and online advice for male survivors of sexual assault and rape.
- **Treetops** is a Sexual Assault Referral Centre (SARC) in Portsmouth: 0300 123 6616 website: www.solent.nhs.uk/treetops, Email: admin.treetops@solent.nhs.uk
- **Galop** supports LGBT+ people affected by sexual abuse, assault or violence.
- **Rape Crisis** for support around experiences of sexual harassment: 0808 802 9999
- **The National Stalking Helpline** for information and advice. Call 0808 802 0300 for free, 9:30am – 4pm, Monday to Friday (1pm – 4pm on Wednesdays).
- **Revenge Porn Helpline** for practical help with removing online content and advice about reporting revenge porn. Call 0345 600 0459, 11am – 4pm, Monday to Friday.
- **Papyrus (Suicide Prevention):** 0800 068 4141
- **Samaritans:** 116 123
- **Childline:** 0800 1111
- **Yellow Door** is a registered charity working to support individuals and communities across Southampton and western Hampshire, the services are dedicated to supporting those who have experienced - or are at risk of – abuse. Helpline is available on Wednesday's 4pm – 7pm. Telephone: 023 8063 6312 Website: www.yellowdoor.org.uk, Email: info@yellowdoor.org.uk, Helpline: 023 8063 6313
- **PIPPA Helpline.** Confidential helpline for professionals and male victims experiencing domestic abuse, offering advice, information and support. Referrals for those who need specialist support. Helpline available Monday to Friday. Telephone: 023 8091 7917, Email: pippa@southampton.gov.uk Website: <https://www.southampton.gov.uk/people-places/community-safety/domestic-abuse/>
- **Respect Men's Advice Line.** Telephone, text relay and email support for men Confidential helpline for men experiencing domestic abuse, offering emotional and practical support Phone lines open Monday - Friday 9am – 5pm, Website: www.mensadviceline.org.uk Telephone: 0808 801 0327, Email: info@mensadviceline.org.uk