

**Policy/Procedure Name:** Higher Education Harassment,  
Sexual Misconduct Sexual  
Violence and Bullying Policy

**Policy/Procedure Number:** HE008

**Date of Approval:** December 2024

**Review Date:** December 2027

**Role Responsible:** Assistant Principal  
Curriculum  
Higher Education Coordinator

**Approved By:** Executive Team



## 1.0 Policy Statement

Brooklands College is committed to providing a safe and supportive learning environment for all students. This policy outlines the College's commitment to preventing and addressing bullying, harassment and sexual misconduct. Aligned to our College Values we are committed to creating a truly inclusive and equitable learning environment, preventing and eliminating bullying, harassment and sexual misconduct.

## 2.0 Scope

It applies to all members of the Brooklands community and relates to sexual 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.

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.

## 3.0 Purpose

This Policy aims to create a clear and fair process to prevent, report, and address bullying, sexual harassment and misconduct. Brooklands Technical College is committed to condemning and promptly addressing sexual harassment and misconduct, and creating a safe environment for all community members. We acknowledge that while anyone in our community can be affected, individuals with protected characteristics face heightened risks. We prioritise a comprehensive response for all.

To investigate all allegations of harassment and sexual misconduct promptly and fairly. To take appropriate action against those who violate this policy. To prevent the use of Non-Disclosure Agreements (NDAs) to cover allegations of harassment or sexual misconduct.

## 4.0 Definitions

- **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, and sexual orientation.
- **Sexual misconduct** relates to all unwanted conduct of a sexual nature. This can include sexual harassment (as defined by Section 26 (2) of the Equality Act 2010)<sup>6</sup>, assault (defined by the Sexual Offences Act 2003)<sup>7</sup>, rape<sup>8</sup>, unwanted conduct and unwanted sexual advances which creates an intimidating, degrading.

- **Physical:** Includes sexual contact, sexual assault, rape, physical intimidation, aggressive behaviour, or actions that are threatening or demeaning.
- **Emotional and psychological abuse:** Includes abuse which can involve exerting control over another person, coercion, threats, and stalking.
- **Verbal:** Includes sexually suggestive comments, assumptions, stereotyping, unwelcome remarks, suggestions and propositions, malicious gossip, jokes, and name calling.
- **Non-verbal:** Includes offensive literature or pictures, sexual gestures, sexual body language, invasion of personal space, sexually explicit imagery received or sent without explicit consent.
- **Consent:** Section 74 of the Sexual Offences Act 2003 defines consent as 'if (s)he agrees by choice, and has the freedom and capacity to make that choice'. Consent is the agreement to participate in a sexual act where the individual has both the freedom and capacity to make that decision. Consent cannot be assumed on the basis of a previous sexual experience or previously given consent, and consent may be withdrawn at any time.
- **Reporting:** Reporting is the sharing of information with a staff member of the University regarding an incident of bullying, harassment or sexual misconduct experienced by that individual for the purposes of initiating the investigation process set out in this Policy and the accompanying procedure (different from *Disclosure*)
- **Reported Party:** The Reported Party is the person(s) whose behaviour it is alleged amounted to an incident of bullying, harassment or sexual misconduct.
- **Reporting Party:** The Reporting Party is the person(s) who witnessed or is the subject of the alleged incident of bullying, harassment or sexual misconduct.
- **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
- **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 UCL becomes aware of victimisation taking place, this may lead to disciplinary action including dismissal

## 5.0 Roles & Responsibilities

This policy covers all members of the Brooklands' community, including students with visiting student status, distance learners and those undertaking Degree Apprenticeships. It also applies to staff, including agency, temporary, casual, and students employed by the College. It also applies to visitors attending the campus.

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, bullying or sexual misconduct (sexual harassment) through self-awareness; and by modelling positive behaviour for others, and raising any concerns

All staff, who are in a position of trust. It is important that exemplary behaviour is demonstrated. It must be remembered that actions can be misinterpreted by others, no matter how well intentioned. Due consideration should always be given as to what is an appropriate environment and what is appropriate conduct in relation to the activities which are being under-taken.

## 6.0 Reporting Incidents

Students who experience or witness harassment or sexual misconduct are encouraged to report it:

- Students or staff who feel they have experienced or witnessed bullying, harassment or sexual misconduct by another student may make a formal report to the Designated Safeguarding Lead in person or email the Safeguarding & Wellbeing Team on [safeguarding@brooklands.ac.uk](mailto:safeguarding@brooklands.ac.uk)
- Students or staff who feel they have experienced or witnessed bullying, harassment or sexual misconduct by a member of staff may make a formal report to HR by emailing [HR@brooklands.ac.uk](mailto:HR@brooklands.ac.uk)
- Student may contact the Safeguarding & Wellbeing team who will support them through either formal reporting process.
- All reports will be treated with sensitivity and confidentiality.
- Students or members of staff who feel they have experienced or witnessed bullying, harassment or sexual misconduct by a third party or a member of the public should discuss this with their line manager, supervisor or personal tutor in the first instance.
- If it is reasonably believed that imminent and/or serious harm is likely, the Duty Manager should be notified immediately by Dialling 01932 797 700. It may be necessary for the caller or the Duty Manager to also contact the police or ambulance service by dialling 999. If it is reasonably believed that imminent and/or serious harm is unlikely, the Reporting Party may still be advised to consider reporting the matter to the police
- The Safeguarding & Wellbeing team are specifically trained to receive Disclosures and the College encourage individuals to disclose to these persons whenever possible. Anyone receiving a Disclosure should only take minimal information and refer immediately to the Safeguarding & Wellbeing Team.

### Next steps after a disclosure

After disclosure there are several options available to the person who has disclosed their experience. They can choose the level and types of support that are right for them. After discussion with a Safeguarding & Wellbeing Officer, the person who has disclosed may choose to:

- **Take no further action at this time:** In this case advice will be provided regarding the preservation of evidence which may be needed if they subsequently decide to make a report to the Police or to submit a formal complaint to the College. They will

also be informed of the ongoing support available to them via the Safeguarding & Wellbeing Team

- **Make a formal complaint to the College:** If the person who has disclosed chooses this option they will be asked to confirm that they wish the College to proceed with a formal investigation. Support will be available from the Safeguarding & Wellbeing Team.
- **Make a report to the Police:** In this case no disciplinary action will normally be taken by the College whilst a Police investigation and legal proceedings are taking place. Support will however still be available from the Safeguarding & Wellbeing Team

### **Safety concerns**

If, after reviewing a disclosure, the Duty Manager / Safeguarding & Wellbeing Team believes there's an immediate threat to safety, they will escalate the case to a suitable member of the Senior Leadership Team (SLT) for immediate action.

If the SLT member deems it necessary to take precautionary action, they may suspend the accused student, pending a disciplinary hearing.

If a suspension is issued, the accused individual will be notified in writing and, if possible, in person. They will be informed of the specific actions required to comply with the suspension.

If a suspension is not necessary, the accused individual will not be informed of the disclosure unless the disclosing party chooses to file a formal complaint with the College.

### **Victimisation**

Brooklands will not tolerate any form of victimisation against someone who has raised a complaint, or supported a complaint, or for cooperating in an investigation, or challenging unacceptable behaviour, or in each case is believed to have or is believed to be likely to take such steps. If a formal complaint of victimisation is made about a student's or employee's behaviour it will be fully investigated

### **Confidentiality**

Confidentiality is very 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.

### **Investigation and Disciplinary Procedures**

All allegations of harassment sexual misconduct and Bullying will be investigated promptly and fairly. The College will follow its disciplinary procedures, which may include:

- Investigating the allegations
- Interviewing witnesses
- Gathering evidence
- Taking interim measures to protect the complainant

- Imposing disciplinary sanctions if appropriate

### **Outcome of a formal complaint/disciplinary case**

The Reporting Party will be told whether their complaint has been upheld or not; and whether the Reported Party has been dismissed or expelled.

If the complaint is not upheld or the Reported Party is not dismissed or expelled, information will be shared with the Reporting Party to minimise any adverse effects in accessing their work or study environment, where possible, but there may be limits to the information about the consequences to the Reported Party that can be shared with the Reporting Party.

Where the Reporting Party is told the outcome, they will be asked to respect confidentiality with regards to the outcome

### **7.0 Support Services**

The College can provide a range of support services to students who have experienced harassment, sexual misconduct or bullying. These services include:

- Counselling
- Academic support
- Safety advice
- Support in reporting incidents
- Signposting to support groups

### **8.0 Non-Disclosure Agreements (NDAs)**

From 1 September 2024, NDAs will be banned where they cover allegations of harassment or sexual misconduct. Any existing NDAs that cover such allegations will be unenforceable.

Signs and symptoms that may help to recognise that an individual may have been the target or subjected to sexual harassment or sexual misconduct

### **9.0 Monitoring and Review**

This policy will be reviewed regularly to ensure its effectiveness.

## Policy Schedule Of Changes

This document outlines the proposed changes to Lone Working Safety Policy and the timeline for their implementation. It serves as a centralised reference point for all stakeholders involved in the policy revision process to highlight all key changes.

This document must be completed ahead of any policy review or approval. Changes should be listed clearly, and concisely for timely review by the Policy and Standards Group.

Policy Name	Change Description	Date
Hight Education Harassment, Sexual Misconduct Sexual Violence and Bullying Policy	Minor spelling and grammar changes throughout the document.  Formatting has been edited in line with college standards.  New policy from December 2024; no changes as new.	December 2024