
Harassment and Sexual Misconduct Policy

Document Approval Body:	Governance Board
Date Approved:	November 2024
Policy Custodian:	Dean
Policy Contact:	Quality and Compliance Manager
Review Period:	Annually from date of commencement
Revision No:	1.1

Contents

1.0	Purpose.....	3
2.0	Scope.....	3
3.0	Objectives	3
4.0	Key concepts.....	3
5.0	Principles.....	4
6.0	Promoting awareness amongst students and staff	4
6.1	General awareness-raising activities.....	4
6.2	Training of ECT staff.....	5
6.2.1	Training the H&SM Support Team	5
6.2.2	Training the H&SM Investigation Team.....	5
7.0	Implementation of the policy	6
7.1	Procedures for reporting on H&SM	6
7.2	Procedures for investigating incidents of H&SM.....	6
7.3	Procedures for reporting on H&SM investigations	7
7.4	Outcomes of the investigation.....	8
7.4.1	Possible penalties.....	8
7.4.2	Appeals processes	8
7.5	Precautionary measures	9
8.0	Supporting persons affected by harassment or sexual misconduct.....	9
9.0	Legal rights and obligations	10
10.0	Responsibilities	10
10.1	Responsibilities of ECT management	10
10.1.1	Overarching responsibilities	10
10.1.2	Responsibilities in terms of Worker Protection	11
10.1.3	Responsibilities for reporting to the Police	11
10.1.4	Responsibilities for managing personal relationships	11
10.2	Responsibilities of ECT staff and enrolled students.....	12
11.0	Accountabilities	12
Annexure A:	Glossary	13

1.0 Purpose

The Engineering College of Technology (ECT) aims to provide a positive work and study experience for all its staff, students, and other members of the ECT community, in a safe and inclusive environment that is free of harassment and all forms of sexual misconduct.

The policy and procedures will enable ECT to meet its responsibilities and obligations as a registered higher education provider in the United Kingdom as they relate to harassment and sexual misconduct. It provides information and clear guidelines on understanding behaviour that could constitute harassment and sexual misconduct (H&SM). The policy also outlines the procedures for dealing with incidents that constitute breaches of this policy.

2.0 Scope

ECT recognised that instances of H&SM may occur inside the learning and teaching environment, for instance during off-campus learning activities, at social events, and in virtual spaces such as online forums on Moodle and groups created for student interaction, e.g. in WhatsApp groups, or in social platforms such as Facebook or Instagram.

The policy and procedures apply to incidents of H&SM that occur between students, between members of ECT staff, or between a student and member of staff. The policy and procedures apply to all ECT staff, students and the ECT community in relation to H&SM as defined in par. 4.0 and in the Glossary.

3.0 Objectives

ECT is committed to maintaining a work, learning and teaching environment that enhances appropriate behaviour that is free from H&SM. ECT will promote and foster an environment that does not tolerate any form of H&SM through the education of students and staff, as well as establishing processes for the reporting and investigation of inappropriate behaviour, as well as providing support for reporting parties of such behaviour to assist students to continue their studies and to assist staff to continue with their work responsibilities. Where there are indications or evidence of incidents of H&SM, ECT will act promptly to eliminate the improper conduct and take appropriate corrective action.

4.0 Key concepts

In this document, the key concepts have the following meanings, with more details provided in the Glossary.

Harassment is a persistent and deliberate course of unacceptable and oppressive conduct, targeted at another person, which is calculated to and does cause that person alarm, fear or distress, and which could be overt or subtle, verbal, non-verbal or physical. The Equality Act 2010 links harassment to the protected characteristics and defines harassment as unwanted conduct in which a person A engages in unwanted behaviour related to a relevant protected characteristic of a person B, with the purpose or effect of violating person B's dignity or creating an intimidating, hostile, engaging, humiliating or offensive environment for person B. (References: <https://www.legislation.gov.uk/ukpga/2010/15/section/26>; https://www.legislation.gov.uk/ukpga/1997/40/pdfs/ukpga_19970040_en.pdf; <https://www.lawinsider.com/dictionary/protection-from-harassment-act>)

Sexual misconduct means any unwanted or attempted unwanted conduct of a sexual nature and includes, but is not limited to: sexual harassment, sexual assault, and rape. (<https://www.officeforstudents.org.uk/media/bpfauth/hsm-condition-and-guidance.pdf>)

Sexual misconduct could also be in the form of making sexual remarks about someone's body or appearance, asking questions about someone's sex life, displaying or sharing pornographic or sexual images, unwelcome touching, and other examples described under 'sexual misconduct' in Annexure A.

5.0 Principles

The following principles underpin the policy and procedures:

- All ECT staff and enrolled students have the right to work and study in a safe environment in which they are not subjected to H&SM.
- No form of sexual misconduct and relationship abuse or violence will be tolerated.
- ECT recognises that the inherent power imbalances between employees and students could contribute towards harassment and sexual misconduct.
- Any abuse of the professional working relationship amongst employees or employees and students, or between students will not be tolerated.
- Any proven incident of H&SM will constitute misconduct, and will be dealt with in accordance with the relevant ECT disciplinary policy.
- Any retaliation against an individual who has reported an incident of H&SM or participate in an investigation of a complaint, will not be tolerated.
- All disclosures of H&SM will be handled with sensitivity and confidentiality to protect the dignity and privacy of those involved and to encourage reporting of incidents without fear of exposure or retribution.
- Individuals who report H&SM will be supported and provided with routes for anonymous reporting.
- All persons dealing with incidents of H&SM will maintain confidentiality, unless confidentially would pose a risk to the person making the report (or to others), or where disclosure of relevant information is necessary to meet ECT's duty of care to those affected.
- Information relating to disclosures will only be shared with individuals directly involved in or directly affected by the incident of H&SM.
- The principle of confidentiality will be subject to meeting legal requirements or the involvement of external agencies where a criminal offence may have been committed.
- Any unauthorised disclosure of information will be considered a violation and may result in disciplinary action.
- Fair and unbiased processes will be following in the prevention, reporting, investigation and all actions dealing with incidents of H&SM.
- No non-disclosure-agreements (NDAs) or confidentiality clauses will apply in ECT's processes in dealing with cases of H&SM.
- The principles of natural justice will be adhered to in all actions relating to incidents of H&SM.
- ..

6.0 Promoting awareness amongst students and staff

6.1 General awareness-raising activities

ECT is committed to maintaining a teaching and learning environment that is free of harassment, sexual misconduct and any other behaviours that are in breach of the Equality Act 2010. ECT will promote awareness of H&SM through:

- Training of ECT staff and enrolled students during orientation sessions aimed at improving their understanding of what constitutes harassment and sexual misconduct, which will include how such incidents occur, how they should be reported and the routes for reporting, how reports will be investigated, the penalties

for confirmed misconduct, the support that will be provided to persons affected by such incidents, and what ECT is doing to prevent incidents of H&SM

- Distribution of this policy and procedures on ECT's website and on the staff and student portals so that all stakeholders have ready access to the prescripts in this document
- Communication of changes to the policy directly to staff and enrolled students and through a notice on ECT's website
- Arranging online workshops for staff and/or students to reinforce the communication when a need is identified, e.g. after an incident of harassment and/or sexual misconduct
- Regular notices on ECT's staff and student portals to serve as reminders of the seriousness of behaviours that could be construed as harassment and sexual misconduct and the policy prescripts for reporting and dealing with such incidents.

6.2 Training of ECT staff

6.2.1 Training the H&SM Support Team

ECT will train selected ECT staff who will be responsible for providing support to students and staff who have experienced any form on H&SM. This will be in addition to the awareness-raising activities describe in par. 6.1. The Head of College will designate three members of staff to serve on the H&SM Support Team, which could include support, academic and managerial staff.

The training of the H&SM Support Team will include:

- Recognising and understanding the different types of inappropriate H&SM
- Understanding the physical and emotional trauma experienced by victims of H&SM
- How to create a safe, supportive and confidential environment where individuals feel confident and empowered to disclose
- How incidents of H&SM should be reported internally, both informally and in formal complaints, and to external entities, such as the Police
- How to listen attentively and ask probing questions, especially when reporting parties are very distressed and emotional
- Identifying the different options that would be available to reporting parties
- Information and contact details on specialised services that are available to reporting parties of H&SM such as counselling, medical, health and welfare services, the Sexual Assault Referral Centres and other entities specialising in dealing with H&SM
- Recognising when there is a legal obligation to report matters to the Police or other external entities and the relevant reporting protocols
- How to maintain objectivity, impartiality and discretion in engaging with the reporting party and responding party and reporting on such engagements.

6.2.2 Training the H&SM Investigation Team

The training of the task team that will be established to investigate reports of H&SM (see par. 7.2 to 7.4 below) will include the areas covered in par. 6.2.1, but from the perspective of conducting an investigation. In addition, the members of the investigation team will be trained on:

- Conducting the investigations in adherence to the principles and prescripts in this document and the established principles of natural justice
- Covering the relevant areas in a clear and concise investigation report that contains the decisions and reasons for the decisions
- Making credible, fair recommendations on penalties that are appropriate to the nature and severity of the incident, and that are in line with internal policies and

- procedures and external requirements
- The support that is available to the investigation team following particularly distressing cases.

7.0 Implementation of the policy

7.1 Procedures for reporting on H&SM

All students or members of staff who believe that they have experienced or witnessed an incident of actual or suspected harassment and/or sexual misconduct have the right to report the incident. The report should be submitted by the reporting party, where the incident was witnessed by a third party who was not directly involved or affected, but who obtained information about such an incident. Anonymous reports will be considered on a case-by-case basis, although anonymity may hinder investigations. Reports should preferably be submitted in writing, although incidents may be reported verbally to a member of staff or via online communication. In cases where ECT is expected to conduct a formal investigation, the reporting party or witness should submit reports in writing, even if preceded by verbal reporting.

Any incident of H&SM should be reported to ECT staff as soon as possible and within 10 working days of the incident or becoming aware of such an incident to assist with gathering evidence during the investigation. However, reports after the 10 days will be accepted as it is acknowledged that a reporting party of such an incident may need more time to process what has happened and to recognise that the behaviour constituted harassment or misconduct.

The author of the report (i.e. the reporting party) will not be required to provide the full details of the incident experienced or witnessed and will not be pressured into revealing more than he/she wants to, or be required to lodge a formal complaint.

The reports should provide sufficient information to enable a fair and equitable investigation, and include the names of the reporting party and the responding party, time date and approximate time of the incident/s, the place where it occurred and a brief description of the nature of the offensive action.

Students should report incidents of H&SM to the Learning Support Officer allocated to the programme or to the Higher Education Manager, although they could report to any of ECT's academic or support staff if more convenient. ECT staff should report incidents of H&SM to their direct supervisor, to the Office and HR Manager or to the Head of College.

All reports received from students and staff must be forwarded to the Head of College who will oversee all matters relating to H&SM reports. The Head of College will do an initial investigation on the seriousness of the matter and reach out to the reporting party within two working days, except where the matter requires immediate action.

Reports on H&SM must be recorded and stored in accordance with ECT's *Data Protection Policy and Procedures* to protect the persons' privacy and confidentiality. Access to reports should be restricted to ECT staff who need access to perform their allocated duties.

7.2 Procedures for investigating incidents of H&SM

The Head of College will establish and lead a task team to investigate the incident in cases where the initial investigation on the seriousness of the matter confirmed that a formal investigation is warranted.

- The team investigating an incident involving a member of ECT staff will include the

Office & HR Manager and the supervisor of member, or a replacement if either of these is implicated in the incident or is conflicted.

- The team investigating an incident involving a student will include the Higher Education Manager, the Course Leader and Learning Support Officer, or a replacement if either of these is implicated in the incident or is conflicted.

The task team must do an initial investigation to determine the seriousness of the incident, based on the report received and an interview with the reporting party. The task team should decide if any immediate action is required to protect the reporting party or prevent further abuse before continuing with the investigation, and report the matter to the Academic Board within three working days. The initial actions must be followed by a thorough investigation that should include engagement with the reporting party, the responding party and any witnesses.

ECT will provide as much information as possible to the reporting party at all stages of the investigation. This will include informing them about any relevant precautionary measures that have been put in place and the approximate date for concluding the investigation.

ECT will not investigate staff or students who no longer have a formal relationship with the institution, or continue with an investigation against them. Therefore:

- ECT will only investigate allegations of H&SM against students until the date on which the student withdraws from a programme, or up to the last date of the student's registration with the institution, although in the latter case, ECT may delay the award whilst the case is being investigated. If the student's application for re-enrolment is approved, the investigation will then be re-opened.
- ECT will not investigate members of staff after the termination of their employment or contractual agreement with the institution. However, if deemed necessary, ECT will inform the Police of matter.

In the above-mentioned cases, ECT will support the reporting party in acknowledgement of the distress experienced. ECT will also identify any institutional measures that should be put in place to prevent a similar future incident.

ECT reserves the right to suspend an investigation if there is a breach of expected code of conduct on the part of the reporting party, as well as where those investigating a case are subject to harassment, physical or verbal abuse. In these circumstances the reporting party will be notified of the suspension and the reasons for it.

If during the investigation, the task team believes that there is a risk to the reporting party or other members of the community, a risk assessment will be undertaken to decide whether any precautionary measures should be put in place to protect the individuals and others.

7.3 Procedures for reporting on H&SM investigations

The task team should complete the report on the investigation within 25 working days of receiving the report on the incident. The report must include the findings of the investigation, i.e. whether or not the allegation of the harassment or sexual misconduct was confirmed and the basis on which that decision was reached. The report must include the reasons for decision/s in the report.

The key findings from the investigation report should be communicated to the reporting party and the responding party, and others who will be directly affected by sections in the report.

However, given that some aspects of the investigation are likely to include information that is very personal to other individuals named in the complaint, the task team may not be able to disclose the full details of all aspects of the investigation, or be able to provide full details of

any disciplinary penalties that have been issued, or any further disciplinary processes that may be taking place once the investigation has been concluded.

The reporting party and the responding party should be given the opportunity to comment on the report, e.g. to correct factual errors.

If the investigation confirmed, on the balance of probabilities, that the alleged harassment or sexual misconduct had taken place, the report must make recommendations about any appropriate remedial or disciplinary processes and also about any ongoing precautionary measures that may need to be taken. Any penalties recommended must be based on the full consideration of the details of the case and considering any mitigating factors or precedents set.

7.4 Outcomes of the investigation

7.4.1 Possible penalties

Depending on the nature and severity of the incident/s, the penalties for staff could be in the form of:

- Urgent interim measures, such as restricting a person's access to ECT's premises and/or electronic platforms where there is an immediate threat to the safety of any person
- Suspending a member from teaching completely or from teaching or supervising certain activities or students
- Preventing the member from contacting specific individuals
- Disciplinary action in accordance with the *Staff Recruitment, Management and Development Policy*
- Suspension for a period, dismissal or cancelling the contractual agreement.

Depending on the nature and severity of the incident/s, penalties for students could be in the form on:

- Suspending them from participating in certain learning activities
- Restricting access to ECT's premises and/or online portals
- Requiring them to cease contact with certain individuals
- Suspending them from the programme and/or enrolment in future ECT programmes
- Delaying the issuing of a student's award and/or his/her graduation where there is a case pending
- Appropriate penalties in accordance with ECT's *Academic Honesty and Misconduct Policy and Procedures*.

7.4.2 Appeals processes

Students and staff have 30 working days following the date of the report of the investigation to appeal. A member of staff who is not satisfied with the outcome of an investigation, may submit a written appeal first to the Head of College and then to the Governance Board, whose decision will be final. Students who are not satisfied with the outcome of an investigation may lodge an appeal in accordance with ECT's *Student Complaints Grievances and Appeals Policy* and associated *Procedures*.

Students whose appeals have been rejected, will be able apply for a review by the Office of the Independent Adjudicator for Higher Education (OIA) within 12 months. Students will use the Completion of Procedures Letter (COP) document issued by ECT, confirming the conclusion of the internal appeals processes so that they can escalate their complaint to the OIA. The OIA is an independent body that was established by the Higher Education Act 2004 to consider student complaints which have not been resolved through an institution's internal

procedures. This service is free to students and details are provided on the OIA website: <https://www.oiahe.org.uk/>.

7.5 Precautionary measures

Precautionary measures for staff may include suspending a member from teaching completely or from teaching or supervising certain activities or students, or from contacting specific individuals, or restricting access to ECT's premises or online portals. Precautionary measures for students may include restricting access to ECT's premises or online portals, suspending them from participating in certain learning activities or requiring them to cease contact with certain individuals.

Any precautionary action taken must be reasonable and proportionate and in all cases care must be taken to minimise the impact on a staff member's right to natural justice and dignity at work or any student's ability to engage with their learning and assessment activities as far as is deemed possible.

8.0 Supporting persons affected by harassment or sexual misconduct

Depending on the nature and severity of the incident, ECT will provide appropriate support by suitable trained staff, which includes.

- Providing immediate emotional and physical support by trained ECT staff in dealing with the trauma experienced in a safe, supportive and confidential environment
- Taking actions to prevent further contact between the responding party and the reporting party, as well as between the responding party and other individuals who may be at risk
- Providing guidance to the reporting party on possible options to consider so as to select the most appropriate option/s given the circumstances
- Providing assistance in reporting the matter to the Police, where deemed necessary
- Providing contact details and assistance and guidance in contacting external support services, such as:
 - Sexual Assault Referral Centres (or similar local entity) offer confidential specialised medical and practical support to people who have recently been sexually assaulted or raped (<https://rapecrisis.org.uk/get-help/sexual-assault-referral-centres-sarcs/>)
 - Rape Crisis Centres are located throughout England and Wales and offer free, confidential counselling and support for women who have experienced any form of sexual violence ([Rape Crisis England & Wales](#) and [Rape Crisis Scotland](#))
 - Victim support is an independent charity that provides confidential support to victims of crime, including sexual misconduct, and offer a 24/7 support line helpline 08 08 16 89 111 and various resources to help individuals cope with the aftermath of their experience (<https://www.victimsupport.org.uk/>)
 - GALOP: This organisation specifically supports LGBTQ+ individuals affected by abuse and violence. They offer a helpline and various support services tailored to the needs of the LGBTQ+ community (<https://galop.org.uk/about/>)
 - Safeline: A charity that provides specialized support for anyone affected by sexual violence, including a dedicated helpline for male survivors. They also offer counselling, advocacy, and prevention programs (<https://safeline.org.uk/>)
 - Survivors UK: Focuses on supporting male and non-binary survivors of sexual violence through counselling and practical help. They provide a community for healing and have a dedicated helpline for those affected by sexual abuse (<https://www.survivorsuk.org/#section-1>)
 - The National Health Service: helpline website: [NHS: Help After Rape and Sexual Assault](#) on call NHS 111 or [get help from 111 online](#); www.nhs.uk).

9.0 Legal rights and obligations

This policy does not remove the right of students and potential students to take action under the Equality Act 2010 or UK's consumer protection laws, nor does it prevent them or any other persons from pursuing other legal remedies. The policy does not remove any obligation of ECT to adhere to relevant legal requirements such as those under UK's laws. The following legislation is relevant to policy and procedures relating to H&SM:

- Annex A: Condition E6: Harassment and sexual misconduct of 31 July 2024 (<https://www.officeforstudents.org.uk/media/bpfhauth/hsm-condition-and-guidance.pdf>)
- Consumer Protection from Unfair Trading Regulations 2008 (CPRs): [The Consumer Protection from Unfair Trading Regulations 2008 \(legislation.gov.uk\)](#)
- Consumer Rights Act 2015: [Consumer Rights Act 2015 \(legislation.gov.uk\)](#)
- Data Protection Act 2018 ([Data Protection Act 2018 \(legislation.gov.uk\)](#)), and the UK version of the General Data Protection Regulation of the European Commission (UK GDPR: [The UK GDPR | ICO](#))
- Equality Act 2010 (<https://www.gov.uk/guidance/equality-act-2010-guidance#equalities-act-2010-legislation>)
- Protection from Harassment Act 1997 (<https://www.legislation.gov.uk/ukpga/1997/40/contents>)
- The Equality Act 2010 (Specific Duties and Public Authorities) Regulations 2017 ([The Equality Act 2010 \(Specific Duties and Public Authorities\) Regulations 2017 \(legislation.gov.uk\)](#))
- The good practice framework: handling student complaints and academic appeals of the Office of the Independent Adjudicator for students in higher education (OIA), December 2022 ([Good Practice Framework - Handling complaints and academic appeals \(oiahe.org.uk\)](#))
- Worker Protection (Amendment of Equality Act 2010) Act 2023 (<https://www.legislation.gov.uk/ukpga/2023/51/contents>).

10.0 Responsibilities

10.1 Responsibilities of ECT management

10.1.1 Overarching responsibilities

ECT must comply with the requirements in Annex A: Condition E6: Harassment and sexual misconduct of the OfS (<https://www.officeforstudents.org.uk/media/bpfhauth/hsm-condition-and-guidance.pdf>), and relevant stipulations in the Equality Act 2010 (<https://www.legislation.gov.uk/ukpga/2010>) and the Protection from Harassment Act 1997 (<https://www.justice.gov.za/legislation/acts/2011>).

Therefore:

- ECT will take appropriate steps aimed at preventing and eliminating all forms of harassment and sexual misconduct.
- ECT will ensure that this policy and procedures are communicated to all ECT staff and students during orientation sessions and made accessible to them and the wider ECT community on its website.
- ECT will ensure that ECT staff are trained to implement stipulation in this document relating to the reporting, investigation of incidents of H&SM and providing appropriate support to students and staff who were directly or indirectly affected by such incidents to assist them to deal with the negative effects experienced.

- ECT will annually review reports on investigations into incidents of H&SM and related data to review the policy prescripts and procedures to improve the effectiveness of actions to prevent and deal with H&SM in the institution.
- ECT will submit the reports on all investigations to the Governing Board at its regular meetings and inform the Board as soon as possible of serious pending or ongoing investigations, where needed.
- In adherence to clause E6.10 of Annex A: Condition E6: Harassment and sexual misconduct, ECT will not restrict the ability of a student or member of staff to disclose information about an allegation of harassment and/or sexual misconduct which involves or affects one or more students or ECT staff in any contractual or non-disclosure agreement.
- ECT will report incidents of H&SM where legally required and in the public interest, for example for safeguarding persons or when significant violence has been used which may subsequently put the reporting party or others at risk.

10.1.2 Responsibilities in terms of Worker Protection

In adherence to the Worker Protection (Amendment of Equality Act 2010) Act 2023 (<https://www.legislation.gov.uk/ukpga/2023/51/contents>), ECT will create a workplace culture that discourages sexual harassment and any form of sexual misconduct and supports victims of such behaviour. Accordingly, ECT will:

- Take proactive steps to prevent sexual harassment happening in the first place
- Do everything it reasonably can to protect staff from sexual harassment
- Have a responsibility – a 'duty of care' – to look after the wellbeing of its employees; failure to do this, could lead to a serious breach of an employee's employment contract, or the employee's resignation followed by claims against ECT of sexual harassment and constructive dismissal
- Assess and implement measures that actively prevent sexual harassment, which may include training, clear policies and reporting mechanisms.

10.1.3 Responsibilities for reporting to the Police

ECT will report incidents of H&SM to the Police where mandated under Acts of Parliament, (such as the Safeguarding and Vulnerable Groups Act 2006 and Sexual Offences Act 2003) to protect the reporting party (or others) from harm or to prevent a further abuse from taking place. In such cases, the Head of College will take into account any potential harm or further distress to the reporting party and to the institution, as well as the wishes of the reporting party. If the reporting party retracts a report made to the Police, ECT may continue with the internal investigation.

If the matter has been referred to the Police, ECT will generally postpone further investigation and decisions on penalties until the Police and courts have dealt with the matter. ECT's actions will not substitute the Police investigation, it cannot make a decision on whether a crime has been committed and will not take any action that may in any way compromise criminal proceedings. Even if the matter has not been reported to the Police, ECT may seek and maintain informal liaison with the Police and seek advice and guidance on appropriate action in serious cases.

10.1.4 Responsibilities for managing personal relationships

ECT recognises the inherent imbalance of power between employees and between employees and students, therefore strongly discourages intimate relationships between them where there is a potential conflict of interest or possibility of the abuse of power. Such relationships could compromise the trust and confidence that underpins the learning experience and may negatively impact on the student's educational development.

ECT recognises that consensual relationships may develop between employees and between a student and an employee, or that such relationships may have existed previously. In such cases the staff involved should report the relationship to their line manager or Office & HR Manager, and the student should report it to the Learning Support Officer as soon as possible.

10.2 Responsibilities of ECT staff and enrolled students

ECT staff and enrolled students have the responsibility to:

- Work both individually and collectively to contribute towards a work and learning environment that is free from H&SM
- Take reasonable care to minimise risk to themselves and to others
- Report any witnessed or suspected incident of H&SM as soon as possible to the relevant persons without fear or favour
- Adhere to the principles and stipulations in the policy and procedures
- Provide assistance, where requested, to ECT staff who are tasked with the investigation of incidents of H&SM and supporting reporting parties and others who were negatively affected by such incidents.

11.0 Accountabilities

The Governance Board is responsible for the review and approval of this policy and procedures document.

The policy and procedures are to be implemented and communicated to staff during their induction and training and distributed to students and ECT's community via the ECT website and any other relevant publications.

Annexure A: Glossary

Consent within the context of H&SM, is agreement or permission expressed through affirmative, voluntary words or actions that are mutually understandable to all parties involved, to engage in a specific sexual act or sexually-related activity at a specific time. Consent can be withdrawn at any time, as long as it is clearly communicated. Consent cannot be coerced or compelled by force, threat, deception, intimidation or any fraudulent means; or given by someone who is incapacitated (e.g. by being asleep or unconscious, or having a verbal or mental disability); or assumed based on silence, the existence of a prior or current relationship, or prior sexual activity.

ECT's community includes the employed and contracted staff, enrolled and prospective students, volunteers, visitors as well as contractors and consultants with service level agreements with ECT.

ECT staff includes full- and part-time staff who are employed or contracted to provide services related to the managerial, academic and operational functions of the ECT.

Harassment is unwelcome conduct related to a protected characteristic or of a sexual nature that has the purpose or effect of violating that person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that person. The behaviours can be overt or subtle, verbal, non-verbal or physical. The Protection from Harassment Act 1997 specifies that harassment must involve conduct on at least two occasions. https://www.legislation.gov.uk/ukpga/1997/40/pdfs/ukpga_19970040_en.pdf.

ECT recognises that harassment could be in different forms, for example:

- Stalking refers to repeatedly following or watching someone at their home or workplace.
- Bullying involves a pattern of aggressive behaviour that is intended to intimidate or belittle the victim.
- Verbal harassment involves persistent, unwanted communication through words or sounds via phone calls, emails, or social media that cause discomfort, such as name-calling, making threats or spreading rumours.
- Physical harassment involves any unwanted physical contact, such as touching or hugging someone after being asked to refrain from such contact.

The Equality Act 2010 identified three types of harassment:

(<https://www.legislation.gov.uk/ukpga/2010/15/notes/division/3/2/2/14>)

- The first type, which applies to all the protected characteristics apart from pregnancy and maternity, and marriage and civil partnership, involves unwanted conduct which is related to a relevant characteristic and has the purpose or effect of creating an intimidating, hostile, degrading, humiliating or offensive environment for the complainant or of violating the complainant's dignity.
- The second type is sexual harassment which is unwanted conduct of a sexual nature where this has the same purpose or effect as the first type of harassment.
- The third type is treating someone less favourably because he or she has either submitted to or rejected sexual harassment, or harassment related to sex or gender reassignment.

Incidents include, but are not limited to circumstances where "allegations or complaints are made to the provider about harassment and/or sexual misconduct; and the provider could reasonably be considered to have grounds for suspecting that harassment and/or sexual misconduct has taken place or is taking place" (OfS, 31 July 2024. Annex A: Condition E6: Harassment and sexual misconduct, p. 5).

An **intimate personal relationship** refer to a relationship that involves one or more of the following elements: physical intimacy including isolated or repeated sexual activity; or romantic or emotional intimacy. (Ibid, p. 5).

The **protected characteristics** that safeguard individuals from discrimination, under the Equality Act 2010 are Age, Disability Gender Reassignment Marriage and Civil Partnership Pregnancy and Maternity Race Religion or Belief.

Sexual assault refers to unwanted sexual acts or behaviours which an individual did not consent to, was not able to consent to, or had withdrawn their consent, and which involves the use of physical force, intimidation or coercion, for example a forced sexual activity, attempted rape or rape, sexual assault with a weapon.

Sexual harassment is “unwanted behaviour that either violated someone's dignity or created an intimidating, hostile, degrading, humiliating or offensive environment for someone. It can be sexual harassment if the behaviour has one of these effects even if it was not intended, or if it was intended to have one of these effects even if it did not have that effect”. (<https://www.acas.org.uk/sexual-harassment>) Examples of sexual harassment include, but not limited to the following: any form of unwelcome or inappropriate touching, unwelcome sexual advances, leering, inappropriate comments or gestures, unwanted ongoing declarations of affection, unwelcome physical familiarity, sexually suggestive words, gestures, or sounds, display of sexually suggestive material, unsolicited sexual messages, and obscene sexual communications through any media.

Sexual misconduct refers to “any unwanted or attempted unwanted conduct of a sexual nature and includes, but is not limited to: sexual harassment, sexual assault, and rape”. (OfS, 31 July 2024. Annex A: Condition E6: Harassment and sexual misconduct, p. 7). Sexual misconduct could include indecent exposure, sexual abuse (including online and image-based abuse), non-consensual sexual touching, penetration without consent, unwanted behaviour of a sexual nature which violates a person's dignity or makes the person feel intimidated, degraded or humiliated, stalking, abusive or degrading remarks of a sexual nature. (*Unwanted conduct as it relates to the protected characteristics in the Equality Act are described under the concept ‘harassment’ in Annexure A.*)

Sexual violence refers to a physically violent and/or coercive act, or threats of physical violence, such as physical molestation or assault.

Student refers to a person who is enrolled in a higher education programme offered by ECT and is registered with the institution for the duration of the registration.

Victimisation, in the context of H&SM, occurs when a person is subjected to a detriment because he or she has brought or is going to bring, or is believed to have brought or going to bring, in good faith, proceedings under the Equality Act 2010. It can also be where a person has given evidence or information in connection with proceedings under employment legislation; done anything for the purposes of or in connection with such legislation; or made any allegations that another person had contravened certain employment legislation. (<https://www.lexisnexis.co.uk/legal/glossary/victimisation>). Persons could be victimised because they have:

- Made a complaint against a person about harassment or sexual misconduct, or a violation of the Equality Act
- Supported someone else's complaint regarding harassment or sexual misconduct,
- Given evidence or information in connection with proceedings under the Equality Act
- Or are suspected of the above, even if they have not actually engaged in such

actions.

Victimisation generally results in unfavourable treatment that causes harm or disadvantage to the individual, such as being denied promotions or other employee benefits, being ostracised by colleagues, or being subjected to hostile behaviour after making a complaint.

Document Control		
Document title	Harassment and Sexual Misconduct Policy	
Version no.	1.1	
Date Approved	November 2024 by the Academic Board	
Approving Body	Governance Board	
Policy Custodian	Dean	
Policy Contact	Quality and Compliance Manager	
Commencement Date	<i>Not yet available</i>	
Review Period	Annually	
Next Review Date	<i>Subject to the commencement date</i>	
Related documents	<ul style="list-style-type: none"> • Academic Honesty and Misconduct Policy and Procedures • Code of Ethics (for staff and students) and Student Code of Conduct in the Academic Regulations Manual • Consumer Protection Policy and Procedures • Data Protection Policy and Procedures • Risk Management Policy • Student Protection Plan • Student Support Policy and associated Procedures 	
Revision History		
Version	Date	Description of important changes
1	Oct 2024	New document created
1.1	Nov 2024	Corrections made on recommendations from the reviews by members of the Academic Board, in particular relating to: <ul style="list-style-type: none"> • Examples of sexual misconduct • support that is available to the investigation team • reporting mechanisms • Initial and formal investigations • Reporting to the Police • Precautionary measures • References to victim support services