



Prevention of Student Harassment and Sexual Misconduct Policy 2025 - 2027

Equality Impact Assessment: Askham Bryan College recognises the importance of the Equality Act 2010 and its duties under the Act. This document has been assessed to ensure that it does not adversely affect staff, students or stakeholders on the grounds of any protected characteristics.

1. PURPOSE

- 1.1 This policy sets out Askham Bryan College's commitment to protecting students from harassment and sexual misconduct, in compliance with the Office for Students' (OfS) Condition E6.
- 1.2 Askham Bryan College aims to foster a learning and working environment where all members of the community feel safe, respected, and supported.

2. SCOPE

- 2.1 This policy applies to:
 - all students enrolled at Askham Bryan College regardless of their level or programme of study;
 - all staff, contractors, and third parties engaging with students;
 - all activities conducted on or off campus, including placements, trips and other offsite activities, including conduct which may have occurred online including via email, the internet or social media.

3. OUR COMMITMENT

- 3.1 The College is committed to:
 - taking **significant and credible action** to prevent harassment and sexual misconduct;
 - providing **clear, accessible information** on how students and staff can report concerns (see <https://www.askham-bryan.ac.uk/student-harassment-and-sexual-misconduct/>);
 - offering **appropriate support** to those affected, whether complainants, witnesses, or respondents;

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- handling all reports **fairly, promptly, and sensitively**, ensuring procedural fairness;
- **banning the use of non-disclosure agreements (NDAs)** to silence students in harassment or sexual misconduct cases;
- upholding **freedom of speech** and academic freedom, ensuring that measures to prevent harassment do not unduly restrict lawful debate or teaching.

4. DEFINITIONS

4.1 “Harassment” has the meaning given in section 26 of the Equality Act 2010 and section 1 of the Protection from Harassment Act 1997 (in its entirety, and as interpreted by section 7 of the Act). It 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

However, condition E6 extends the definition beyond the protected characteristics specified in the Equality Act, so that it applies to any student experiencing such conduct.

4.2 “Sexual misconduct” means any unwanted or attempted unwanted conduct of a sexual nature and includes but is not limited to sexual harassment as defined by section 26(2) of the Equality Act 2010, sexual assault, and rape.

4.3 “Sexual Harassment” is any unwanted physical, verbal or non-verbal conduct of a sexual nature that has the purpose or effect of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for them. It also includes treating someone less favourably because they have submitted or refused to submit to such behaviour in the past.

Sexual harassment may be a one-off incident or an ongoing pattern of behaviour. It can happen in person or in other ways, such as through social media or messaging. It can occur inside or outside of the College environment, including at social occasions, at conferences or events, and/or during trips or on offsite activities and may include, for example:

- flirting, suggestive looks, staring or leering;
- making sexual remarks about someone’s body, clothing or appearance;
- asking questions about someone’s sex life or discussing your own sex life;
- telling sexually offensive jokes;
- making sexual comments or jokes about someone’s sexual orientation or gender

reassignment;

- spreading sexual rumours about a person;
- displaying or sharing pornographic or sexual images or other sexual content;
- making sexual gestures or mimicking sexual acts;
- making a sexual proposition or sexual advance;
- making promises in return for sexual favours;
- sexual posts, messages or comments on social media, in WhatsApp groups or via messaging;
- touching someone against their will (e.g. hugging them, massaging them or kissing them); and
- sexual assault or rape.

The above list is non-exhaustive.

Some serious cases (e.g. sexual assault or rape) may amount to a criminal offence and justify the involvement of the police.

4.4 “Sexual assault” is as defined by the Sexual Offences Act 2003.

4.5 “Rape” is as defined by the Sexual Offences Act 2003.

5. ROLES AND RESPONSIBILITIES

5.1 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 every student is expected to contribute to preventing unacceptable behaviours, including harassment, bullying or sexual misconduct (including sexual harassment) through self-awareness and by modelling positive behaviour for others, and raising any concerns.

6. INTIMATE RELATIONSHIPS BETWEEN STAFF AND STUDENTS

6.1 The College prohibits intimate personal relationships between staff and students. This applies to all staff regardless of role or responsibility.

6.2 The only exception is in relation to pre-existing consensual relationships where the student is over 18. However, this must be declared to the staff member's line manager, Executive Director of People Services and Organisational Development and any conflict of interest reported to relevant assessment board(s), as appropriate.

6.3 Examples of permitted relationships are:

- consensual and intimate relationships established before the staff member became a member of staff at the College, or
- between the staff member and the student before they became a student at the College and where the student was over 16 at the time.

6.4 Relationships that are coercive, exploitative or sexualised are always unacceptable and must not occur.

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- 6.5 All staff have a duty to behave appropriately towards students, to act with integrity in their work and to avoid placing themselves in positions of actual or perceived conflict. Non-consensual behaviour (or allegations of behaviour where consent has been put into doubt) will be subject to appropriate action under this policy and other relevant College policies and procedures, such as the Staff Disciplinary Policy.
- 6.6 Students on a placement in an external organisation, for example vet nursing students, must adhere to any policies on personal relationships within the external organisation. In the absence of a policy in the external organisation students must continue to follow the College policy and should not enter into close personal and intimate relationships with their placement supervisors.

Students under 18 and students who are vulnerable adults

- 6.7 Personal relationships of an intimate nature between staff and students under the age of 18 and or who are classed as “vulnerable” are strictly prohibited. Staff should be aware that any such relationship will be subject to the College’s Staff Disciplinary Policy and Procedure and in certain circumstances could be treated as a criminal offence (under the Sexual Offences Act 2003). Such behaviour may result in summary dismissal and a referral to the Independent Safeguarding Commission/Local Authority Designated Officer.

Students who work for the College

- 6.8 Where students work for the College in a teaching, pastoral or supervisory capacity, this Policy applies to them in that capacity as members of staff.

Staff who are also students at the College

- 6.9 This policy also applies to staff who are also students at the College. In these circumstances, they will be regarded as staff not students.

7. WHAT TO DO IF YOU EXPERIENCE HARASSMENT OR SEXUAL MISCONDUCT

- 7.1 Students who experience harassment or sexual misconduct can report their experience to any staff member, or if in residential accommodation, to any of the wardens.
- 7.2 Students can also report an incident of harassment or sexual misconduct using the College’s “Whisper Form”.



7.3 Details students will be asked to provide will be:

- date they are reporting the incident;
- description of the incident;
- their name;
- their email address;
- their contact telephone number.

7.4 Apart from the date they are reporting the incident and a description of the incident, students do not have to provide this information if they do not want to and can report anonymously.

Immediate threat to safety

7.5 If there is an immediate threat to safety, students can report the matter directly to the police; but should then also inform a member of staff so that the College is also aware.

8. STAFF WHO WITNESS OR LEARN OF HARASSMENT OR SEXUAL MISCONDUCT IN RELATION TO A STUDENT

8.1 Staff who witness or learn of harassment or sexual misconduct in relation to a student must follow the College's Safeguarding Policy and Procedures.

8.2 In situations which require an immediate response, during working hours, staff should contact the College's Designated Safeguarding Lead for immediate assistance, or if out-of-hours, follow the protocols outlined in the Safeguarding Policy and Procedures.

9. THIRD PARTIES WHO WITNESS OR LEARN OF HARASSMENT OR SEXUAL MISCONDUCT IN RELATION TO A STUDENT

- 9.1 Visitors, volunteers, honorary staff, agency workers or members of the public who witness or learn of harassment or sexual misconduct in relation to a student should ask to speak to a member of the Safeguarding team. Contractors must report any concerns immediately to the Director of Estates and Facilities or the Senior Estates and Facilities Manager, who must then in turn immediately inform the College's Designated Safeguarding Lead/a member of the College's Safeguarding team.

10. MAKING A DISCLOSURE

- 10.1 Disclosure, for the purposes of this policy, involves an individual choosing to tell anyone who is part of the College, about their experience of bullying, harassment or sexual misconduct. A disclosure can be made in person, online or via other means such as phone or email.
- 10.2 The person who has chosen to disclose does not need to provide the full details of their experience if they do not wish to. Whilst they will be advised of the options open to them and supported to make a formal complaint if they choose to, they will not be pressured to make a formal complaint. If the incident is historical, the person who has experienced it can still disclose it to the College and receive support.
- 10.3 Disclosure does not trigger an investigation or action (unless the College has a safeguarding obligation), but it may lead to support being offered.
- 10.4 Disclosures can be made anonymously, either via the Whisper form and by not providing any personal details on the form when you come to submit it, or in person, to a member of staff; but by asking them to keep your identity secret. In some cases, it may be difficult to investigate a complaint or allegation properly, without you providing the College with details of your identity and details of the other party/parties involved.

False, bad faith or misleading complaints

- 10.5 Submitting a complaint that is not in good faith or providing false or misleading information in any investigation of complaints is prohibited. If a complaint is found to be false, misleading or in bad faith, it will be dealt with in accordance with the Staff Disciplinary Policy and Procedure or relevant student behaviour policy and procedures, as appropriate.

11. NEXT STEPS AFTER DISCLOSURE

- 11.1 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.
- 11.2 The person who has disclosed may choose to:
- a) **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

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report to the police or to submit a formal complaint to the College. They will also be informed of the ongoing support available.

- b) **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.
- c) **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.

Involving the police

- 11.3 Students over 18 years of age will have a choice as to whether or not they want to involve the police. With students under the age of 18, the College has a duty of care and will report the incident to the student's next of kin and police, unless in the circumstances, it is not appropriate to do so. In either situation, appropriate support will be provided.

12. SUPPORT

- 12.1 Students who have experience harassment or sexual misconduct will be offered support. Students may wish to make use of the College's counselling services which they can request via the Whisper form.
- 12.2 Students may also choose to seek support from a range of external agencies, including NSPCC, BASE from Barnado's, their GP, the police, other voluntary organisations such as Women's Aid, Victim Support, The Survivors Trust or Survivors UK. Students do not need to have made a formal complaint in order to receive this support. This support sits in addition to pastoral support available to all students.

13. CONFIDENTIALITY AND DATA PROTECTION

- 13.1 The College recognises the importance of privacy for disclosures and formal complaints of cases of harassment and/or sexual misconduct and will only share information on a confidential, need-to-know basis.
- 13.2 Confidentiality is not absolute secrecy. There may be circumstances where it is necessary or appropriate to share information either within the College or with external organisations/bodies, for example to:
 - allow a case to be appropriately considered and investigated;
 - ensure those who disclose an experience or are alleged to have committed misconduct receive appropriate academic and pastoral support;
 - safeguard members of the College community and fulfil the College's duty of care;
 - discharge the College's duties or as required by law.
- 13.3 All personal data is recorded and held in accordance with the Data Protection Act 2018 and cases of sexual misconduct will be retained in line with the College's Safeguarding Policy and Data Retention Policy.

- 13.4 The College will retain anonymised data to understand patterns of behaviour and to inform future policy.

14. FREEDOM OF SPEECH

- 14.1 This policy is implemented consistently with Askham Bryan College's obligations to uphold freedom of speech and academic freedom. Exposure to lawful academic content, discussion of controversial ideas, or participation in open debate, even if upsetting to some, does not constitute harassment unless it is **targeted, personal, and unlawful**.
- 14.2 This means that discussions in academic settings, even those that may be uncomfortable, are protected unless they amount to harassment or misconduct.
- 14.3 Staff are encouraged to foster an open environment for academic debate, whilst being mindful not to cross the line into harassment. It is essential to balance the right to free speech with the responsibility to prevent harm. This means not censoring challenging ideas, while still protecting students from genuine harassment.

Examples

Example 1

- 14.4 A lecturer includes a book in the curriculum that has explicit sexual violence scenes. Some students might feel distressed. Under E6, the College is not expected to remove the book (academic freedom to teach it) but should ensure support is available (like trigger warnings, alternative text if absolutely necessary for those with trauma, etc.). The presence of that book is not harassment – it is course content.

Example 2

- 14.5 During a seminar, students debate issues related to freedom of religion and atheism. One student argues forcefully that all religion is harmful, which upsets some peers who feel attacked. Because the comments were part of an academic discussion and not directed at anyone in particular, this is not considered harassment as long as the facilitator ensures the discussion remains respectful and within the boundaries of academic inquiry.

Example 3

- 14.7 A student group invites a speaker with controversial views on gender roles. Some students find the views offensive. If the event is a lawful free speech event, the College should allow it (potentially with measures like ensuring safety, etc.). Students protesting it would also be considered free speech. None of that is “harassment” unless someone specifically targets an individual with abuse during the event, for instance, if a participant started harassing an audience member (“You must be stupid if you believe X, maybe because of your [protected characteristic]”). The College would then act on that behaviour, not on the content of the talk itself.

Example 4

- 14.8 A lecturer singles out a student known to follow a particular religion and repeatedly challenged them in class discussions with comments like “Surely even you can’t believe that nonsense anymore?” or “that kind of thinking is dangerous”. This goes beyond debate – it is personal targeting based on a protected characteristic (religion) and may create a hostile or humiliating learning environment.

15. CONTRACTS AND BAN ON NON-DISCLOSURE AGREEMENTS

- 15.1 The College recognises its obligations under condition E6.10 and will not impose any contractual provision that would prevent or restrict any student from disclosing information about an allegation of harassment and/or sexual misconduct which involves or affects one or more students. This also applies to variations of contracts.
- 15.2 Since 1st September 2024 the Office for Students has prohibited colleges and universities from using Non-Disclosure Agreements (“NDAs”) in relation to student allegations of harassment and sexual misconduct. The College will therefore not use NDAs in relation to complaints of sexual harassment, abuse, misconduct, or other forms of harassment and bullying.

16. COMPLAINTS

- 16.1 The person who has experienced harassment and or sexual misconduct may choose to make a formal complaint to the College and thereby seek a resolution via the appropriate behaviour policy and procedure.
- 16.2 A formal complaint is different to disclosure; it is a document informing the College that something has happened and that the person who has made the complaint wishes the College to take action. The complaint must be submitted in writing, using either the FE Student Complaints Stage 2 Formal Complaint Form or (HE students) using the HE Student Complaints Stage 2 Formal Complaint Form, which are available at <https://www.askham-bryan.ac.uk/publication-scheme-customer-services/> and on the College intranet.
- 16.3 The complaints form does not need to include in-depth detail about the experience. There does however need to be enough information so that the College can take the complaint forward and understand what has happened.
- 16.4 For the purposes of this policy, from this stage onwards, the person who has submitted the complaint is referred to as the Reporting Party, and the person who is alleged to have committed harassment or sexual misconduct is referred to as the Responding Party/Respondent.
- 16.5 The complaints form will be referred to the Designated Safeguarding Lead, or an appropriate deputy. The College will not take any action without the involvement of the Reporting Party unless there is an immediate threat to safety. The Reporting Party has the right to withdraw their complaint and to stop the formal investigation process at any time.

17. MONITORING, EVALUATION AND REVIEW

- 17.1 The policy will be promoted and implemented throughout the College.
- 17.2 The Vice Principal (Students), supported by the Assistant Principal HE and HE Academic Registrar, will monitor the operation and effectiveness of arrangements referred to in this policy. The Vice Principal (Students), together with the Assistant Principal HE and HE Academic Registrar and Legal and Compliance Adviser, will review this policy every 2 years.

18. SUPPORTING AND RELATED DOCUMENTS

Anti Sexual Harassment Policy (Staff)
Complaints Policy (FE and Apps)
Complaints Procedure (FE and Apps)
FE Complaints Stage 2 Formal Complaint Form
Data Protection Policy
Dignity at Work Policy
Freedom of Speech Code of Practice
HE Students Complaints Policy
HE Student Complaints Stage 2 Formal Complaint Form
Safeguarding Policy
Safeguarding Procedures
Staying Safe on Social Media Policy
Staff Code of Conduct
Staff Disciplinary Policy and Procedure
Student Behaviour Policy
Student Charter
Whisper Form
Whistleblowing Policy
Whistleblowing Procedure
Zero Tolerance Policy

19. RELEVANT LEGISLATION

Sexual Offences Act 2003
Equality Act 2010
Protection from Harassment Act 1997
OfS Condition of Registration E6 – for further details please see
[Condition E6: Harassment and sexual misconduct - Office for Students](#)
[Annex A: Condition E6: Harassment and sexual misconduct](#)

20. DOCUMENT HISTORY

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