

Sexual Misconduct, Harassment and Related Behaviours Policy

1. What is good conduct?

- i. The National Centre seeks to maintain an environment which is safe and supportive, and we are committed to the following principles:
 - Establishing a culture of mutual respect and support;
 - Creating a safe environment in which the relationship of trust and confidence between the School and members of its community is paramount and;
 - Ensuring a zero tolerance for sexual violence and misconduct, harassment and related behaviours.
- ii. This Sexual Misconduct, Harassment and Related Behaviours Policy sets out the type of actions that **do not** align with the principles stated above. It shares how those actions can be reported, sets out the support we will provide to individuals, and confirms the actions we will take to respond to allegations. In addition to sharing this Policy, we provide training for students and staff about what constitutes sexual misconduct, harassment and related behaviours and why it must be avoided.
- iii. This Policy applies to students and staff and we require you to read it. It applies to unacceptable actions that take place in-person, online, on National Centre premises and off-site including in students' and staff own time. If any student or member of staff is unclear about our expectations of good conduct or what we mean by misconduct, harassment or related behaviours please talk to the Registry and Admissions Manager.
- iv. This Policy should be read alongside the:
 - Student Non-Academic Misconduct and Disciplinary Policy which provides detailed information about the way we respond to all alleged reports of misconduct by a student.
 - HR policies which provide detailed information about the way we respond to all alleged reports of misconduct by a member of staff.
 - The Relationships and Professional Boundaries statement which does not allow any intimate, romantic or sexual relationships between staff and students.
- v. A penalty will normally apply where an investigation shows evidence of misconduct, harassment or related behaviours. For students, more information about penalties can be found in the Student Non-Academic Misconduct and Disciplinary Policy.
- vi. We will apply this Policy in accordance with the Equality Act 2010, including our duty to make reasonable adjustments where necessary.

2. Support

- i. We strongly encourage any student or member of staff to report to us any alleged sexual misconduct, harassment or related behaviours, even if they have a doubt about doing so. It is our role and duty to provide support to individuals and/or offer advice on next steps.
- ii. We recognise that matters relating to sexual misconduct, harassment or related behaviours can be challenging and highly sensitive. Confidential support will therefore be assigned to you if:
 - You have been subject to these actions
 - You are reporting the alleged actions of another individual
 - An allegation has been made against you
 - You have witnessed alleged actions or are affected in any way
- iii. The National Centre will ensure that different members of staff are supporting (i) the individual who has been the subject of alleged misconduct and (ii) the individual who has had an allegation of misconduct made against them.
- iv. It is important to seek further support if the situation is impacting negatively on an individual's wellbeing or mental health.

3. What is sexual misconduct, harassment or related behaviours?

- i. Sexual misconduct, harassment or related behaviours are unacceptable actions that you take that go against the principles set out at the start of this Policy. We define these as:
 - **Sexual misconduct:** unacceptable behaviour of a sexual nature.
 - **Harassment:** any unwanted physical, verbal or non-verbal conduct that has the purpose or effect of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for them. A single incident can amount to harassment.
 - **Related behaviours:** behaviours which do not specifically fall under the definition of sexual misconduct or harassment, but which are unacceptable behaviours that may constitute a breach of this Policy.
- ii. The UK legal context of these definitions, and examples of behaviours, are provided in Section 5.

4. What is consent?

- i. A clear understanding of consent is fundamental to respectful relationships between individuals. We define consent as:
 - The agreement by choice to participate in an act (including, but not limited to, a sexual act) where the individual has both the freedom and capacity to make that decision.
- ii. This means that:
 - A person can make that choice freely and is not constrained in any way.

- A person has the capacity, including the age and/or understanding, to make a clear choice about whether to take part in an act and/or sexual activity at the time in question. Capacity to consent is particularly relevant where that person is intoxicated by alcohol, affected by drugs or subject to coercive or grooming behaviours.
- iii. The crucial question about consent is whether an individual agrees to an activity **by choice**.
- iv. Consent cannot be assumed on the basis of any previous sexual or other encounter (including in a previous or ongoing relationship) or previously given consent or from the absence of a complaint. Each new encounter requires reconfirmation of consent. Consent may be given to one form of sexual activity but not to another form of sexual activity. Consent may be withdrawn at any time during sexual activity and each time an activity occurs.

5. Legal context and examples of sexual misconduct, harassment or related behaviours

- i. The legal context of sexual misconduct in the UK includes:
- **Sexual harassment** as defined by Section 26(2) Equality Act 2010
 - **Assault** as defined by the Sexual Offences Act 2003
 - **Rape** as defined by the Sexual Offences Act 2003
 - **Physical unwanted sexual advances** as set out by the Equality and Human Rights Commission: Sexual harassment and the law, 2017
 - **Intimidation or promising resources or benefits** in return for sexual favours as set out by the Equality and Human Rights Commission: Sexual harassment and the law, 2017
 - **Distributing private and personal explicit images or video footage** of an individual without their consent as defined by the Criminal Justice and Courts Act 2015.
- ii. Further examples of sexual misconduct activity include:
- Engaging in, or attempting to engage in, sexual contact without consent.
 - Sharing private sexual materials of another person without consent, including online or via social media.
 - Kissing without consent.
 - Wilfully touching inappropriately through clothes without consent.
 - Inappropriately showing sexual organs to another person.
 - Making unwanted remarks or noises (e.g. wolf-whistling) of a sexual nature.
 - Inappropriate remarks about a person's appearance or dress.
 - Making recordings of activity without consent.
- iii. The legal context of harassment in the UK is:
- Unwanted conduct related to a relevant protected characteristic which has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment as defined by the Equality Act 2010. This definition includes harassment by association or perception.

iv. Further examples of harassment and related behaviours include:

- Inappropriate remarks about a person's appearance or dress.
- Controlling or coercive behaviours which include:
 - Behaviours that cause another person serious alarm, distress or pressure and which has a substantial adverse effect on their usual day-to-day activities
 - Emotionally 'blackmailing' an individual to stay in an intimate/friendship relationship
 - Controlling clothing, food, friendship or personal choice of another person
 - Coercive demands for favours (e.g. sexual favours)
- Gaslighting, which means manipulating someone else psychologically, or seeking to sow seeds of doubt in a targeted individual or in members of a targeted group, making them question their own memory, perception and/or sanity by using persistent denial, misdirection, contradiction or lying.
- Grooming behaviours which include:
 - Isolating someone so they are dependent academically or emotionally
 - Buying presents or repeatedly insisting on paying for them to create a power imbalance
 - Exploitation of a position of authority or of a power imbalance by an individual for their own advantage by coercing, manipulating or deceiving another person
- Directly or indirectly targeting an individual or a group of people because of their age, ethnic origin, race, nationality, religion, sex, gender, disability, marital status, pregnancy or other presentation in a way that – intended or not – is likely to intimidate, offend or harm
- Repeatedly engaging in unwanted interaction, including online or via social media, noting that the National Centre may deem multiple or repeated incidents to be a more serious offence.
- Publishing any statement or other material in hard copy or online without consent purporting to originate from another person or relating or purporting to relate to another person.
- Stalking another person, for example, following a person, watching or spying on them or forcing contact through any other means including social media.
- Monitoring another person's use of the internet, email or any other form of electronic communication.
- Interfering with the property of another person, including restricting access to their own property.

6. Disclosing and reporting alleged sexual misconduct, harassment or related behaviours

- i. A **disclosure** is where a student or member of staff informs the National Centre that they have been subject to sexual misconduct, harassment or related behaviours. A disclosure may be made because the individual is seeking support - it does not automatically mean that they want the allegation investigated.
- ii. A **report** is where an individual names a student or member of staff alleged to have engaged in misconduct and requests that the alleged incident/s is investigated. An earlier disclosure may lead to a later report.
- iii. Alleged sexual misconduct, harassment or related behaviours by another member of the National Centre community may be disclosed or reported by:
 - A National Centre student
 - A member of National Centre staff
 - A visitor to the National Centre community
 - A person external to National Centre where the alleged actions impacts on them, the reputation of the National Centre and/or could harm members of the public and/or of the National Centre community.

If you are not sure if the alleged actions meet the definition of misconduct, harassment or related behaviours, we encourage you to talk to the Student Support Manager to get advice.

- iv. We fully recognise that disclosing or reporting an allegation of sexual misconduct, harassment and related behaviours is not always easy and we offer a number of ways of you being able to do so:
 - **Talk to a member of staff** with whom you feel comfortable. They will take your disclosure seriously and will offer practical advice on the actions you could take. If you do not want to talk to a member of staff you can alternatively contact them in writing by email or Teams. Support is available to you even if you choose not to take the report further.
 - **Use the National Centre reporting function** which is available [here](#). Where you include your contact details, a member of staff will arrange a meeting to listen to your disclosure and offer practical advice on the actions you could take. Reports made will be seen by the COO. On that page is a further form where you can report to the Chair of the Audit Committee if your report concerns the actions of the COO or CEO. Both have the option to be done anonymously.
 - **Submit a formal report:** where you wish the National Centre to investigate the incident/s. Students can do this via the Student Non-Academic Misconduct and Disciplinary Policy. Students can also submit a report via the Student Complaints Policy.
- v. More information about choosing to make a report to the police - in addition to or instead of making a report to us - is provided in the Student Non-Academic Misconduct and Disciplinary Policy.
- vi. The Student Non-Academic Misconduct and Disciplinary Policy provide information about how we respond to allegations reported anonymously. It also provides information about how we respond to allegations that are made solely for malicious or vexatious purposes.

- vii. In line with the Emergency Powers Policy, the CEO may choose to suspend or exclude a student against whom a report is made.

7. Timescale for making a report

- i. We fully understand that in some circumstances you may not be able to formally disclose or report an allegation within the timescale we set out in the Student Non-Academic Misconduct and Disciplinary Policy. We will always provide support to an individual making a report and we would wish to investigate an allegation swiftly.
- ii. We may, however, define non-recent allegations of sexual misconduct, harassment or related behaviours as actions that are alleged to have occurred at a time that now may reasonably inhibit or prevent us from undertaking a full investigation, for example where a member of staff has left their post or a student has graduated.
- iii. Where a report is made about the alleged non-recent misconduct of a student or member of staff, we will always take action to assess if there is sufficient evidence to progress an investigation **and** where it is possible for us to conduct that investigation in a fair and transparent way in accordance with this or other relevant policy.
- iv. Where it is not possible for us to proceed with an investigation, we will share with the reporting individual the reasons why.
- v. Where the National Centre cannot proceed with its investigation, this position does not prevent an individual making a report to the Police where an alleged crime has been committed.
- vi. Where a student or member of staff reports an allegation of sexual misconduct, harassment or related behaviours about a former member of National Centre, the Chief Executive or their nominee will risk-assess the case. Next steps will include:
 - Determining who will provide a support meeting for the student or member of staff making the report
 - Considering a referral to external support services
 - Considering if the matter should be reported to the Police, taking account of the wishes of the person making the report.

8. Acknowledging a formal report

- i. Our process for acknowledging a formal report of sexual misconduct, harassment or related behaviours by a student will be the same as when we acknowledge a formal report of any form of student misconduct. Section 20 of the Student Non-Academic Misconduct and Disciplinary Policy provides this information.
- ii. We will continue to provide support for individuals as set out in Section 2 of this Policy.

9. Investigation

- i. Our process for investigating a formal report of sexual misconduct, harassment or related behaviours by a student will be the same as the investigation process for any form of student

non-academic misconduct. Section 20 and 21 of the Student Non-Academic Misconduct and Disciplinary Policy provides this information.

- ii. Our process for investigating sexual misconduct, harassment or related behaviours by a member of staff is set out in the relevant HR policies.
- iii. We will continue to provide support for individuals as set out in Section 2 of this Policy.
- iv. We will consider the specific circumstances of each case in relation to how we progress an investigation. In particular, we will assess the wellbeing of any individuals involved in the allegation as to whether they are able to participate in the process. Where necessary, we will pause the investigation process set out in the Student Non-Academic Misconduct and Disciplinary Policy and defer to using the Support for Study Policy or any other relevant approach in relation to our duty of care to one or more individuals.

10. Determining an outcome

- i. We determine the outcome of a sexual misconduct, harassment or related behaviours allegation on the balance of probability and standard of proof. This means that for us to uphold an allegation of misconduct, we need to show sufficient evidence that either misconduct occurred or is more likely than not to have occurred. More information about this type of assessment, and how it differs from a criminal investigation, is available on the website of the [Office of the Independent Adjudicator for Higher Education](#).
- ii. More information about how we determine an outcome relating to sexual misconduct, harassment or related behaviours engaged in by a student is set out in the Student Non-Academic Misconduct and Disciplinary Policy.

11. Disciplinary Process

- (a) Where an allegation of sexual misconduct, harassment or related behaviours is upheld, the report will be considered by a disciplinary panel.
- (b) The disciplinary process for a student against whom a case has been upheld is set out in the Student Non-Academic Misconduct and Disciplinary Policy.

12. Confidentiality within National Centre

- (a) We will manage misconduct allegations confidentially. It will be necessary for a limited number of people to know the details of the allegation for it to be investigated.
- (b) These people will include staff who manage the allegation, who undertake the investigation, are named in the allegation, are witnesses to the matters it raises, are part of a panel that considers the allegation or who are asked to review a disciplinary outcome. The National Centre Senior Leadership Team will also be briefed on allegations that may have significant reputational implications.

13. Monitoring of this Policy

- (a) The National Centre Academic Board and Audit Committee will monitor the number and nature of student disciplinary cases and appeals and a report will subsequently be made to the Board of Governors. Part of this monitoring process will also determine if changes need to be made to this policy or any other related policy to ensure their ongoing effectiveness and/or to align with sector good practice or new regulatory requirements.

Last reviewed: Feb 2026

Next Review: Feb 2029