

LINCOLN COLLEGE

**HARASSMENT AND SEXUAL
MISCONDUCT POLICY AND
PROCEDURES**

POLICY CO/PO/3

SPONSOR
Head of Student Services

EQUALITY AND DIVERSITY STATEMENT

Lincoln College strives to treat all its members and visitors fairly and aims to eliminate all forms of unlawful discrimination, specifically across all protected characteristics. We will work towards a fair and just organisation and promote inclusion for all those impacted by Lincoln College and the wider community.

LINCOLN COLLEGE

HARASSMENT AND SEXUAL MISCONDUCT POLICY AND PROCEDURES

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LINCOLN COLLEGE

HARASSMENT AND SEXUAL MISCONDUCT POLICY AND PROCEDURES

1 PURPOSE

- 1.1 The following policy and procedure have been designed to work alongside the Personal Relationships between Staff and Students Policy and the Safeguarding Policy. The College has a separate complaints procedure under which learners can raise complaints about College academic and non-academic provision. This policy and procedure have also been written in line with the Office for Students 'Statement of expectations for preventing and addressing harassment and sexual misconduct affecting students in higher education.'
- 1.2 Throughout this policy and associated procedures, reference is made to learners. This policy is written to encompass all learners at the College, which may include Higher Education (HE) Learners and Adult learners that are all aged 18 years old and over and may include Further Education (FE) full time study programme learners that are aged 16-18 years old.
- 1.3 The purpose of this policy is to state the expectations the College has with regards to Harassment and Sexual Misconduct and to ensure the safety and fair treatment of all learners.
- 1.4 Lincoln College has adopted the Learner Conduct Policy in respect of Harassment and Sexual Misconduct and is committed to providing an environment that is free from harassment and discrimination, and the right of all members to be treated with dignity and respect.
- 1.5 Related policies that may need to be read in conjunction with this document are:
 - Learner Conduct Policy
 - Personal Relationships between Staff and Students Policy
 - Safeguarding Policy and Procedures
 - Mental Health and Disability Policy
 - Criminal Disclosure Policy
 - Transgender Policy
 - E-Safety and Social Media Policy
 - Equality and Diversity Policy
 - Customer Complaints and Grievance
 - Code of Conduct Policy
 - Personal Relationships between Students and Staff Policy
 - Suicide Mitigation and Response Policy
 - College Appeals Panel Policy and Procedure
- 1.6 Legislation that has been considered when developing this policy and procedure:
 - Sexual offences Act 2003
 - Social Media Policy
 - Safeguarding Policy
 - Voyeurism Act 2019
 - Domestic Abuse Act 2021
 - OfS Statement of Expectations – Prevent and address harassment and sexual misconduct.

2 AIM

- 2.1 This policy statement aims to provide guidance to learners on expectations for conduct and how to access support and guidance.
- 2.2 This policy and procedure aims to provide guidance to staff on how to deal with issues when they are reported and what procedures they must follow.

3 INTRODUCTION

- 3.1 The College will treat any allegation of harassment or sexual misconduct of a learner by another person seriously.

- 3.2 Harassment:

Harassment 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 includes harassment by association or perception.

- 3.3 Sexual Misconduct:

Sexual misconduct encompasses any unwelcome behaviour of a sexual nature that violates personal boundaries, dignity, and consent. This broad term includes a range of actions, from sexual harassment and assault to rape, and can also encompass other behaviours like unwanted touching, exposure, stalking, and intimidation. Essentially, it's any conduct of a sexual nature that is unwanted, harmful, and violates the principle of consent.

Examples sexual misconduct include:

- Sexual harassment: Unwelcome sexual advances, requests for sexual favours, and other verbal or physical harassment of a sexual nature.
- Sexual assault: Any sexual act committed without consent, including rape, forced touching, or other sexual acts.
- Rape: Sexual intercourse without consent.
- Unwanted touching: Touching someone sexually without their consent, including pinching, embracing, or groping.
- Stalking: Repeatedly following, harassing, or threatening someone, often with sexual intent.
- Exposure: Inappropriately exposing one's genitals or other private parts to others.
- Intimidation: Using force or coercion to pressure someone into unwanted sexual activity.
- Distributing private and personal explicit images or video footage of an individual without their consent

- 3.4 Learners are expected to take responsibility for their own conduct: the fact that a student against whom an allegation has been made was under the influence of alcohol or drugs at the time will not be viewed as mitigating the case.
- 3.5 If learners believe that they have been subject to harassment or sexual misconduct by another person, they can seek advice, guidance and support

or raise a complaint with the College. Learners should ensure that they are aware of the limits that may be applied to the principle of confidentiality, including how any information they provide might be used at later stages of the procedure if the case is escalated to more formal, including conduct, procedures, or if it is reported to the Police.

- 3.6 Learners who believe they have been harassed or been the subject of sexual misconduct are advised to seek support from the College. Learners can contact the Single Point of Contact (SPOC) to access advice from the Safeguarding team.
- 3.7 Sexual assault, harassment and rape are criminal offences and learners will be supported to come to an informed decision as to whether to report this to the Police. In exceptional circumstances, where the facts as they emerge give rise to concerns that there is significant ongoing risk to members of the College or the wider community, a Safeguarding Lead may decide to refer the matter to the Police.

4 SUPPORT AND GUIDANCE

- 4.1 The College operates a Single Point of Contact (see Appendix 1.) Learners can self-refer to this service by phone, text, email or access support face to face via the 'drop in' service. Learners can contact the SPOC anonymously to report information or to gain advice with regards to how to deal with a situation that they are concerned about. Staff can also make referrals to the SPOC to report any concerns they have about a learner.
- 4.2 All staff that work on the SPOC are part of the Safeguarding team and are trained to support and advise learners that wish to make a disclosure. Staff follow the referrals process in order to risk assess and determine the best course of action (see Appendix 2.)
- 4.3 Information is dealt with sensitively and confidentially. Written records are kept on the College's Child Protection Online Management System (CPOMS) which has settings and restrictions in place to allow the appropriate sharing of information and alert system.
- 4.4 The relevant Assistant Principal will be alerted by the staff member that is monitoring the SPOC of any incidents that involve Harassment and Sexual Misconduct.

5 INVESTIGATION

- 5.1 If the case is subject to an external Police investigation, the College will consider the most appropriate course of action for both the alleged victim and alleged perpetrator whilst this is ongoing. The relevant Assistant Principal of Education will review known information and may choose to re-arrange timetables to avoid contact at college or consider suspension. The College will not investigate any claims whilst there is a live/ongoing Police investigation.
- 5.2 If the case is not subject to a Police investigation, the relevant Assistant Principal of Education may request an internal investigation under the Serious Misconduct section of the Learner Conduct Policy. An investigating officer will be appointed to try and establish as many undisputed facts about what has happened. The investigator will meet with both parties and also any witnesses to the events of the alleged sexual misconduct. The findings

of the investigation will be presented in a written report to the relevant Assistant Principal of Education for further consideration.

- 5.3 The relevant Assistant Principal of Education will review the findings of the investigation, if the findings are inconclusive, they may refer the case to the College's Strategic Safeguarding Panel. The process for this is outlined in the College's Safeguarding Policy and Procedures. If the findings are conclusive, the relevant Assistant Principal of Education may issue a sanction as per the Learner Conduct Policy.

6 STAFF TRAINING AND AWARENESS

- 6.1 The College provides mandatory safeguarding training for all staff, including online training modules and regular face-to-face training sessions and workshops delivered through staff development days. This training supports staff to recognise, respond to, and appropriately manage concerns relating to sexual harassment, sexual misconduct, and harmful sexual behaviours. Training is completed as part of staff induction and refreshed regularly to maintain awareness and good practice.
- 6.2 The College delivers an annual awareness campaign to promote understanding of, and challenge, sexual harassment, sexual misconduct, and harmful sexual behaviours. The campaign is launched at the start of each academic year and is communicated through a range of channels, including digital resources, social media, posters, flyers, and other student-facing communications.

7 STUDENT TRAINING

- 7.1 The College will carry out mandatory training for all new higher education students within the induction period. The training will inform students about the relevant policies and ensure students are informed on how the College aims protect them, including reporting processes. The training will also provide the relevant training around action to be taken if a student potentially witnesses sexual misconduct and information on sexual consent.

8 REPORTING AND MONITORING

- 8.1 Harassment and Sexual Misconduct is monitored by the Head of Student Services. A termly Safeguarding report is prepared and taken to the Operations meetings and presented to the Performance and Quality Board. This report is also shared with the link governors for Safeguarding. The Designated Safeguarding Lead (DSL) and their deputy meet termly with one of the link governors. The DSL meets with their deputies on a monthly basis. A termly report is provided to the Group Leadership Team and an End of Year Report is presented to the full Board of Governors.

9 COMPLAINTS

- 9.1 Further Education learners (all learners with the exception of HE learners) can make a complaint as per the Customer Complaint and Grievance Procedure – Further Education and Training. Learners can make a complaint as follows:
- verbally to any manager of the college
 - in writing: a Customer Complaint Form is available through the Quality Team
 - by email to complaints@lincolncollege.ac.uk

- 9.2 Higher Education learners can make a complaint as per the Student Complaint and Grievance Procedure – Higher Education. Learners can initiate a complaint following the same route as described in 8.1.

SAFEGUARDING & MENTAL HEALTH



**Contact the Safeguarding Team for help
and advice**

Call: 07580975854

Email: safeguarding@lincolncollege.ac.uk

APPENDIX 2 Safeguarding Referrals

SAFEGUARDING REFERRALS



