



Sexual Misconduct Policy

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1. Policy statement and purpose

- 1.1 UCQ do not tolerate sexual misconduct, violence or abuse and are committed to providing a learning environment in which all members of the UCQ community feel safe and are respected.
- 1.2 UCQ are committed to preventing and eliminating all forms of sexual misconduct.
- 1.3 UCQ recognise the significant negative effects that experiencing sexual misconduct can have upon individuals and will support them, as well as supporting those members of the UCQ community (peers, tutors, other staff etc.) to whom such experiences are disclosed.
- 1.4 UCQ are committed to providing a supportive and confidential environment where all individuals feel confident and empowered to disclose, will be listened to and understand the options available to them.
- 1.5 This policy is underpinned by the [Office for Student's statement of expectations for preventing and addressing harassment and sexual misconduct affecting students in higher education](#) and [Ofsted's Education Inspection Framework paragraph 275-279 regarding sexual harassment and violence and online sexual abuse](#).
- 1.6 The purpose of this policy is to outline how UCQ will:
 - provide a learning environment in which all members of the UCQ community feel safe and are respected
 - set out UCQ's expectations around the unacceptability of sexual misconduct
 - support students and staff who have experienced any form of sexual misconduct
 - respond to disclosed incidents which breach this policy

2. Scope

- 2.1 This policy covers all students (including distance learners and apprentices) and staff of UCQ.
- 2.2 It will apply to sexual misconduct which:
 - occurs on UCQ venues, property and/or land;
 - occurs whilst a student or staff member is engaged in any UCQ-related activity;
 - occurs via electronic means including, but not limited to: internet, email, social media sites, chat rooms/forums, text messages and instant messaging;
 - results in a legal or police investigation, charge or conviction of an offence;
 - raises questions about the fitness of the individual to work or study; or
 - in the view of UCQ poses a serious risk or disruption to UCQ or members of its community.

3. Definitions

- 3.1 For the purposes of this policy, UCQ adopt the following definitions for harassment and sexual misconduct:

Harassment (as defined by Section 26 of the Equality Act 2010) includes unwanted behaviour or conduct which has the purpose or effect of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment because of, or connected to, one or more of the following protected characteristics:

- i. age
- ii. disability
- iii. gender reassignment
- iv. race
- v. religion or belief
- vi. sex
- vii. sexual orientation

Under this definition, UCQ understand harassment to include domestic violence and abuse (which can also involve control, coercion, threats), and stalking.

UCQ would also consider harassment to include any incidents of physical violence towards another person(s) on the basis of a protected characteristic, and hate crimes, such as those criminal offences which are perceived by the victim or any other person, to be motivated by hostility or prejudice, based on a person's disability or perceived disability; race or perceived race; or religion or perceived religion; or sexual orientation or perceived sexual orientation or transgender identity or perceived transgender identity.

Sexual misconduct relates to all unwanted conduct of a sexual nature. This includes, but is not limited to:

- i. Sexual harassment (as defined by Section 26 (2) of the Equality Act 2010)
- ii. Unwanted conduct which creates an intimidating, hostile, degrading, humiliating or offensive environment (as defined by the Equality Act 2010)
- iii. Assault (as defined by the Sexual Offences Act 2003)
- iv. Rape (as defined by the Sexual Offences Act 2003)
- v. Physical unwanted sexual advances (as set out by the Equality and Human Rights Commission: Sexual harassment and the law, 2017)²
- vi. 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)³
- vii. 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).

These definitions include both physical and virtual harassment and sexual misconduct experienced through any media.

4. Equality and diversity

4.1 Sexual misconduct can be experienced by any individual, regardless of sex, gender, sexual orientation, relationship status, age, disability, faith, ethnicity, nationality and economic status. Women, members of the LGBT+ community, and individuals with disabilities are disproportionately affected by experiences of sexual violence. Experiences of sexual misconduct and violence may intersect with other forms of harassment and discrimination.

5. Confidentiality

5.1 Confidentiality will be maintained, where possible, throughout the disclosure, reporting and investigative processes in recognition of the sensitive nature of sexual misconduct and violence matters. As such, information will usually only be shared with relevant individuals/entities (who may be internal or external to UCQ, e.g. counsellors, witnesses, external experts from specialist agencies like Rape Crisis, Sexual Assault Referral Centres or the Police). UCQ reserves the right, and may be under an obligation, to share information in exceptional circumstances where such disclosure is necessary to protect any individual or the wider UCQ community from harm or to prevent a crime from taking place. All individuals involved in any process under this Policy must keep information that is disclosed to them as part of the process confidential. Any unauthorised disclosure of confidential information will be considered a Policy violation and will be addressed accordingly. Throughout all proceedings, UCQ will act in compliance with the General Data Protection Regulation (GDPR) and Data Protection Act 2018.

6. Responsibilities

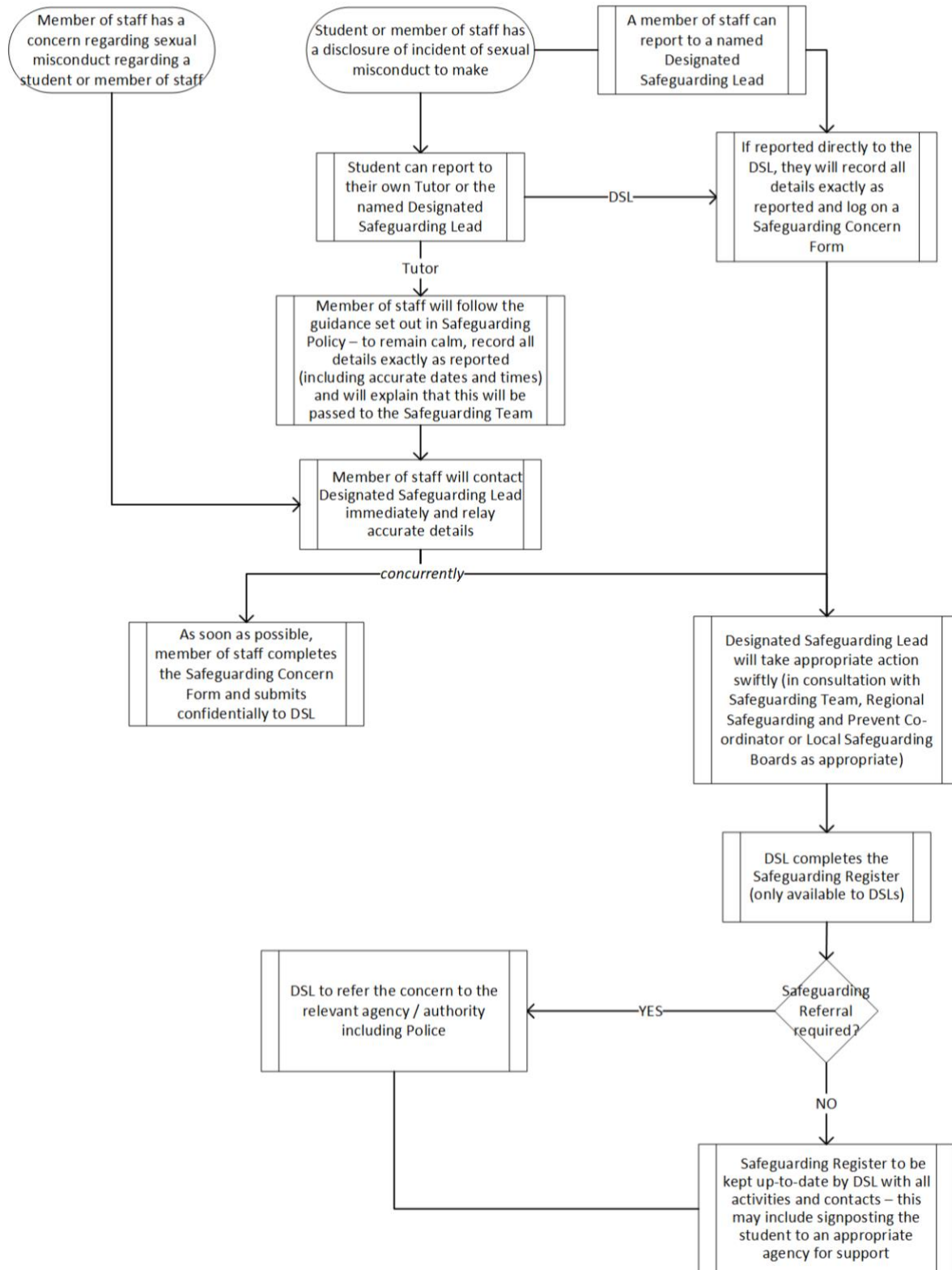
6.1 As Strategic Safeguarding Lead (SSL), the Vice Principal is responsible for the application of the procedures associated with this Policy. The day-to-day management of all safeguarding related concerns is overseen by the Safeguarding Team.

Safeguarding Team	
Strategic Safeguarding Lead: Michelle Elliott	Tel 0191 275 5015 or michelle.elliott@ucq.ac.uk
Designated Safeguarding Lead: Kelly Pattison	Tel 0191 275 5015 (07308 231263) or kelly.pattison@ucq.ac.uk
Designated Safeguarding Lead (Stockton): Ben Devine	Tel 07366 564 165 or ben.devine@ucq.ac.uk

7. Commitment

- 7.1 The following statements of commitment are underpinned by the [Office for Students statement of expectations for preventing and addressing harassment and sexual misconduct affecting students in higher education](#).
1. UCQ will clearly communicate, and embed across the whole organisation, their approach to preventing and responding to all forms of harassment and sexual misconduct affecting students and staff. UCQ will set out clearly their expectations of students, staff and visitors.
 2. UCQ's Academic Council will ensure that their approach to harassment and sexual misconduct is adequate and effective. This includes ensuring that risks relating to these issues are identified and effectively mitigated.
 3. UCQ will appropriately engage with students and staff to develop and evaluate systems, policies and processes to address harassment and sexual misconduct.
 4. UCQ will implement adequate and effective staff and student training with the purpose of raising awareness of, and preventing, harassment and sexual misconduct.
 5. UCQ will have adequate and effective policies and processes in place for all students and staff to report and disclose incidents of harassment and sexual misconduct.
 6. UCQ will have a fair, clear and accessible approach to taking action in response to reports and disclosures.
 7. UCQ will ensure that students and staff involved in an investigatory process have access to appropriate and effective support.

8. Process for reporting and responding to sexual misconduct



9. Support

- 9.1 UCQ is committed to providing support for those members of its community affected by these issues. UCQ will provide information on support resources available and offer interim measures as appropriate to the reporting party, responding party, and witnesses involved in alleged incidents of sexual misconduct and violence.
- 9.2 Support resources are available to any member of UCQ who discloses an incident regardless of their choice to make a report to UCQ or Police. Support remains available irrespective of the outcome of an investigation.
- 9.3 The reporting party and responding party will each have a member of staff assigned to them to offer welfare and pastoral support. This support will be separate; one member of staff will not provide support to both parties. Staff in these roles are trained to support either party during and after an investigation. Support will be offered via video or phone call whilst staff are working remotely. Staff supporting students can attend meetings with the student via Teams.
- 9.4 The reporting party and responding party may be signposted to free, impartial and confidential advice services such as the Students' Union Advice Service or the Acas Helpline.

10. Additional resources

UCQ Safeguarding Resources: <https://ucq.ac.uk/safeguarding-and-prevent/>

The UCQ website provides links to a range of external support services: <https://ucq.ac.uk/support-links/>