UCQ UNIVERSITY CENTRE QUAYSIDE

Sexual Misconduct Policy: For staff

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1. Policy statement and purpose

1.1 UCQ does not tolerate sexual misconduct, violence or abuse and is 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 regarding sexual harassment and violence and online sexual abuse.

1.6 The purpose of this policy is to outline how UCQ will:

- provide a working environment in which all staff feel safe and are respected
- set out UCQ's expectations around the unacceptability of sexual misconduct
- support staff who have experienced any form of sexual misconduct
- respond to disclosed incidents which breach this policy

2. Single comprehensive source of information

This Policy has been developed as part of UCQ's single comprehensive source of information, available at: https://ucq.ac.uk/safeguarding-and-prevent/

UCQ will ensure this single comprehensive source of information remains accessible and prominent, and that previous versions of key policies are retained for an appropriate period to enable users to identify what applied at earlier times, with transparency about changes made.

3. Scope

3.1 From 26 October 2024, employers are required to take reasonable steps to prevent sexual harassment. The Equality and Human Rights Commission (EHRC) takes the view that this duty covers sexual harassment from customers, clients, and other third parties, and that they can take enforcement action on that basis. This policy covers all staff of UCQ (including agency, visiting, associate and hourly paid staff) irrespective of anyone's position or role in UCQ, together with UCQ as an employer in its responsibility to protect staff from harassment received from customers, clients or other third parties.

3.2 It will apply to sexual misconduct which:

- occurs on UCQ venues, property and/or land; or
- occurs whilst a staff member is engaged in any UCQ-related activity; or

- occurs via electronic means including, but not limited to: internet, email, social media sites, chat rooms/forums, text messages and instant messaging; or
- results in a legal or police investigation, charge or conviction of an offence; or
- raises questions about the fitness of the individual to work; or
- in the view of UCQ poses a serious risk or disruption to UCQ or members of its community.

3.3 UCQ will take reasonable, proportionate steps to prevent sexual harassment, including harassment by third parties. These steps may include risk assessments for high-risk activities/environments, clear behavioural standards for staff and visitors, reporting routes, appropriate training, and regular review of incidents, themes and effectiveness of controls.

4. Definitions

4.1 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. marriage and civil partnership
v. pregnancy and maternity
vi. race
vii. religion or belief
viii. sex
ix. 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)

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).

viii. Voyeurism (as defined by the Voyeurism Act 2019)

ix. Domestic Abuse (as defined by the Domestic Abuse Act 2021)

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

4.2 Other relevant UCQ policies include:

- SA-014 Safe Use of IT Policy
- SA-002 Safeguarding Policy
- SA-002 (Appendix B) – Staff Code of Conduct (covers relationships between staff and students)
- SA-002 (Appendix G) – Safer Recruitment Policy
- SA-002 (Appendix H) – Allegations and Whistleblowing
- SA-002 (Appendix I) – DBS and Barred List Checks
- GP-013 Appendix A Behaviours and Expectations
- GP-024 Student Disciplinary Procedure

4.3 Staff-student intimate personal relationships

UCQ recognises the inherent power imbalance in staff–student intimate personal relationships. UCQ's approach, including required steps to prevent conflicts of interest and abuse of power, is set out in SA-002 (Appendix B) – Staff Code of Conduct. Staff must familiarise themselves with and comply with these requirements.

5. Equality, diversity and inclusion

5.1 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 disproportionally affected by experiences of sexual violence. Experiences of sexual misconduct and violence may intersect with other forms of harassment and discrimination.

6. Freedom of Speech

6.1 In accordance with the Office for Students (OfS) Condition E6, higher education providers are required to uphold freedom of speech and academic freedom within the bounds of the law, while also meetings its obligations to prevent and address harassment and sexual misconduct. These principles include the following:

a. Freedom of Speech and Academic Freedom: Providers must place considerable emphasis on the importance of freedom of speech, academic freedom, and tolerance for

controversial views in educational settings. This obligation extends to all premises and environments where educational services, events, and debates occur, regardless of any other applicable legal requirements.

b. Rebuttable Presumption of Freedom of Speech: Providers must apply a rebuttable presumption, meaning that students' exposure to certain materials and expressions is unlikely to constitute harassment. Specifically, this includes:

- The content of higher education course materials, such as books, videos, audio recordings, and images.
- Statements and views expressed by individuals in the course of teaching, research, or discussions directly related to course content.

This policy is not used to restrict lawful academic content, debate or discussion; however, targeted unwanted conduct that meets the definition of harassment or sexual misconduct will be addressed.

7. Confidentiality

7.1 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.

7.2 Nothing in this policy prevents any individual from reporting concerns to the Police, seeking advice from a trade union, obtaining legal advice, making a protected disclosure (whistleblowing), or cooperating with a statutory or regulatory body. UCQ will not subject any person to detriment for making a report in good faith.

8. Responsibilities

8.1 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 who are located in Newcastle and Stockton.

Safeguarding Team – dsl@ucq.ac.uk	
Strategic Safeguarding Lead: **Michelle Elliott**	Tel 03330048470 or michelle.elliott@ucq.ac.uk
Designated Safeguarding Lead: **Kelly Pattison**	Tel 03330048470 (07308 231263) or kelly.pattison@ucq.ac.uk
Designated Safeguarding Lead: **Ben Devine**	Tel 07366 564 165 or ben.devine@ucq.ac.uk

9. Commitment

9.1 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.

a. 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 staff. UCQ will set out clearly their expectations of staff and visitors.

b. UCQ's Board of Governors 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.

c. UCQ will appropriately engage with staff to develop and evaluate systems, policies and processes to address harassment and sexual misconduct, through the appropriate meeting and committee structure.

d. UCQ will implement adequate and effective staff training with the purpose of raising awareness of, and preventing, harassment and sexual misconduct. Designated Safeguarding Leads will receive specialist sexual misconduct training. Wider staff training is delivered annually via an update session.

e. UCQ will have adequate and effective policies and processes in place for all staff to report and disclose incidents of harassment and sexual misconduct. Safeguarding policies are published on the UCQ website.

f. UCQ will have a fair, clear and accessible approach to taking action in response to reports and disclosures.

g. UCQ will ensure that staff involved in an investigatory process have access to appropriate and effective support.

9.2 UCQ will monitor trends, anonymised themes and the effectiveness of prevention and response measures, and will use this information to inform training, policy review, and governance oversight through the appropriate committee structure.

9.3 Ofsted (June 2021) published a review of sexual abuse in schools and colleges in light of recent campaigns, which encouraged students and pupils to report their own experiences with sexual harassment. In response, the Government ordered an urgent review of sexual abuse in schools.

UCQ believe a whole organisational approach and zero tolerance policy is required.

10. Safer recruitment checks

10.1 All staff will undergo an enhanced DBS check which will include a check of the barred lists and will show all offences not filtered under the Rehabilitation of Offenders (ROA) Act 1974 (Exceptions) Order 1975 (as amended in 2013). A DBS check is necessary because UCQ staff may have the opportunity to be in contact with children and/or vulnerable adults.

10.2 If a staff member commits an offence **after** an initial DBS check has been carried out, the staff member **must** report the incident to the Vice Principal as soon as possible. A new DBS check may need to be undertaken.

10.3 Further information about staff disclosure checks can be found in SA-002 Appendix I DBS and Barred List Checks.

10.4 UCQ has a duty to safeguard all those in our community. As part of this duty, we require all prospective staff to declare whether they have any unspent criminal convictions on their application form.

10.5 Applicants who declare they have convictions are required to provide details of their offences.

11. Handling and use of information in harassment and sexual misconduct cases

11.1 UCQ is committed to handling all information related to incidents of harassment and sexual misconduct with the utmost sensitivity and fairness. Any information disclosed or obtained through reporting mechanisms—whether in person, online, or via other means—will be collected and processed in a manner that respects confidentiality and prioritises the wellbeing of those involved. All DSLs responsible for handling such disclosures receive specialised training to ensure that they approach these situations sensitively and in line with institutional policies.

11.2 UCQ is dedicated to complying with the requirements of the UK General Data Protection Regulation (UK GDPR) and the Data Protection Act 2018. This includes ensuring that information is collected and processed lawfully, fairly, and transparently, and that only the minimum necessary data is gathered. All personal data is stored securely, with access restricted to authorised personnel, and retained only for as long as necessary. Staff will be informed about how their data will be used, including any involvement in disciplinary

processes, while being assured that information will not be shared without their knowledge unless required for safeguarding or legal purposes.

11.3 By providing clear and accessible information on how reports are managed, UCQ aim to ensure that staff understand their rights and the steps we take to protect them. This approach reflects our commitment to creating a safe, supportive, and fair environment for everyone in our community.

12. Support

12.1 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.

12.2 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.

12.3 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.

12.4 Staff may be signposted to free, impartial and confidential advice services such as their trade union, Acas, and any UCQ staff wellbeing/employee support routes.

13. Investigatory and decision-making processes

13.1 UCQ is committed to ensuring that all investigations and decisions relating to incidents of harassment and/or sexual misconduct are conducted credibly, fairly, and in alignment with established principles of natural justice. To achieve this, our processes are designed to be transparent, accessible, and free from bias, providing confidence to all parties involved.

13.2 **Circumstances for Initiating Investigatory or Decision-Making Processes**

13.2.1 The circumstances under which investigatory or decision-making processes may be initiated in relation to incidents of harassment and/or sexual misconduct include:

- A formal report or disclosure is made by a student, staff member, or third party, or
- Allegations come to light through other channels, such as safeguarding concerns or anonymous reports, and are deemed credible and actionable, or
- UCQ identifies potential breaches of its policies or codes of conduct through its own observations or monitoring activities

13.3 **Addressing Allegations That May Constitute Criminal Offences**

13.3.1 When allegations may also constitute criminal offences, UCQ takes a coordinated and sensitive approach:

- Complainants are informed of their right to report the matter to the police, and appropriate support is provided to assist them with this process, if desired.
- Investigations conducted by UCQ are managed carefully to avoid compromising any criminal investigation. This includes liaising with external authorities, such as the police, where appropriate.
- Institutional processes may proceed concurrently with, or be paused pending, the outcome of criminal investigations, depending on the circumstances.

13.4 Clear and Accessible Language

13.4.1 Our policy is written in plain, straightforward language to ensure it is accessible and easily understood by all members of the community, regardless of their familiarity with legal or procedural terminology. The document is publicly available on our website and can be requested in alternative formats to meet individual accessibility needs. By providing clear guidance on these matters, we aim to build trust in our processes and ensure that all members of the community feel supported and informed.

14. Processes and timelines

14.1 UCQ is committed to maintaining transparency in its investigatory and decision-making processes for incidents of harassment and sexual misconduct.

14.2 **Investigatory Processes**

14.2.1 The Strategic Safeguarding Lead (SSL), with input from the Board of Governors, will lead an investigation into incidents of harassment and sexual misconduct. Where there is a conflict of interest involving the SSL or any decision-maker, an alternative trained decision-maker will be appointed, and UCQ may appoint an appropriately qualified external investigator where this is necessary to ensure independence and credibility.

The lead investigator will:

- Gather and review relevant evidence, such as written statements, physical evidence, or digital records.
- Conduct interviews with all parties involved, ensuring that they have an opportunity to present their account and respond to any claims made.
- Ensure all parties have access to appropriate support throughout the investigation period
- Assess the information impartially and thoroughly to determine the facts of the case.

14.3 **Decision-Making Processes**

14.3.1 The Strategic Safeguarding Lead (SSL), with input from the Board of Governors will lead the decision-making into incidents of harassment and sexual misconduct. Should a conflict of interest be declared involving the SSL, another member of the Board of Governors will be appointed to make a decision on the investigation.

14.3.2 Decisions are made based on the evidence collected during the investigation. This includes:

- Evaluating findings against institutional policies and codes of conduct.

- Ensuring decisions are informed by principles of natural justice, with both parties given a fair opportunity to be heard.
- Documenting the rationale for decisions to ensure transparency and accountability.

14.4 **Timelines**

14.4.1 UCQ aim to resolve investigations and decision-making processes promptly while maintaining fairness and thoroughness. Expected timeframes are communicated at the outset, with updates provided if delays occur. Factors such as the complexity of a case, availability of evidence, or involvement of external authorities may affect these timelines.

14.4.2 UCQ aims to progress investigations promptly and will normally aim to complete processes as quickly as reasonably practicable, keeping parties informed. Some cases may take longer due to complexity, availability of evidence, or external investigations.

14.5 **Possible Outcomes**

14.5.1 The range of possible outcomes from our processes includes:

- Disciplinary actions, such as warnings, suspension and sanctions for staff in accordance with GP-013 Staff Handbook Appendix A: Section A Disciplinary Policy
- Non-disciplinary outcomes, such as mediation, support interventions, or recommendations for adjustments to institutional practices.

14.6 **Appeals**

14.6.1 Staff have the right to appeal decisions made through our processes. Appeals must be based on specific grounds, such as procedural errors, new evidence, or the proportionality of outcomes. Clear guidance on how to submit an appeal, including relevant deadlines and the steps involved, is available via AC-001 Appeals Procedure.

15. Malicious allegations

15.1 A malicious allegation is one where there is sufficient evidence to disprove the allegation and there has been a deliberate act to deceive.

15.2 UCQ will take disciplinary action where there is good reason to believe that the accuser has provided information falsely or maliciously or if they break the conditions of this policy without good reason. UCQ recognises that the number of deliberately malicious allegations is low, and no action will be taken against a reporting person solely because an allegation is not substantiated.

15.3 For staff, the procedure for disciplinary action is available within GP-013 Appendix A Behaviours and Expectations – Section A.

16. Additional resources

Safeguarding resources can be found on UCQ's single central source of information: 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/

Training links are available on the website: https://ucq.ac.uk/safeguarding-and-prevent-training/

For general advice and guidance UCQ Designated Safeguarding Leads can be contacted at dsl@ucq.ac.uk

17. Compliance and enforcement

17.1 The Strategic Safeguarding Lead takes overall responsibility for ensuring compliance and enforcement of this policy across the organisation. Non-compliance will be treated with disciplinary action.

18. Training and communication

18.1 All staff will receive annual safeguarding training. Students and staff are invited to review the wealth of resources available on UCQ's safeguarding, Prevent and wellbeing page, available at https://ucq.ac.uk/safeguarding-and-prevent/

18.2 Ongoing support will be provided by the Safeguarding Team. This policy will be made available on the UCQ website for all stakeholders to access.

18.3 Training will include recognising and preventing sexual harassment (including third party harassment), how to report concerns, and how managers should respond. UCQ will review training completion and effectiveness periodically and update training where themes or risks indicate this is necessary.

19. Review and revision

19.1 This policy will be reviewed at the following times:

- Every year ; or
- Following the issue of any new sector guidance

19.2 The review will be carried out by the Safeguarding Team.

20. Document history

ISSUE NO.	DATE	PAGE	REVIEWER	DETAIL OF AMENDMENT
6	28/03/2024	All	Michelle Elliott	Periodic review conducted. Formatting revised to fit recommended document template as specified in quality procedure QP02 with new sections 13, 14, 15 & 16 added. Para 1.5: Referenced guidance paragraph number updated Paragraph numbers updated accordingly
7	13/12/2024	All	Tara Henderson	Policy revised in accordance with new OfS condition of registration E.6. Policy is now staff-facing only; student-facing version is available via SA-018b; New sections 10, 12 and 13 added; Section 3: Reference made to Employment Rights Bill and UCQ's duty to take all reasonable steps to prevent sexual harassment of staff by customers, clients and third parties; Terminology updated throughout to apply to staff only; Signposting to new dsl@ucq.ac.uk email address within sections 7 and 16. Reporting process flowchart removed following consultation with DSL.
8	28/03/2025	5	Tara Henderson	Section 6 Freedom of Speech added. Full periodic review not completed – due for review date unchanged. Paragraph numbers updated accordingly.
9	20/03/2026	All	Michelle Elliott	Periodic review completed. Para 1.5 updated to remove page number reference from EIF; Clarification added, as required; Amended due to workers' protection act. S4 expanded protected characteristics; 4.3 added re staff student intimate personal relationships.

21. Initial equalities impact assessment

Department: All	**Completed by:** Michelle Elliott, Vice Principal, SSL	**Date of initial assessment:** 22/04/2022
Area to be assessed:	SA-018 – Sexual Misconduct Policy	
Existing or new policy/procedure:	Existing	
What evidence has been used to inform the assessment and policy? (please list only)		
External and internal guidance and requirements: ➢ All legislation and publications identified in SA002 - Safeguarding Policy ➢ 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. ➢ Condition E.6 Office for Student regulatory framework ➢ Ofsted Education Inspection Framework ➢ Internal guidance and requirements ➢ Consultation with Strategic Safeguarding Lead		

1. Describe the aims, objectives or purpose of the policy/procedure	University Centre Quayside (UCQ) fully recognise their responsibilities to safeguard and promote the welfare of children and vulnerable adults, including the responsibilities their Board of Governors, staff and volunteers have in regard to the protection of children and vulnerable adults from abuse; and to have due regard to the need to prevent people from being drawn into terrorism. This policy outlines how UCQ will provide a learning environment in which all members of the UCQ community feel safe and are respected; sets out UCQ's expectations around the unacceptability of sexual misconduct and support provided to those who may be affected.		
2. Which stakeholders/groups are intended to benefit from this policy/procedure?	All stakeholders		
The Equality Act 2010 requires public bodies to have 'due regard' to the need to:- (1) Eliminate unlawful discrimination, harassment and victimization (2) Advance equality of opportunity between different groups; and (3) Foster good relations between different groups	**3. Could the policy/procedure have a disproportionately negative effect impact in terms of the aims set out in (1) to (3) of the Act on any of the protected characteristics?:-** **High** **Medium** **Low** **No effect**	**4. Briefly explain how the policy/procedure furthers or prevents the aims set out in (1) to (3).**	**5. If there is a disproportionately negative impact on any protected characteristics, can it be justified on the grounds of promoting equality or any other reason? If yes, please explain.**

Protected characteri	**Age**	No effect	Not applicable	Not applicable
	Disability	No effect	Not applicable	Not applicable
	Gender	No effect	Not applicable	Not applicable
	Gender reassignment	No effect	Not applicable	Not applicable

	Marriage and Civil Partnership	No effect	Not applicable	Not applicable
	Pregnancy and Maternity	No effect	Not applicable	Not applicable
	Race	No effect	Not applicable	Not applicable
	Religion or Belief	No effect	Not applicable	Not applicable
	Sexual Orientation	No effect	Not applicable	Not applicable

6. Has there been any consultation/engagement with the appropriate protected characteristics?		Not applicable as no negative PC impact identified
7. What action(s) will you take to reduce any disproportionately negative impact, if any?		None required
8. Based on the information in sections 1 to 7, should this policy/procedure proceed to Full Impact Assessment? (recommended if one or more 'High' under section 2)		No
Assessor signature:	**Approved by:** **Michelle Elliott**	**Date approved:** 22/04/2022