

HARASSMENT AND SEXUAL MISCONDUCT POLICY

August 2022

1.0 Overview

ONCAMPUS is committed to providing a safe, respectful, dignified, and positive work and study environment for all our employees, staff, students, third party contractors and visitors which includes a zero-tolerance approach to sexual harassment or misconduct (hereinafter referred to as “**sexual harassment**”).

2.0 Purpose

This policy sets out **ONCAMPUS** expectations of behaviour by our employees, staff, students, third party contractors and visitors; our approach to preventing sexual harassment and misconduct and the process for reporting any sexual harassment that may arise.

3.0 Scope

This policy applies to all employees, staff, students, third party contractors and visitors to **ONCAMPUS**, its group companies and their businesses, its Centres, and users of its services, wherever they may be located and/or provided.

4.0 Policy

4.1 General

Sexual harassment (as defined by Section 26 of the Equality Act 2010 (the “Act”) is ‘any unwanted conduct of a sexual nature (either in person or online) that has the **purpose** or **effect** of violating a person’s dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment’ for them.

Sexual harassment can be carried out by any individual, this includes within the context of an intimate relationship between partners of any gender and/or sexual orientation. It can be witnessed or overheard (by a third party) and can occur either in person or online.

Sexual harassment is unlawful under the Act and relates to all unwanted (unwelcome or uninvited) conduct of a sexual nature. This includes, but is not limited to:

Sexual harassment (as defined by Section 26 (2) of the Act) e.g., catcalling and wolf-whistling, banter, suggestive looks, staring or leering, sexualised gestures, sexual posts or contact on social media, making sexual comments or jokes, propositions, and sexual advances, asking intrusive personal questions about a person’s private or sex life.

Unwanted conduct which creates an intimidating, hostile, degrading, humiliating or offensive environment (as defined by the Act) e.g., stalking in person or online, spreading sexual rumours about a person and up skirting (taking a photo up an individual’s skirt without their knowledge).

Assault (as defined by the Sexual Offences Act 2003) e.g., ‘A’ intentionally penetrates the vagina or anus of another person (B) with a part of their body or anything else, the penetration is sexual, ‘B’ does not consent to the penetration.

Rape (as defined by the Sexual Offences Act 2003) e.g., 'A' intentionally penetrates the vagina, anus, or mouth of another person with his penis, 'B' does not consent to the penetration or 'A' does not believe that 'B' consents.

Physical unwanted sexual advances (as set out by the Equality and Human Rights Commission: Sexual harassment and harassment at work) e.g., unwelcome touching, hugging, stroking, massaging, or kissing.

Intimidation, or promising resources or benefits in return for sexual favours (as set out by the Equality and Human Rights Commission: Sexual harassment and harassment at work) e.g., sexual coercion, i.e., unwanted sexual activity which happened as a result of being pressured or coerced through non-physical means.

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). e.g., sending sexually explicit e-mails, texts or other communications displaying or sharing sexual material without consent. Under the Protection of Children Act 1978 and the Criminal Justice Act 1988, it is a criminal offence for persons under the age of 18 to take or share explicit images of themselves or other young persons.

4.2 ONCAMPUS Commitment to tackling Sexual Harassment

ONCAMPUS is committed to:

4.2.1 Creating a safe, respectful, dignified, and positive culture whereby employees, staff, students, third party contractors and visitors are actively encouraged to report such incidents (a “**complainant**”), so that they can study, work, and visit in an environment free from sexual harassment.

4.2.2 Providing clear expectations of its employees, staff, students, third party contractors and visitors of their conduct and any unacceptable behaviours and how they will be dealt with in accordance with the relevant disciplinary policy.

4.2.3 Ensuring that its employees, staff, students, third party contractors and visitors have received the appropriate level of training or guidance.

4.2.4 Making awareness to all students of what is meant by ‘sexual consent’ in their welcome week, guidance will be included in the student handbook and virtual learning environment. **ONCAMPUS** staff (salaried and agency) will receive training on sexual harassment and personal relationships in the workplace. Third party contractors and visitors will also be provided with guidance on how to report such behaviours and a copy of this policy.

4.2.5 Assessing the implementation and effectiveness of this policy in its annual policy review as part of its commitment to a programme of continuous improvement.

4.2.6 The duty of care to record a disclosure of sexual harassment and will encourage reporting of an allegation of sexual harassment to the relevant Designated Safeguarding Lead within each **ONCAMPUS** Centre.

4.2.7 Manage all cases promptly, efficiently, and sensitively. Any complainant will be provided with wellbeing support and advice on the resources and options available to them.

4.3 Recording a Disclosure of Sexual Harassment

Students, sub-contractors, and visitors should be encouraged to report an allegation of sexual harassment to their Designated Safeguarding Lead (DSL) in their **ONCAMPUS** Centre. If the allegation is against the DSL, then the Centre Director will take responsibility. Employees and staff should speak to their line manager in the first instance unless the allegation is against them, or alternatively the People Partner (information on your People Team can be found on the [Help Centre](#)).

Procedural guidance can be found in the following policies, and these should be read in conjunction with this policy:

- Safeguarding Policy
- Student Code of Conduct
- Student Disciplinary Policy
- Dignity at Work Policy
- Personal Relationship Policy
- Data Protection Policy and Data Retention Schedule
- Staff disciplinary Policy

4.4 Retention

The following table sets out the general personal data and document retention policy:

Under 18's records should be retained and should be passed on to any new education establishment the child attends.	The information should be kept until their 26 th birthday (this is 7 years after they reach school leaving age)
Records for students over the age of 18	If safeguarding/protection authorities legitimately request any records, they should be securely transferred – retention passes to the local authority.
Concern has been raised about an adult's behaviour around young people or vulnerable adult	Personal data relating to sexual harassment matters will be retained in line with any legal or regulatory obligations. Further information about how CEG processes personal data may be found in the appropriate student or employee Privacy Notice.

Appendix

Support for anyone who has experienced sexual abuse is available from The Sexual Assault Referral Centre (SARC) if based in the UK. They offer medical, practical, and emotional support to anyone who has been sexually assaulted or raped. They have specially trained paediatricians / Forensic Nurse Examiners (FNE) and support workers to care for affected individuals.

<https://www.thesurvivorstrust.org/sarc>

Employees, staff, students, third party contractors and visitors based in centres in the European Union or United States will be provided with further information on local support services.

Information on local support services will be provided but may include:

- a doctor or practice nurse at your GP surgery
- a voluntary organisation, such as [Rape Crisis](#), [Women's Aid](#), [Victim Support](#), [The Survivors Trust](#) or [Male Survivors Partnership](#)
- the 24-hour [freephone National Domestic Abuse Helpline, run by Refuge](#), on 0808 2000 247
- the Rape Crisis national freephone helpline on 0808 802 9999 (12 to 2.30pm and 7 to 9.30pm every day of the year)
- a hospital accident and emergency (A&E) department
- a genitourinary medicine (GUM) or sexual health clinic
- a contraceptive clinic
- a young people's service
- call NHS 111 or [get help from 111 online](#)
- the police, or dial 101 in an emergency, dial 999