



# Sexual Misconduct Policy and Procedure for Students

This policy sets out the College's commitment to prevent and to protect students from behaviour that constitutes sexual misconduct.

Myerscough College and University Centre is committed to creating a positive and inclusive environment, where all members of our diverse community can feel a sense of belonging, and where everyone can feel safe and supported and can flourish in education, at work and for life.

We recognise that sexual misconduct, including sexual harassment and sexual violence, are serious issues in education institutions and wider society. Sexual misconduct can be experienced by anyone, regardless of how they choose to identify. Some individuals may be vulnerable or find it more difficult to seek help based on their protected characteristics or where there is power imbalance in the relationship.

We understand that sexual misconduct can have a profound and enduring impact on the lives of individuals, the wider College community and beyond. Sexual violence can impact the victim's sense of self more negatively than other violent acts. A student's education may potentially be affected as well as their mental, emotional and physical wellbeing.

We are committed to preventing and eliminating all forms of sexual misconduct through a whole-college approach. This means that our efforts to tackle sexual misconduct are linked to our Equality, Diversity and Inclusion Plan to promote student and staff wellbeing, deliver engaging education activities and create innovative preventative campaigns.

All members of our community have responsibilities and are expected to play an active part in ensuring that their interpersonal relationships and interactions are characterised by mutual respect, open communication and clear consent.

We will adopt a trauma-informed approach so that students feel able to trust the College, its staff and processes. We understand that for students to share their experience and access support, there must be safety, trust, choice, collaboration and empowerment.

This Policy applies to all former and current college students, including students on short courses, distance learners and apprentices and based at any Myerscough campus.

## 1. Scope and Purpose

This Policy applies to all former and current college students, including students on short courses, distance learners and apprentices and based at any Myerscough campus.

It will apply wherever the incident occurred, whether on any Myerscough campus or elsewhere including, for example, in accommodation, a workplace or during an off-campus activity such as a placement, field trip, overseas visit or sporting activity.

It is acknowledged that our community exists in the digital world as well as the physical world and that sexual misconduct can also take place via e-mail, text message, instant messaging, social media, websites, chat rooms or online forums. An example of this would be intimate image abuse or 'revenge porn' where intimate images may be shared via the internet.

This is one of two College policies addressing Harassment and Sexual Misconduct, which demonstrate our commitment to tackling these unacceptable interpersonal behaviours which often intersect with one another, for example, sexual misconduct may also involve harassment, stalking and coercive behaviour.

These policies are implemented by the College Procedure for Reporting and Responding to Incidents of Harassment and Sexual Misconduct (the Procedure) which sets out the pathways for students to share and/or report their experience of sexual misconduct and the process that will be followed.

Sexual misconduct covers a range of unacceptable behaviours of a sexual nature including sexual harassment and sexual violence. The behaviours described in this Policy are intended to help students to understand what we define as sexual misconduct and what would constitute a breach of the College regulations.

Students are encouraged to trust themselves and reach out for emotional and practical support if something feels wrong, even if the behaviour doesn't match one of the definitions below.

We understand that whilst a student may choose to share their experience of sexual misconduct immediately after the incident, it is common for incidents to be reported some time afterwards because of the emotional impact or because it was not clear to the victim at the time that the incident was wrong.

Where the responding person is a college student, the matter will normally be progressed in line with the College's Managing behaviour Policy and Procedure or the Fitness to Study Procedure.

Where the responding person is a member of college staff, a contractor or visitor, the report will normally be progressed in the first instance by the People Team in line with their procedures.

Some incidents of sexual misconduct may require additional investigation. In these circumstances College will use the AIM checklist and RAMP Risk management plan. They may also constitute a criminal offence and may be addressed through criminal proceedings or internal disciplinary proceedings or in some cases both. Any internal proceedings would normally put 'on hold' until the criminal proceedings are concluded.

Further information about the distinction between criminal and internal disciplinary proceedings and how this is managed are set out in the Reporting and Responding to incidents of Harassment, sexual Misconduct and Domestic Abuse Procedure.

## 2. What is Sexual Misconduct?

### Definition

Sexual misconduct is defined as any unwanted or attempted unwanted conduct of a sexual nature which occurs in person or by correspondence, telephone, text, email, or other electronic and/or social media.

### Types of Behaviour

The following is a list of examples of behaviour that may constitute sexual misconduct. This list is not exhaustive; however it is indicative of behaviour that would be considered unacceptable by the College:

- engaging or attempting to engage in a sexual act without consent
- threatening or abusive behaviour of a sexual nature
- kissing another person without consent
- inappropriately showing sexual organs to another person without consent
- recording and/or sharing intimate images of another person without their consent
- sending unsolicited messages or images of an explicit nature, often referred to as 'sexting'
- sharing or threatening to share intimate images of another person with the intent to cause distress, often referred to as 'revenge porn'
- taking a photograph under another person's clothing without their permission, often referred to as 'upskirting'
- putting drugs and/or alcohol into someone's drink or body without their knowledge, often referred to as 'spiking'
- 'stalking' including repeatedly following a person without justification
- inappropriate comments, jokes, wolf-whistling, banter, name-calling or innuendo's
- intimidation or promising benefits in return for sexual favours
- sexual harassment as defined by section 26 (2) of the Equality Act 2010 i.e. conduct of sexual nature, including making unwanted remarks of a sexual nature, which has the purpose or effect of violating a person's dignity or which creates an intimidating, hostile, degrading, humiliating or offensive environment, where it is reasonable in the circumstances for the conduct to have that effect
- engaging in any event, business or other activity which may cause degradation and humiliation of a sexual nature e.g. social events or initiations / hazing
- unwanted conduct of a sexual nature that is related to gender reassignment or sex, which if rejected by the student, results in them being treated less favourably by a member of college staff.

### Consent

A common feature in all these behaviours is a lack of informed consent.

**Consent** is the clear and unambiguous agreement to participate in a sexual act, where the person has both the freedom and the capacity to make that choice. Consent cannot be assumed based on previous experience and may be withdrawn at any time.

It can be considered in two stages:

- Where the individual has the capacity, specifically the age and the understanding to choose whether to take part in the activity at the time.

An individual is incapacitated when asleep, unconscious, semiconscious or in any other state of

unawareness that the sexual act may be occurring, which may be the result of alcohol or drugs. Intoxication does not automatically imply lack of capacity, which is a matter of fact to be proven on the evidence provided in each case.

- Where the individual has the freedom to engage in a sexual act and was not constrained in any way. Consent cannot be assumed based on a lack of verbal or physical resistance, and is not present where there is coercion, force, threat, intimidation or where there is the exploitation of a power imbalance.

If the person has both the capacity and freedom to consent, the key question is whether they agreed to the activity by choice.

### Other Behaviours

The following behaviours are also captured under this Policy:

**Coercion** is any act or threat of physical or emotional harm which would reasonably place an individual in fear of immediate or future harm, with the result that the individual is compelled to engage in a sexual act.

**Complicity** is any act that knowingly helps, promotes, or encourages any form of sexual misconduct by another individual.

**Retaliation** includes any intimidating, threatening or coercive words or actions made in response to a report of sexual misconduct by anyone involved, including witnesses, friends and relatives.

## 3. Myerscough College Principles

### Support

- We will provide security measures to help keep students and other members of our community safe. Our expert and approachable Security Team are available 24 hours a day and contactable on 07741324116.
- The safeguarding email box enables current and former students to report sexual misconduct and access support from a Support & Safeguarding Officer.
- We will provide a safe space for students to reach out for practical guidance and emotional support from our expert and professional Student Support & Safeguarding Officers who have received training from specialist external providers, including The Aim project, and who can help students to access free counselling and mental health support.
- We will ensure that students who have experienced sexual misconduct are not penalised academically. Our Support Officers will work with the curriculum team to ensure support will be offered to address any impact on their academic studies, including applying for Mitigating Circumstances.
- We will engage with local partners and external agencies to ensure we have an effective and consistent approach to preventing and responding to all forms of sexual misconduct.
- We will facilitate referrals to relevant external specialist support services who can meet the needs of students from a range of diverse backgrounds, including Lancashire Victim Services, who may assign an Independent Sexual Violence Advisor (ISVA) to provide support to the reporting student.



- Support will be provided to ALL parties involved. Where the reporting and responding persons are both students, they will be assigned separate Student Support Officers to ensure impartiality and will be supported where the disciplinary process is initiated.

## Response

- We will provide clear and consistent advice on reporting pathways and will empower students to choose which options are best for them. We understand that sometimes, a student may simply wish to be heard and obtain support.
- We will respond to reports through processes that are transparent, fair and clearly communicated to both the reporting and responding persons who will both be informed of progress in the case.
- We will prioritise the safety and wellbeing of the reporting student and student body through risk assessments which also address the reasonable needs of everyone involved and the need to balance support and restriction, involving all connected agencies
- We will ensure that investigations and hearings are carried out with due diligence and sensitivity, where there is an understanding of the effects of trauma and an atmosphere of trust.
- We will hold to account any individual who is found to have committed sexual misconduct. This may include the application of restorative and punitive sanctions, including exclusion from Myerscough College in serious cases. We will listen to the voice of the reporting student when considering sanctions.
- We will not use non-disclosure agreements or confidentiality clauses in cases of sexual misconduct. It is important that all our students and staff feel safe and supported and we would consider the use of such clauses to be wholly unacceptable.
- We will communicate outcome decisions clearly with the aim of delivering effective redress and increasing feelings of safety at college for anyone affected by sexual misconduct.
- We will respect the sensitivity of cases of sexual misconduct and their consequences, and will treat all cases confidentially, in line with our Data Protection Policy, Child Protection & Safeguarding Policy and Privacy Notice.

## Education

- We will co-ordinate innovative campaigns which will attract a diverse audience, with the aim of promoting healthy relationships and encouraging students to trust themselves and reach out for support when something feels wrong, see: **'When it feels wrong, it's wrong.'**
- We will deliver engaging educational activities for students so they understand what sexual misconduct is and that it is not tolerated, what consent is and when it is and isn't given, and how to challenge problematic behaviour by being an active bystander.
- We will ensure that all staff are aware of this Policy and know how to respond sensitively where a student shares their experience of sexual misconduct and signpost them to support.

- We will ensure that all staff receive effective and appropriate training to enable them to perform their roles in a professional and compassionate way, and to challenge any unconscious bias or unhelpful myths around sexual misconduct.
- We will evaluate the impact of our work in this area in terms of changing attitudes and behaviours. This will be informed by consultation with students.

## Support

Students can reach out for support at Myerscough College by:

Emailing [safeguarding@myerscough.ac.uk](mailto:safeguarding@myerscough.ac.uk) to request support.

Getting in touch with the Counselling, Mental Health and Wellbeing team at College by:

- Attending Student Support in the Core, 10am - 5pm, Monday to Friday
- Calling 01995 642348
- Completing the online counselling self-referral form on the mental health and welfare page
- Contacting Security outside of normal opening hours on 07741324416.
- Residential students can speak to a Residential Support Officer 24 hours a day on 07889754287.

## 4. Procedure

The Procedure for Reporting and Responding to Incidents of Harassment, Sexual Misconduct and Domestic Abuse includes information on:

Reporting Pathways  
 Risk Assessments - Investigations  
 Disciplinary Process  
 Monitoring and Review  
 Equality and Diversity  
 Confidentiality and Information Sharing

### Documents Associated with this Policy:

- Procedure for Reporting and Responding to Incidents of Bullying and Harassment, Sexual Misconduct and Domestic Abuse
- Anti-Bullying, Harassment and Domestic Abuse Policy and Procedure
- Student Behaviour Policy and Procedure
- Fitness to Study Policy and Procedure
- Complaints and Compliments Policy and Procedure
- Child Protection and Safeguarding Policy and Procedure
- Freedom of Speech Policy and Procedure

Document History			
<b>Author:</b>	Director of Student Support and Welfare	<b>Ref and Document Version:</b>	Sexual Misconduct Policy and Procedure for Students – V1
<b>Approval:</b>	College Leadership Team	<b>Approval Date:</b>	June 2025
<b>Review Date:</b>	June 2027		
<b>Publication:</b>	Staff Intranet Student Intranet		
Quality Assurance			
This Policy and Procedure maps to the following external quality assurance frameworks			
Framework			
Education Inspection Framework			
Social Care Common Inspection Framework and National Minimum Standards			
MATRIX			
QAA			
QIA			
ESFA			
Key Changes to Document			
New policy			

#### **All Myerscough College Policies are subject to screening for Equality Impact Assessment**

Equality Impact Assessments are carried out to see whether the policy has, or is likely to have, a negative impact on grounds of: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, marriage or civil partnership, sex or sexual orientation.

Myerscough College not only fulfils its legal position in relation to current and future equality legislation but additionally goes beyond compliance in providing and promoting the FREDIE principles, free from any aspect of discrimination, harassment or victimisation.

All staff have a duty of care to look after the interests of and support their colleagues. This policy takes account of our commitment to eliminating discrimination, identifying and removing barriers and providing equal opportunities for our learners, staff and visitors to ensure that no one feels excluded or disadvantaged.

#### **Child Protection and Safeguarding**

All staff have a responsibility to support and promote the College's commitment to providing a safe environment for students, staff and visitors. Additionally, all staff have a responsibility to report any safeguarding or Prevent issues to the Designated Senior Lead for Safeguarding and Prevent.