

STUDENT SEXUAL MISCONDUCT & HARRASSMENT POLICY

2024/25

Date of Issue	November 2024
Approved by	Senior Leadership Team
Contact	Director of Learner Services, Marketing & Communication
Review Date	November 2025
Available on	College Intranet



Student Sexual Misconduct, Harrassment and Relationship Abuse Policy

Allegations of student behaviour misconduct will be dealt with under Waltham Forest College Safeguarding Policy and Student Behaviour Policy. Our college student contracts make clear that we do not tolerate sexual misconduct and relationship abuse or violence. They also make clear that we are committed to providing a campus environment in which all members of our community feel safe and are respected.

Waltham Forest College is committed to preventing and eliminating all forms of sexual misconduct and relationship abuse.

Waltham Forest College recognises the significant negative effects that experiencing sexual misconduct and relationship abuse can have upon individuals, and we will support them, as well as supporting those members of the College community (peers, personal tutors, etc.) to whom such experiences are disclosed.

Waltham Forest College is committed to providing a supportive and confidential environment where individuals feel confident and empowered to disclose, will be listened to and understand the options available to them. Waltham Forest College will support everyone in our community to challenge inappropriate behaviour where it is safe for them to do so.

In line with regulatory requirements, this policy will be available on the dedicated HE college external intranet pages and on the internal HE Student Hub, ensuring accessibility and prominence principles as outlined by the OfS.

The college will regularly review our policies and procedures to ensure they remain effective and balanced in protecting both the safety of our community and the principles of freedom of speech. Feedback from students and staff will be sought and considered in these reviews via the HE Student Engagement Committee.

1. The purpose of this policy

The purpose of this policy is to outline how we will:

- Provide a college environment in which all members of our community feel safe and are respected
- Set out our expectations around the unacceptability of sexual misconduct and relationship abuse
- Support students who have experienced any form of sexual misconduct
- Respond appropriately and effectively to disclosed incidents which breach this policy

2. The definitions we use

For the purposes of this policy, we will use the term “sexual misconduct” and “relationship abuse”, as defined below. It should be noted that there are links and overlap between relationship abuse and the continuum of sexual misconduct.

(2.1) Sexual Misconduct

Sexual Misconduct covers a broad range of inappropriate and unwanted behaviours of a sexual nature. It covers all forms of sexual violence, including penetration without consent, sexual abuse (including online and image-based abuse), non-consensual sexual touching, sexual harassment (unwanted behaviour of a sexual nature which violates your dignity; makes you feel intimidated, degraded or humiliated or creates a hostile or offensive

environment), stalking, abusive or degrading remarks of a sexual nature, and a vast range of other behaviours.

(2.2) Consent

Consent is the agreement to participate in a sexual act where the individual has both the freedom and capacity to make that decision. Consent cannot be assumed on the basis of a previous sexual experience or previously given consent, and consent may be withdrawn at any time.

Freedom to consent: For consent to be present, the individual must freely engage in a sexual act. Consent is not present when submission by an unwilling participant results from the exploitation of power, deception, coercion, pressure or force, regardless of whether there is verbal or physical resistance.

- Coercion or Force includes any physical or emotional harm 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 feels compelled to engage in a sexual act.

Capacity to consent: Free consent cannot be given if the individual does not have the capacity to give consent. Incapacitation occurs when an individual is asleep, unconscious, semi-conscious, or in a state of intermittent consciousness, or any other state of unawareness that a sexual act may be occurring. Incapacitation may also occur on account of a mental or developmental disability, or as the result of alcohol or drug use.

- Alcohol and/or Drug Use: Incapacitation arising from alcohol or drug consumption should be evaluated on the basis of how the alcohol/drugs have affected the individual; signs of incapacitation may include, but are not limited to, one or more of the following: slurred speech, unsteady gait, bloodshot eyes, dilated pupils, unusual behaviour, blacking out, a lack of full control over physical movements, a lack of awareness of circumstances or surroundings, and/or an inability to communicate effectively. Intoxication is never a defence for committing an act of Sexual Violence and Misconduct, or for failing to obtain consent. If there is any doubt as to the level or extent of one's own or the other individual's incapacitation, the safest approach is to not engage in a sexual act.

(2.3) Relationship Abuse

Relationship abuse can be any incident or pattern of incidents of controlling, coercive, threatening behaviour and/or violence between those aged 16 or over, who are, or have been in a personal relationship with the individual abusing them, regardless of gender or sexuality.

It covers all forms of domestic and relationship abuse including:

- Psychological
- Physical
- Financial
- Emotional
- Stalking (online and in person)
- Digital and online
- "Honour"-based abuse (including forced marriage) and Female Genital Mutilation

People who are "personally connected" include:

- Partners

- Former partners
- Family members
- Individuals who share parental responsibility for a child

There is no requirement for the person being abused and the person abusing them to live in the same household.

(2.4) Controlling Behaviour

Controlling behaviour is an act or range of acts designed to make someone subordinate and dependent by controlling their sources of support, finances, movements, health, body, means needed for independence, resistance and escape.

(2.5) Coercive Behaviour

Coercive behaviour is an act or pattern of acts which make someone feel dependent, isolated, punished, or frightened. Examples include isolating someone from their family or friends, monitoring someone's activities or movements and threatening to harm someone.

(2.6) Stalking

Stalking is a specific type of harassment which involves a pattern of unwanted, fixated, repetitive or obsessive behaviour that is intrusive and causes fear or distress. Stalking can take many different forms, including online and in person.

(2.7) “Honour”-based abuse (including forced marriage) and Female Genital Mutilation

An incident involving violence, threats of violence or harm, intimidation, coercion, or abuse (including psychological, physical, sexual, financial, or emotional abuse) which has or may have been committed to protect or defend the honour of an individual, family and/or community for alleged or perceived breaches of the family and/or community's code of behaviour.

(2.8) Disclosure

Disclosure means that an individual tells a member of the College community that they have experienced Sexual Misconduct and/or Relationship Abuse (this is different from a formal Complaint).

(2.9) Formal Complaint

Submitting a formal complaint to the College regarding an individual's experience of Sexual Misconduct and/or Relationship Abuse is an instruction for the College to take appropriate action. The complaint will allow the College to investigate the misconduct as set out in this Policy and the accompanying processes.

(2.10) BeSafe Team

All BeSafe staff members are specially trained advisors in the College's welfare and wellbeing team for anyone who has experienced or been affected by sexual misconduct and/or relationship abuse. They offer confidential support and signposting to student, staff and visitors who disclose via the College.

(2.11) Safeguarding Team

At Waltham Forest College, the safeguarding team consists of safeguarding practitioners who will be able to provide appropriate welfare and wellbeing advice and guidance to students. The safeguarding practitioners serves as a confidential point of contact within the College's Welfare and Wellbeing Team, providing support to anyone who has experienced or been affected by sexual misconduct or relationship abuse. The safeguarding team offers emotional support, advocacy, and guidance, ensuring that students receive the necessary help and feel empowered to navigate their experiences in a safe and supportive environment.

(2.12) Reporting Party

The Reporting Party is the person(s) who has made a formal Complaint regarding an experience of sexual misconduct.

(2.13) Responding Party

The Responding Party is the person(s) named in a formal Complaint who is alleged to have committed an act of sexual misconduct.

3. What we commit to do

Our Safeguarding policy states that we will:

- Support anyone in our student community who is subject to any form of sexual misconduct and relationship abuse
- Ensure that reporters are responded to in a safe, supportive and trauma-informed environment
- Prioritise their safety and wellbeing, whilst ensuring the dignity of all those involved in any investigations or disciplinary proceedings
- Listen to the voice of the reporter when considering sanctions.
- This policy and the colleges Safeguarding policy are part of an annual cycle of staff training.

In addition to this, we will:

- Support all staff and students so that they understand:
 - what sexual misconduct and relationship abuse is and that it is not tolerated;
 - what consent is; *and*
 - when consent is, and is not, given
- Make clear how to disclose sexual misconduct and/or relationship abuse, in person, online and anonymously, what options are available and the support that can be provided
- Ensure that all relevant staff are informed of how to receive and signpost a disclosure of sexual misconduct and/or relationship abuse in a sensitive way
- Set out all options and processes clearly and transparently. This includes the option to not make a formal complaint
- Ensure that all relevant staff are provided with training to enable them to support and advise a student who has experienced sexual misconduct and/or relationship abuse.
- Respect the sensitivity of disclosures of sexual misconduct and/or relationship abuse and their consequences, and treat any disclosure confidentially, in line with our Data Protection Policy and the College's duty of care under safeguarding
- The college does not accept personal relationships between any staff member of student and any such incident is a breach of the college Safeguarding Policy and

against the College Professional Code of Conduct for Staff. Such principles, not only prevent conflict of interests, but also helps prevent potential abuse of power when enrolled on college programmes.

- Disciplinary Proceedings are designed to ensure fairness to both Reporting and Responding parties
- Ensure that all communications are sufficiently clear and detailed, and accurately reflect any decisions made
- Learn from our experiences and regularly review this policy informed by data trends and with input from independent external experts to ensure it remains relevant
- Ensure that this policy does not infringe on the freedom of speech principles.

Academic Freedom and Freedom of Speech

- The college is dedicated to creating a safe and respectful environment free from harassment and sexual misconduct, we also ensure that our policies and procedures are implemented in a manner that respects and promotes freedom of speech and academic freedom.
- The policy defines what constitutes harassment and sexual misconduct, ensuring that these definitions do not extend beyond legal requirements in a way that could unduly restrict freedom of speech.
- The college aims to strike a balance between protecting individuals from harm and preserving the right to free expression. In applying this policy, we will consider the context of any speech or expression, recognising that robust debate and the expression of controversial or unpopular views are essential components of academic freedom and freedom of speech.
- All procedures related to the handling of harassment and sexual misconduct complaints will be conducted with fairness and transparency, ensuring that the rights of all parties, including their right to free expression, are respected throughout the process.

4. Support Available

The following support is available for students to access:

- **College Support Services (BeSafe Team)**

Our college has dedicated sexual violence support services, within our welfare and wellbeing team. Our service offers:

- Confidential counselling
- Mental health support
- Advice on reporting incidents, either within the institution or to external authorities
- Support through disciplinary and legal processes

The college may also signpost to appropriate agencies for specialist support and some of these agencies may include:

- **The Havens (NHS London):** Provides immediate medical care, emotional support, and forensic services to individuals who have experienced rape or sexual assault. It also offers follow-up support, including counselling and advocacy services. You can access it without a police report. Website: [The Havens](#)

- **Rape Crisis England & Wales** offers a 24/7 helpline for anyone who has experienced sexual violence. They also provide local centres in London where survivors can access therapy, advocacy, and peer support. Website: [Rape Crisis](#)
- **Survivors UK**: A London-based charity that supports male, trans, and non-binary survivors of sexual assault and abuse. It offers counselling, group therapy, and an online chat service. Website: [SurvivorsUK](#)
- **Victim Support**: Provides free, confidential help to survivors of all forms of crime, including sexual misconduct. Services include emotional support, guidance on legal options, and help with reporting to the police. Website: [Victim Support](#)
- **Rights of Women**: Offers free legal advice for women on issues related to sexual violence, including advice on reporting, criminal proceedings, and obtaining protective orders. Website: [Rights of Women](#)
- **Galop**: Specialises in supporting LGBTQ+ individuals who have experienced sexual violence. It offers advice, advocacy, and emotional support. Website: [Galop](#)
- **Women and Girls Network**: Provides holistic, women-centred services to survivors of gender-based violence, including sexual assault. Services include a helpline, counselling, and advocacy. Website: [Women and Girls Network](#)