



East Coast College Policy & Procedure

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This document can be provided in a larger font or electronically upon request.

Sexual Harassment Policy



1. Purpose

- 1.1 East Coast College has a zero-tolerance approach to sexual harassment and aims to ensure a safe, and inclusive environment for all staff, students and visitors which is free of sexual harassment.
- 1.2 This policy focuses specifically on the issue of sexual harassment. The policy aims to empower employees to challenge any unwanted behaviour in the workplace, and to outline how the College will deal with any complaints of sexual harassment. The policy aims to enable a safe culture at work, free from sexual harassment, and one which employs an open and non-judgemental approach to disclosures.
- 1.3 The College is committed to preventing all incidents of sexual harassment or sexual misconduct where reasonably possible, and to providing educational and preventative training programs. The College also commits to making available timely support for those who have been affected by such behaviors; and to provide prompt and equitable methods of investigation and resolution to stop harassment and sexual misconduct, to remedy any harm, and to prevent its recurrence.

2. Scope

- 2.1 This policy applies to all East Coast College staff and associates (including partners, associates and contractors) and covers any alleged misconduct that may have occurred, this may be:
- On East Coast College property;
 - Via East Coast College IT systems including WIFI;
 - By Employees off East Coast College property;
 - Inside and outside of normal working hours
 - Online whether via email, the internet or social media where the incident is between employees;
 - In the UK or abroad.
- 2.2 The Worker Protection (Amendment of Equality Act 2010) Act introduces a legal duty on employers to take reasonable steps to prevent sexual harassment of their staff. This covers sexual harassment by other people at work or by third parties, for example students and contractors. All employees are expected to promote a

positive an inclusive workplace culture where sexual harassment is not tolerated and where complaints are dealt with promptly, efficiently and sensitively.

3. Definitions

For this Policy, the following definitions apply:

3.1 Sexual harassment

Sexual harassment is unwanted behaviour of a sexual nature. The law (Equality Act 2010) protects the following people against sexual harassment at work:

- employees and workers
- contractors and self-employed people hired to personally do the work
- job applicants

To be sexual harassment, the unwanted behaviour must have either:

- violated someone's dignity
- created an intimidating, hostile, degrading, humiliating or offensive environment for someone

It can be sexual harassment if the behaviour:

- has one of these effects even if it was not intended
- intended to have one of these effects even if it did not have that effect

3.2 Unwanted conduct of a sexual nature covers a range of behaviours and can include:

- Sexual comments or jokes
- The display or circulation of pornography
- Displaying sexually graphic pictures, posters or photos
- Suggestive looks, staring or leering
- Propositions and sexual advances
- Requests or demands for sexual favours
- Sexual gestures
- Intrusive questions about a person's private or sex life or a person discussing their own sex life
- Sexual posts or contact on social media
- Spreading sexual rumours about a person
- Sending sexually explicit emails or messages
- Sexual assault including unwelcome touching, hugging, massaging or kissing

- Wolf whistling or catcalling (making kissing noises, whistling, making sexist and/or degrading comments or beeping a car horn at someone to show approval/interest)
- Up- skirting or taking explicit photographs of a person without their consent or knowledge

3.3

- Sexual harassment can still be unlawful even if a person may not have intended their conduct to be offensive. In these cases, this policy will still apply
- The conduct does not need to be sexually motivated, only sexual in nature
- It is not necessary for someone to object first before conduct can be described as unwanted
- The conduct does not have to be specifically targeted at an individual to amount to sexual harassment. Sexual harassment is not always obvious, repeated or continuous, it can be a one-off incident
- Conduct that is directed at one person may constitute sexual harassment of another person because of the environment it creates
- Some forms of sexual harassment are also criminal offences, for example exposure, sexual assault or rape. They are still disciplinary offences as well and are dealt with under this policy whether or not someone also reports them to the police.

3.3 The Reporting Party

The Reporting Party is the individual who was the subject of the sexual misconduct and/or harassment and has chosen to formally report this to the College. The individual will be referred to as the reporting party throughout this policy.

3.3 Responding Party

The Responding Party is the individual who is alleged by the Reporting Party to have committed sexual misconduct and/or harassment. The individual will be referred to as the responding party within this policy.

4. Roles and responsibilities

4.1 Employees

All employees are expected to promote a positive and inclusive workplace culture where sexual harassment is not tolerated and where complaints are dealt with promptly, efficiently and sensitively and for:

- Modelling appropriate behaviour
- Taking personal responsibility to raise concerns about any sexual harassment in the workplace, whether this was experienced personally

or witnessed. Concerns should be raised with a manager or the People and Wellbeing team

- Contributing to a respectful working environment
- Treating any allegations or complaints of sexual harassment with appropriate confidentiality
- Ensuring that a person is not victimised for making or being involved in a complaint of sexual harassment

4.2 Line Managers

All line managers will:

- Model appropriate behaviour
- Undertake training to ensure they understand what sexual harassment is and their responsibilities for eliminating this in the workplace
- Monitor the workplace environment to ensure as far as practicable standards of conduct are always maintained, and that sexual harassment is not tolerated
- Promote awareness of the avenues for advice and the complaints procedures with respect to sexual harassment as set out in this policy
- Treat complaints and behaviour which may constitute sexual harassment seriously and take immediate action
- Treat complaints of sexual harassment with appropriate sensitivity and confidentiality
- Ensure that a person is not victimised for making, or being involved in, a complaint of sexual harassment

4.3 The Corporation

East Coast College is committed to providing support for members of its staff affected by any issues of sexual harassment. Support information is outlined on the staff wellbeing page on SharePoint and includes internal and external support providers including our Employee Assistance Programme. Support resources are available to any member of the College who discloses an incident regardless of whether they choose to make a report to the College or the Police. Any member of College staff who receive a disclosure should direct the reporting party to this policy and to the support available.

5. The Procedure

East Coast College is committed to dealing with cases of sexual harassment promptly, efficiently and sensitively when it becomes aware of them. It is important to note that sexual harassment may also lead to a criminal investigation being

instigated due to the conduct of a potentially criminal act. Where there are concerns that a criminal act has taken place, advice must be taken from the People and Wellbeing team at the earliest opportunity.

5.1 Reporting

It is advised that anyone who believes they have been subjected to sexual harassment, or witnessed it, to make a note of the details of the incident(s) as soon afterwards as possible, for example:

- dates
- times
- places
- the name of the alleged harasser
- what actually happened
- how the person felt at the time
- the names of any witnesses
- action taken at the time
- whether the incident was reported and if it was, who it was reported to

The **Sexual Misconduct and Harassment** reporting form can be found on the Colleges SharePoint on the link list or via this link:

<https://forms.office.com/e/krGhXdfXpe>

This is a Microsoft form that will guide the reporting through a series of questions regarding the incident. The form will ask the Reporter what their desired outcome is. Although this form can be completed anonymously, it is imperative that both the **Reporting** and **Responding Party** are named where possible, to guide the investigation and ensure they receive support. Once complete, the form will go to the HR manager and Director of People and Wellbeing to progress to the next steps.

5.2 Informal process

In the first instance, if a reporting party thinks the incident is minor and feels confident and able to do so, they can raise their experience directly with the responding party or their line manager in an appropriate and safe setting. The reporting party can explain directly to the responding party why their behaviour was unacceptable, how their behaviour made them feel and that they would like it to stop. This can be done verbally or in writing.

We would encourage them also to make the People and Wellbeing team aware of this so we can monitor reoccurrences and provide training and support where needed. The line manager or relevant staff member should then direct the reporting party to complete the **Sexual Misconduct and Harassment Report**. This is a Microsoft form which will ask the reporting party for all the relevant information needed to investigate the claim.

The line manager or relevant staff member is also recommended to complete the online **Sexual Misconduct and Harassment Reporting Form** which can be found on

SharePoint. This enables us to monitor incidents and should it be necessary, escalate to a formal process.

Alternatively, once the **Sexual Misconduct and Harassment form** has been submitted, if the HR Manager or Director of People and Wellbeing feel the incident is considered minor, they can discuss the incident with the Responding Party on the behalf of the Reporting Party, and where necessary issue a Professional Standards Letter.

5.3 Formal Process

6.1 Where the informal process is not relevant or suitable, the college will use the grievance policy as a formal process for dealing with reports of sexual assault or harassment.

6.2 If the college thinks it is necessary, it may be necessary to separate individuals from the responding party whilst they investigate to prevent distress or harm. This could be temporary alternative working arrangements or locations. Where incidents are deemed to be very serious the college can suspend the responding party with full pay pending the investigation.

6. The outcome

6.1 If we uphold your report we will deal with the matter in accordance with our disciplinary policy with the addition of a referral to the policy where an incident is deemed to be a criminal act.

Any employee found to have sexually harassed a colleague or another person will be subject to disciplinary action and may be dismissed. We will take into consideration any aggravating factors such as abuse of power over a more junior or vulnerable colleague, when deciding on the appropriate disciplinary action. We may also report any criminal acts to the police

6.4 If we decide not to uphold your report, we will explain why and explain how you can appeal in accordance with our Grievance Policy. If your report relates to a colleague, we will consider ways of improving your relationship and may, for example, suggest mediation or offer training.

6. Mediation or conciliation

In some situations, it may be appropriate to ask the parties to consider entering into a mediation process. Although mediation may be attempted at any time before or after a formal investigation, it may be particularly helpful if it is considered at an early stage before the formal procedure is invoked.

In the case of a complaint involving two members of staff, an experienced mediator or conciliator acceptable to both parties will normally be nominated by the Director of People and Wellbeing. The mediator or conciliator will meet with the parties separately and as soon as practicable to begin to seek a resolution. The

normal expectation is that resolution would be achieved within 20 working days of the initial meetings with the parties (although this time limit may be extended by agreement). Any agreed outcome will normally be recorded in writing. All those involved in the mediation or conciliation process must maintain appropriate confidentiality.

7. Supporting the reporting party

Being sexually harassed can be extremely distressing and can be life-changing. The person making the complaint may be very worried that:

- they will not be taken seriously
- they will be made to confront the person they say sexually harassed them
- they might be quizzed about their personal life
- other people will find out personal information about them they will be victimised for making a complaint
- Staff members who receive a report of sexual harassment should:
- Ensure the reporting party feels safe Often people will not feel safe, so you should have a discussion with the person to understand what would make them/help them to feel safer.
- encourage the person to access the College's Employee assistance programme or internal wellbeing support offer, ensuring they get the right support to help them with the impact of their experience on their mental health and wellbeing
- talk to them privately and allow plenty of time

8. Supporting the responding party

It may be distressing for an employee to be accused of sexual harassment.

You must:

- carry out a fair and thorough investigation and handle it very carefully
- not presume the accusation is either true or false It's important to offer support and sensitivity to the person accused so your handling of the complaint is balanced.

They may be worried that:

- what they say will not be taken seriously
- they may be made to confront the person who accused them of sexual harassment
- they might be quizzed about their personal life other people will find out personal information about them
- they will experience discrimination at work as a result of this allegation.

The support offered should be consistent with the support offered to the reporting party.

For example:

- encourage the person to access the College's Employee assistance programme or internal wellbeing support offer, ensuring they get the right support to help them with the impact of their experience on their mental health and wellbeing
- talk to them privately and allow plenty of time

9. Vexatious and Malicious Allegations

- Vexatious allegations of sexual harassment raised maliciously or in bad faith, where a disclosure is based on deliberate misrepresentation or untruths with the malicious intent of causing harm to the person against whom the complaint is raised will not be tolerated by the College.
- Vexatious use of the Sexual Harassment Policy may result in disciplinary action being taken against the reporting party.

10. Further Support Information

Everyone who has experienced sexual harassment will respond differently, there are various support options available:

- A doctor or practice nurse at your GP surgery
- The Survivors Trust- Free, confidential helpline: 08088 010 818, Text Service: 07860 022 956
- 24/7 Rape and Sexual Abuse Support Line Freephone 0808 500 2222, Online chat via the website: www.247sexualabusesupport.org.uk/#live-chat Website: www.247sexualabusesupport.org.uk
- Live Fear Free Helpline Call: 0808 80 10 800, Text: 07860 077333
- Safeline: National Male Survivor Helpline 0808 800 5005
- Survivors , Office Telephone: 0203 598 3898, Text: 020 3322 1860, Email: help@survivorsuk.org
- The 24-hour freephone National Domestic Abuse Helpline, run by Refuge, on 0808 2000 247
- GALOP – Support for LGBT+ people 0800 999 5428
- The rape and sexual abuse support line run by Rape Crisis England and Wales – you can call the helpline on 0808 500 2222 or use the online chat (both are free and are open 24 hours a day, every day of the year)