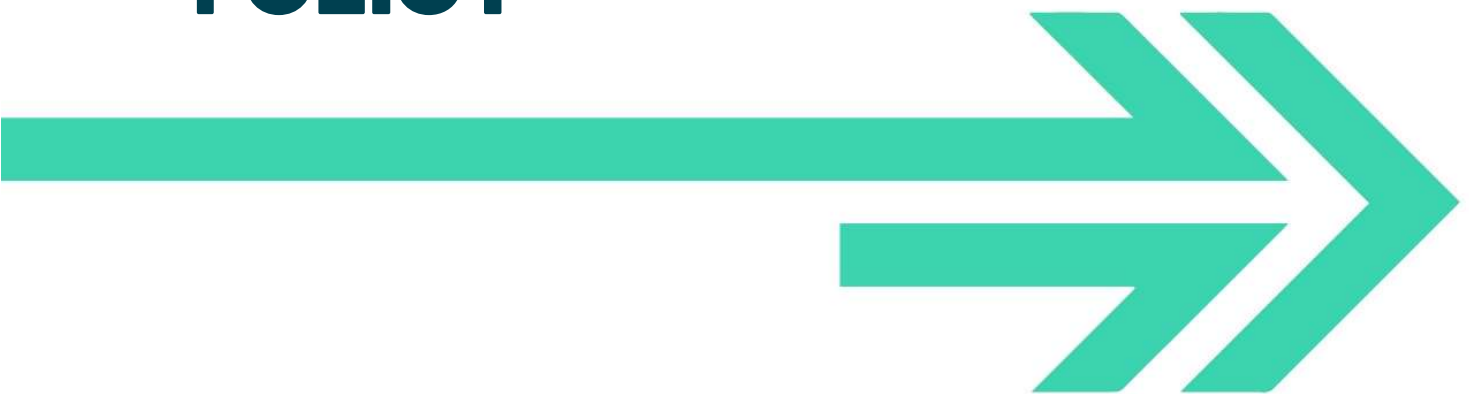




PREVENTION OF HARASSMENT, SEXUAL MISCONDUCT AND RELATIONSHIP ABUSE POLICY



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1. Purpose

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

- provide an inclusive working and learning environment in which all members of our community feel safe and are respected;
- set out our expectations around the unacceptability of harassment, sexual misconduct and relationship abuse;
- support students who have experienced any form of harassment, sexual misconduct or relationship abuse;
- respond appropriately and effectively to disclosed incidents which breach this policy

In addition to the internal QAHE procedures and remedies for dealing with harassment, sexual misconduct and/or relationship abuse, individuals will be in breach of civil and criminal law under any of the following:

- [Equality Act 2010](#)
- [Sexual Offences Act 2003](#)
- [Domestic Abuse Act 2020](#)
- [Criminal Justice and Public Order Act 1994](#)
- [Protection from Harassment Act 1997](#)

Wherever it is reasonable, QAHE is dedicated to preventing instances of harassment, sexual misconduct, or relationship abuse and to offering training programs that are both educational and preventative. Additionally, QAHE pledges to provide prompt and equitable methods of investigation and resolution to put an end to bullying, harassment, and sexual misconduct, as well as to remedy any harm caused and prevent future occurrences.

2. Scope

This Policy is applicable to allegations of harassment, sexual misconduct, and relationship abuse made against students, academic, research, or professional services staff, QAHE appointees, or other individuals. This can also include prior incidents that occurred within the past 3 years since the policy was implemented.

The alleged misconduct may have occurred:

- On or off QAHE property and/or land;
- Whilst a student or QAHE representative is engaged in any QAHE activity (including internships and trips);
- Via QAHE IT systems;
- Online whether via email, the internet or social media;
- In the UK or abroad;



- Results in a legal or police investigation, charge or conviction of an offence;
- Raises questions about the fitness of the student;
- Or poses a serious risk or disruption to QAHE, the partner University, or members of its community, in the opinion of QAHE or the partner University.

3. Definitions

Abuse of Power

Abuse of power is when someone misuses their authority or higher position in a hierarchy to take advantage of, coerce or harm other people.

Consent

Consent is the decision to engage in sexual activity when the individual has the freedom and mental capacity to do so. A prior sexual encounter or previously granted consent cannot be used to assume consent, and consent can be revoked at any time.

Freedom to consent

The person must voluntarily engage in a sexual act for consent to exist. Regardless of whether there is verbal or physical resistance, consent is not present when submission by an unwilling participant result from the abuse of power, persuasion, coercion, pressure, or force. Any physical or emotional harm or threat of physical or emotional harm that would reasonably cause an individual to fear immediate or future harm and make the individual feel compelled to engage in a sexual act is considered coercion or force.

Capacity to Consent

Free consent cannot be given if the subject lacks the mental capacity to do so. When someone is unaware that a sexual act might be taking place because they are asleep, unconscious, semi-conscious, or in a state of intermittent consciousness, this is known as incapacitation. Incapacitation may also result from alcohol or drug use, a mental or developmental disability, or both.

- **Alcohol and/or Drug Use:** Incapacitation brought on by alcohol or drug use should be assessed according to how the substance(s) has affected the person; symptoms 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 function normally. Never use intoxication as an excuse for engaging in sexual misconduct or failing to obtain consent. The best course of action is to refrain from having a sexual act if there is any uncertainty regarding the degree or scope of one's own or the other person's incapacitation.



- Mental capacity: means having the ability to understand information and make decisions about your life. It can also mean the ability to communicate decisions about your life.

Controlling Behaviour

Controlling behaviour is an action or set of actions intended to make someone dependent and subordinate by restricting their access to independence-enabling resources, money, freedom of movement, health, and physical capabilities.

Coercive Behaviour

Coercive behaviour is an action or series of actions that causes someone to feel powerless, alone, punished, or afraid. Examples include excluding someone from their friends or family, keeping an eye on someone's whereabouts, and threatening to harm them or someone.

Disclosure

Disclosure is the act of informing a QAHE that you have encountered relationship abuse, sexual misconduct, or both (this is distinct from filing a formal complaint).

Honour-based abuse and Female Genital Mutilation (FGM)

An act of violence, threats of violence or harm, intimidation, coercion, or abuse (including psychological, physical, sexual, financial, or emotional abuse) that has been or may have been committed to uphold or protect the honour of a person, their family, or their community in response to alleged or perceived transgressions of the family's or community's code of conduct.

Relationship Abuse

Any instance or pattern of instances of coercive, violent, or threatening behaviour between people 16 years of age or older who are or have been in a personal relationship with the abuser, regardless of gender or sexual orientation, constitutes relationship abuse.

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.

Duty of Care

QAHE is expected to act responsibly to safeguard the health, safety, and welfare of its students while performing its general duty of care to provide educational and pastoral services to the standard of an ordinarily competent institution.

Grooming

Grooming is the gradual process that a person in a position of authority uses to persuade someone to do things that they may not find comfortable and to reduce their likelihood of objecting to or reporting abusive behavior. Befriending and making someone feel special are the initial stages of grooming, which can lead to sexual abuse and/or exploitation.

Harassment

As defined in The Equality Act 2010.

‘Harassment, including sexual harassment, includes unwanted behaviour or conduct [of a sexual nature] 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: age; disability; gender reassignment; race; religion or belief; sex; and sexual orientation.’

Reporting

In order to start the investigation process outlined in this Policy and the accompanying procedure, an incident of harassment, sexual misconduct, or relationship abuse must be reported to a member of the QAHE staff. Reporting is distinct from Disclosure.

Reported Party

The person(s) whose actions are claimed to have amounted to an instance of harassment, sexual misconduct or relationship abuse is known as the Reported Party.



Reporting Party

The Reporting Party is the person(s) who witnessed or was subject to the alleged incident of harassment, sexual misconduct or relationship abuse.

Sexual Misconduct

A wide range of impermissible and unwanted sexual behaviours fall under the category of sexual misconduct. It covers all types of sexual violence, such as penetration without consent, sexual abuse (including online and image-based abuse), non-consensual sexual touching, sexual harassment (unwanted sexual behaviour that violates your dignity; makes you feel intimidated, degraded, or humiliated; or creates a hostile or offensive environment), stalking, abusive or degrading sexual comments, among a wide range of other behaviours.

Stalking

A particular form of harassment known as stalking involves a pattern of intrusive, unwanted, fixated, or obsessive behaviour that instils fear or distress. Online and in-person stalking are both possible.

Victimisation

Treating someone unfavourably because they have filed a claim or complaint of discrimination, assisted another person in filing a complaint (under the Equality Act), or made a disclosure (whistle-blower) under the Public Interest Disclosure Act 1998, or in either case, the affected person is believed to have filed, assisted, or is believed to be preparing to file a complaint or disclosure.

4. Roles and Responsibilities

The implementation of the protocols connected to this Policy is the responsibility of the Head of Student Wellbeing, who also serves as the Lead Sexual Misconduct and Violence Officer (LSMVO). The Deputy Lead Sexual Misconduct and Violence officer (DLSMVO) is the Welfare Manager.

The People Team and Head of Student Wellbeing will oversee managing the Sexual Misconduct and Violence Policy Procedure on a daily basis. The Head of Student Wellbeing, supported by the Welfare Manager and team, are the key contact for allegations and incidents involving students.

Important duties for implementing the process for handling disclosures or reports involving allegations against staff fall under the purview of the Director of People -HE.



5. What to do if you feel you have experienced harassment, sexual misconduct or relationship abuse from a student or member of staff

You should not feel that an incident you experienced or saw had to be tolerated. It's a good idea to keep a record of incidents, including the date, time, location, details, witnesses' names, and your feelings at the time. You might also want to think about doing what is suggested in the paragraphs that follow.

Staff

QAHE staff should refer to the Dignity at Work policy for guidance on reporting any concerns.

Please click [here](#)

Student

Students may disclose to the Welfare team if they believe they have been the victim of harassment, sexual misconduct, or relationship abuse by another student or staff member. The person who has made the decision to disclose is not required to share all the specifics of their experience if they choose not to. They won't feel under any obligation to file a formal grievance.

A disclosure does not compel QAHE or the University partner to take any action and does not automatically result in a formal complaint. Before deciding on the next course of action, the person who has disclosed will have the chance to speak with a specially trained Welfare Advisor and weigh their options. Unless there is a safety concern or the University is required to act immediately, such as under safeguarding, no immediate action will be taken by the University.

If a student decides to file a formal complaint after speaking with the Welfare team, QAHE and University partners Safeguarding policy and Student Codes of Conduct are adhered to.

6. Support available

Staff

Staff can access support from their line managers, People Team or Employee Assistance Programme. Further information can be found on the People Team [Hub](#).

Students

Students can access support from the Welfare team. Click [here](#) for the teams contact information.



Togetherall is an online mental health support community, FREE, safe, anonymous and 24/7. You can share your experiences or connect with someone who understands what you're going through, anytime, and anywhere. With lots of tips for your student journey throughout the year. Click [here](#) to register and access the platform.

External Agencies

Organisation	Website	Contact No.
Refuge	https://www.nationaldahelpline.org.uk/	0808 2000 247
Respect (Men's Advice Line)	https://mensadviceline.org.uk/	0808 8010327
Respect (Perpetrator Help Line)	https://respectphoneline.org.uk/	0808 8024040
ADVANCE	https://www.advancecharity.org.uk/	020 8741 7008
Forced Marriage Unit	https://www.gov.uk/guidance/forced-marriage	020 7008 0151
Karma Nirvana	https://karmanirvana.org.uk/	0800 5999 247
Latin American Women's Aid	https://lawadv.org.uk/en/	020 7275 0321
opoka	https://www.opoka.org.uk/	0300 365 1700
Women & Girls Network	https://www.wgn.org.uk/	0808 801 0660
Galop	https://galop.org.uk/	0800 999 5428
Bharosa	https://www.birmingham.gov.uk/info/20095/antisocial_behaviour_and_neighbour_disputes/1370/bharosa_domestic_abuse_service	0121 303 0368
Birmingham LGBT	https://blgbt.org/domestic-violence/	0121 643 0821
Birmingham & Solihull Women's Aid	https://bswaid.org/	0808 800 0028
WAVE	https://washawayvictimeffects.co.uk/	07734 775534
Pankhurst Trust	https://pankhursttrust.org/	0161 660 7999
Greater Manchester Domestic Abuse Helpline	http://www.domesticabusehelpline.co.uk/our-services/greater-manchester-domestic-abuse-helpline/	0800 254 0909
Muslim Women's Network	Muslim Women Network (mwnuk.co.uk)	0800 999 5786 / 0303 999 5786
Black sisters	About Southall Black Sisters Southall Black Sisters	
Woman's Trust	https://womanstrust.org.uk/	020 7034 0303



National Centre for Domestic Violence	Domestic Violence & Abuse · Emergency Injunction Service (ncdv.org.uk)	0800 970 2070
Ananias foundation	Definitions - Ananias Foundation	
Hestia	Hestia's Domestic Abuse support services	
Women's Aid	www.womensaid.org.uk	0808 2000 247
Rise Against Abuse	https://www.riseagainstabuse.com/our-services	07780377 420
Opoka	https://www.opoka.org.uk/	0300 365 1700
RASASC - Rape & Sexual Abuse Support Centre	Home - RASASC	01483 546400
Into the Light	Into The Light: counselling, support for adult survivors of sexual sbuse	
Rape Crisis	https://rapecrisis.org.uk/get-help/looking-for-information/support-for-men-and-boys/	
Survivors UK	SurvivorsUK We challenge the silence to support sexually abused men	020 3322 1860
Safeline (male survivors of sexual abuse)		0808 800 5005.
Rape crisis Centres	Find a Rape Crisis Centre Rape Crisis England & Wales	0808 802 9999

7. Training

Staff

Training requirements

Head of Student Wellbeing and Welfare Manager

Independent Sexual Violence Adviser Service Manager Programme
 Independent Sexual Violence Adviser Practitioner Diploma
 Addressing sexual assault on campus: supporting students and staff (Women's Aid)
 Understanding domestic abuse and how to work with survivors
 Understanding Coercive and Controlling behaviour

Welfare team

Independent Sexual Violence Adviser Practitioner Diploma
 Addressing sexual assault on campus: supporting students and staff
 Understanding domestic abuse and how to work with survivors
 Understanding Coercive and Controlling behaviour

Security and Student Services

Addressing sexual assault on campus: supporting students and staff
 Referrals and maintaining professional boundaries training (in-house)



All staff

Bullying and Harassment training

Referrals and maintaining professional boundaries training (in-house)

Students

Voluntary sessions delivered by the Welfare team are offered on:

- Healthy Relationships
- Consent
- Sexual Health/abuse
- Safeguarding at QAHE

Voluntary Sessions delivered by external teams

- Personal Safety- University Police Liaison teams
- Self Defence - Awareness and First Reactions– Martial Arts
Instructors

8. Environmental investigation

QAHE may conduct an environmental investigation with staff and/or students within a department or faculty when there are numerous reports of unacceptable behaviour to better understand the behaviours, identify and target appropriate support, and intervene when necessary.

Interviews and/or focus groups with students, staff, or both will be conducted as part of an environmental investigation to identify the main issues and potential solutions. The department's terms of reference will also be agreed upon.

The implementation of environmental investigations aims to guarantee efficient complaint resolution and the avoidance of future unacceptable behaviours.

9. Police investigations and criminal proceedings

According to the specifics of the case and police advice, the QAHE and the partner University will typically continue its own investigation and any disciplinary action where criminal investigations and/or judicial proceedings are ongoing or are anticipated to begin in relation to a disclosure or report.

If QAHE and the partner University decide not to launch their own investigation until the case is over, whether on the advice of the police or for other reasons, they reserve the right to review this choice and launch their own investigation and/or disciplinary action at a later time during the



criminal investigation and/or judicial proceedings.

The results of the investigation and/or disciplinary action conducted by QAHE and the partner University are not affected or negated by a decision by the Police or Crown Prosecution Service (or other law enforcement agency) to take no further action in relation to a criminal matter or by an acquittal at a trial. QAHE and the Partner University may review any disciplinary sanctions issued to the Reported Party and may consider disciplinary action against the Reporting Party, if they are a QAHE student or employee, if the trial has completely exonerated the subject of the complaint and it has been determined that the Reporting Party has made a false, bad faith, or misleading complaint.

An internal investigation's sole objective is to determine whether the Preventing Harassment, Sexual Misconduct, and Relationship Abuse policy and/or other pertinent rules and regulations have been broken. A police investigation or criminal prosecution may therefore consider different factors than the internal process does. Due to this, depending on the specifics, it might be possible to conduct an internal investigation concurrently with a criminal process.

When a student or staff member engages in conduct that is prohibited by the QAHE's prevention of harassment and sexual misconduct policy, they are required to inform the QAHE (for staff, see the Screening and Vetting Policy; for students, see the University's Student Disciplinary Policy). The conviction or caution will be considered conclusive proof that the behavior occurred, and the QAHE will not need to conduct any additional investigations. Under the relevant policies, appropriate actions may be taken (if they haven't already).

10. False, bad faith or misleading complaints

It's also prohibited to file a complaint in bad faith or to give inaccurate information to help with the investigation of a complaint. The Staff Disciplinary Procedure and University specific Student Disciplinary Procedure, as applicable, will be followed if a complaint is found to be untrue, deceptive, or made in bad faith.

11. Confidentiality

When dealing with situations involving alleged unacceptable behaviour, confidentiality is crucial. Information about the Reporting Party, the Reported Party, and senior staff handling the report should only be disclosed to those who have a "need to know."

12. Review of policy

This policy will be reviewed on an annual basis as an when there are changes to any relevant legislation



13. **Related policies**

QA Safeguarding

Dignity at Work

Screening and Vetting Policy