

UCS Prevention of Harassment & Sexual Misconduct

Our Mission

Raising Aspirations, Unlocking Potential, Advancing Futures

Our Values

Excellence, Passion, Teamwork, Integrity, Innovation,
Sustainability, Valuing Others and Supportiveness

Sparsholt College Group

The Sparsholt College Group (the College Group) includes Sparsholt College, Andover College, University Centre Sparsholt, Sparsholt College Services, Westley Enterprises and Andover Town Football Club. College Group policies apply to each part of the group unless specified otherwise.

The ***UCS Policy to Prevent Harassment & Sexual Misconduct*** was approved by the Board of Governors in July 2025. This policy sets out how the organisation meets the requirements of Office for Students Condition of Registration E6.

Originator:	Dean of Higher Education
Located:	College Group Intranet & Website
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UCS PREVENTION OF HARASSMENT & SEXUAL MISCONDUCT POLICY

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UCS PREVENTION OF HARASSMENT & SEXUAL MISCONDUCT POLICY

1 Policy aims

- 1.1 University Centre Sparsholt (UCS) has a firm commitment to equality of opportunity and believes that every student has the right to study and work in an environment able to express lawful opinions and free from harassment and sexual misconduct.
- 1.2 At University Centre Sparsholt, we strongly believe that harassment has an extremely negative impact on the working and learning environment and has a detrimental effect upon the wellbeing, health, confidence, morale, and performance of those directly affected by such behaviour or who witness it and, as such, is not tolerated.
- 1.3 We are committed to creating a working and learning environment free from harassment and discrimination in which all staff, students, and visitors to UCS and the wider Sparsholt College Group are treated with dignity and respect in accordance with the UK Higher Education (Freedom of Speech) Act 2023, Equality Act 2010, the Office for Students Condition of Regulation E6, and the Protection from Harassment Act 1997.
- 1.4 All staff and students are expected to uphold these principles and to support and promote the creation of a harassment-free working and learning environment.
- 1.5 We strongly encourage any student who considers they are suffering harassment to take action using the procedures set out in this policy. UCS will treat any allegations or report of harassment and/or sexual misconduct seriously and commit to investigate any allegations in a fair and open manner and be guided in relation to students by good practice identified by the Office for the Independent adjudicator (OIA) for Higher Education.
- 1.6 We further commit in this policy to take steps to be open in our monitoring and evaluation of the prevalence of harassment and sexual misconduct of students and the effectiveness of this policy and related policies to minimise the number of incidents.

2 Who is this policy for?

- 2.1 This policy relates to incidents of harassment and/or misconduct which affect at one or more students and includes the conduct of staff towards students and/or the conduct of students towards students.
- 2.2 This policy applies to any student enrolled with any part of the Sparsholt College Group and registered on a higher education course. It also relates to all staff, visitors and contractors of the Sparsholt College Group, who have cause to interact with students undertaking a higher education course.

- 2.3 Assistance will be given to students or staff who need language support or support for a disability under any part of this policy - as complainant, alleged harasser or witness.

3 Definitions

- 3.1 Definitions of harassment are based on those set out in [Section 26 of the Equality Act 2010](#) and [Section 1 of the Protection from Harassment Act 1997](#).

- 3.2 **Harassment**, including sexual harassment, is defined as unwanted behaviour or conduct 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;
- sexual orientation.

or 'a course of conduct conducted on at least two occasions that harasses one other person, or a course of conduct that harasses two or more persons at least once each. References to harassing a person include alarming the person or causing the person distress.'

- 3.3 In the context of this policy, **sexual misconduct** includes reference to sexual offences under the [Sexual Offences Act 2003](#):

- **Rape** – a person commits an offence if they intentionally penetrates the vagina, anus or mouth of another person with their penis and that the other individual does not consent to the penetration
- **Assault by Penetration** – a person commits an offence if they intentionally penetrates the vagina or anus of another person with part of their body or anything else, the penetration is sexual, the other individual does not consent to the penetration and the alleged perpetrator does not reasonably believe that the other person consents
- **Sexual Assault** – a person commits an offence of sexual assault if they intentionally touch another person in a sexual manner and that they do not reasonably believe that the other individual consents.
- **Sexual Harassment** involves any unwanted conduct of a sexual nature, which violates a person's dignity, and/ or makes them feel intimidated, degraded or humiliated and/ or creates a hostile, offensive or sexualised environment. Sexual harassment may occur between members of the same sex or of the opposite sex. It may be directed at an individual or a group.

3.4 In addition to the behaviour referred to in 3.3 above, **sexual harassment** can include:

- Sexual comments, such as telling sexual stories, making lewd comments, making sexual remarks about clothes and appearance and calling someone sexualised names;
- Sexual ‘jokes’ or taunting;
- Physical behaviour, such as deliberately brushing against someone, interfering with someone’s clothes and displaying pictures, photos or drawings of a sexual nature;

and/or

- Online sexual harassment, which might include non-consensual sharing of sexual images and videos and sharing sexual images and videos (sexting); inappropriate sexual comments on social media; exploitation; coercion and threats. Online sexual harassment may be standalone, or part of a wider pattern of sexual harassment and/or sexual violence.

3.5 Sexual harassment creates an atmosphere that, if not challenged, can normalise inappropriate behaviours and provide an environment that may lead to sexual violence.

3.6 **Consent** is the agreement to participate in a sexual act where the individual has both the freedom and capacity to make that decision.

3.7 Consent cannot be assumed on the basis of a previous sexual experience or previously given consent, and consent may be withdrawn at any time. Key factors to consider include:

- **Freedom to consent:** For consent to be present, the individual has to freely engage in a sexual act. Consent is not present when submission by an unwilling participant results from the exploitation of power, or coercion 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 may occur 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 activity.

- 3.8 Failure to obtain consent prior to sexual activity by either removing freedom to consent or when an individual lacks the capacity to consent constitutes Sexual Misconduct.

4 How to report harassment and/or sexual misconduct

- 4.1 The reporting process aims to allow the organisation to investigate such grievances to establish whether harassment of sexual misconduct has occurred and make recommendations for action where necessary. Such action could include disciplinary action, and refer to the relevant stage of the [UCS Student Conduct Policy](#) or the [UCS Complaints & Feedback policy](#). In some cases, it may be necessary to contact and engage with the Police in order to investigate alleged sexual misconduct. The process also includes safeguards to support and protect the rights of all parties and to ensure that the process is both fair and open.
- 4.2 In order to make an allegation of harassment and/or sexual misconduct, students are asked to refer to our relevant website pages which contain information that meets the expectations of the Office for Students Condition of Registration E6 and serves as our single point of information. The site allows reporting including anonymous reporting as required by the condition. This reporting tool is constantly monitored and the details will be passed to a senior manager for action. The allegation will be allocated to a senior manager who will confirm whether it is appropriate to follow the UCS Student Conduct Policy or UCS Complaints and Feedback Policy depending to whom the complaint refers.
- 4.3 Confidentiality, where possible, will be maintained between the student and the person compiling the report of the incident. There may be times when this is not possible and, in these situations, the organisation will undertake to restrict to a minimum the number of people informed, whilst complying with its statutory duties. We will ensure that all communications are kept to a minimum and on a "need to know" basis and, where appropriate, following the requirements of the Safeguarding Learners Policy.
- 4.4 It may be that an allegation of sexual misconduct is made and the individual does not wish for the information to go any further. In such cases, where possible, UCS will take no further action without the consent of the individual concerned unless the allegation indicates that it involves a criminal offence or serious misconduct, or there is an unacceptable risk to the complainant, another person, or to the organisation itself which requires immediate action.
- 4.5 We recognise that it can be a difficult decision to bring an allegation, and we commit to support those wishing to do so through the process. However, we also

recognise that, at times, individuals may wish to raise their concerns anonymously. This is possible, however, those using the method need to recognize that it is often very difficult to investigate the matter thoroughly and to subsequently take appropriate action.

- 4.6 Where an allegation of sexual violence or sexual harassment is progressing through the criminal justice system, it is important to be aware of confidentiality, witness support and the criminal process so that appropriate support for the student is in place. As an organisation, it is important that we do all we reasonably can to protect the anonymity of any student involved in any report.
- 4.7 **Keeping records of incidents** is vital. Anyone who believes they have been subjected to harassment or sexual misconduct should make a record of the details of the incidents as soon afterwards as possible. For example: dates; times; places; the name of the person involved; what happened; how you felt at the time; the names of any witnesses; action taken at the time; and whether the incident was reported to a relevant member of staff.

5 Support for those reporting an incident of harassment and/or sexual misconduct

- 5.1 A student who is found to have been a victim of sexual misconduct by a staff member, student or a visitor will have the support of both senior staff and the Wellbeing Team in putting a stop to the alleged offences. Acts of sexual misconduct which occur off campus may fall within this procedure.
- 5.2 The Wellbeing Team will work with victims to identify and access appropriate professional support relevant to the incident.
- 5.3 Our procedures permit those bringing a complaint or during an investigation to have access to support in any formal meeting as outlined in the relevant policy. For students, it is a UPSU (University of Portsmouth Student Union) representative or a fellow UCS student. The Wellbeing Team will also be able to support students in meetings if requested.

6 Measures to prevent harassment and/or sexual misconduct

- 6.1 People in positions of trust and authority, and those with a pastoral role, have a particular obligation to ensure that they do not use their power to create an unsafe environment. Such people should be aware that genuine authority is based on respect and commitment and that demeaning and devaluing people is not an effective leadership style. This obligation is particularly important for members of Academic staff in their professional relationship with students. All UCS staff have submitted to the DBS (Disclosure & Barring Service) and have undertaken safeguarding training with annual updates.

- 6.2 Visitors to the campus receive a safeguarding induction, are required to wear a clearly identifiable lanyard and to sign in and out and are assigned to a Sparsholt College Group staff member.
- 6.3 To mitigate the potential abuse of power between staff and students, intimate personal relationships between a member of staff and one or more students are prohibited. Intimate personal relationships are those which involve physical intimacy (including sexual activity) or romantic or emotional intimacy. There may be exceptions to this prohibition, such as a lecturer being married to an adult student who is enrolled on an adult course or short course at UCS or another part of the Sparsholt College Group. In such circumstances, the staff member is required to declare this to HR who will discuss the matter with the relevant member of the SLT (Strategic Leadership Team). The nature of the relationship will be assessed and steps taken to ensure that there is no opportunity for there to be, or be perceived to be, an abuse of power. The outcome will be recorded by HR.
- 6.4 Any member of staff who breaches the prohibition of intimate personal relationships with students (other than for exceptions agreed by an SLT member and documented) may be subject to disciplinary action, up to and including dismissal. Failure to make a declaration of a personal relationship with a student may also result in action under staff disciplinary procedures. The obligation on staff to make a declaration is covered during staff induction.
- 6.5 In our commitment to preventing harassment and sexual misconduct, we need to recognise the importance of free speech, as set out in the UK Higher Education (Freedom of Speech) Act 2023 and how we use this policy should not interfere with or restrict lawful free speech, academic freedom and tolerance for controversial views in an educational context unless where there is proportionate and legal reasons to do so, as set out in our Freedom of Speech Code of Practice.
- 6.6 We pledge to always be appropriately open and transparent, therefore we do not permit the use of non-disclosure agreements (NDAs) where they relate to allegations about harassment or sexual misconduct. This prohibition covers all agreements that compel or seek to stop students from disclosing information about their experiences to a third party.
- 6.7 Every year, an anonymous student survey will be conducted to ascertain the prevalence of any allegations of harassment and/or sexual misconduct and we will publish our data on our website.
- 6.8 UCS will provide training in relation to consent, harassment and sexual misconduct for all new HE students and staff, with annual online refresher training. This will also include bystander intervention training and make reference to the relevant part of the free speech obligations.
- 6.9 All students will receive awareness training about the support available in relation to these matters from the Wellbeing Team. Staff will similarly be made aware of support from the UCS employee assistance programme.

- 6.10 Staff likely to be in receipt of disclosures or undertaking investigations in relation to these matters will receive additional training every three years.

7 How will we know if this policy is effective?

- 7.1 The [findings of an independent pilot survey](#) by Savanta commissioned by the Office for Students, reported that, out of 5,000 student respondents, 27 per cent of women and 12 per cent of men had experienced unwanted sexual behaviour in the last academic year, mostly in a university setting.
- 7.2 UCS has recorded no reported cases of either harassment or sexual misconduct since 2022. We recognise that this may be due to a number of legitimate reasons, such as a reluctance to raise concerns. Therefore, an anonymous survey was distributed to students asking about the prevalence and nature of any harassment and sexual misconduct. The outcomes of this survey were used to set a benchmark to guide the actions set out in this policy document along with being a tool by which to measure the effectiveness of the policy.
- 7.3 Going forward, cases of recorded incidents alongside the anonymous student survey will be used to monitor effectiveness and we will use this to use this feedback from students alongside participant feedback following training, to evaluate and update the policy every three years. An annual report will be submitted to the Quality & Standards Committee of the Board of Governors for oversight and published on the UCS website.