

## **Procedures for handling cases of harassment or sexual misconduct raised by one student (or students) about another student (or students)**

The following guidance and procedures have been designed to work alongside the CECOS College Anti-bullying, Harassment and Sexual Misconduct Policy: [www.ceclos.ac.uk/harassment](http://www.ceclos.ac.uk/harassment)

The College has a separate complaints and appeals procedures under which students can raise complaints about College's academic and non-academic provision.

CECOS has developed a Code of Conduct in respect of Harassment and Sexual Misconduct (Appendix1) and is committed to providing an environment that is free from harassment and discrimination, and the right of all students and staff to be treated with dignity and respect.

The College will treat any allegation of harassment or sexual misconduct of a student by another student seriously, and the Code of Conduct and procedures described here apply to all students.

Students are expected to take responsibility for their own conduct: the fact that a student against whom an allegation has been made was under the influence of alcohol or drugs at the time will not be viewed as mitigating the case.

If students believe that they have been subject to harassment or sexual misconduct by another student, they can do any or all of the following:

- seek advice, guidance and support from a student advisor;
- seek an alternative resolution;
- raise a complaint with the College.

Both the Complainant and the Respondent will be advised to think carefully about what information they disclose to others at all stages of seeking resolution of the matter. Students should ensure that they are aware of the limits that may be applied to the principle of confidentiality, including how any information they provide might be used at later stages of the procedure if the case is escalated to more formal, including disciplinary, procedures, or if it is reported to the Police.

### **Advice, guidance and support**

Students who believe they have been harassed or been the subject of sexual misconduct are advised to seek support from the College. Students can seek advice from one of the College's Student Services staff or Advisors through an online request or in person.

Sexual assault and rape are criminal offences, and Complainants will be supported to come to an informed decision as to whether to report such an incident to the Police.

However, if the Complainant decides not to report the incident to the Police, the College cannot require them to do so. No inferences will be drawn from the Complainant's decision not to report the incident to the Police.

In exceptional circumstances, where the facts as they emerge give rise to concerns that there is a significant ongoing risk to members of the College, or the wider community, the Head of Student Services may seek advice from one of the Senior Leadership Team as to whether to refer the matter to the Police. The Head of Student Services will, in all but exceptional circumstances, inform the Complainant of their intention to report the matter to the Police, and their reasons, before doing so.

If, at any stage, Complainants feel that they are being disadvantaged or suffering reprisal from any member of the College, including the person they have made a complaint about, as a result of complaining about harassment or sexual misconduct, they should seek advice and guidance from the Head of Student Services or another senior member of staff or a Student Advisor. The College will seek to ensure that no Complainant is put at disadvantage or at risk.

### **Alternative resolution**

In some cases relating to harassment, students who are unhappy with the behaviour of another student may want to try to resolve the matter themselves directly with the other student.

If seeking alternative resolution in this way, a student is advised to seek support on a confidential basis from one of CSA's Student Advisors or tutors, either to help them to work out what to say, or to accompany them when they meet the person they are complaining about. Because of the possibility of counter-accusation or recrimination, Complainants are advised to alert a supporting person, such as their tutor or and advisor, to the problem before approaching the person concerned, even if they feel able to take this action on their own.

Students should be encouraged to try to describe the behaviour very precisely, including where and when it happened. Students should also make it clear how they feel about what has happened, and describe the effect it is having on them. Finally, they should be encouraged to say precisely what they want to happen going forward.

If a direct approach has been tried and has not worked, or if a student does not wish to make such an approach, the Advisor may be able to seek to resolve the problem on their behalf. The College might also propose that both parties agree to co-operate with an independent mediator to resolve the case.

If an attempt at alternative resolution has not resolved the issue to the satisfaction of the Complainant, the Complainant can raise a formal complaint.

However, there is no requirement that an attempt at alternative resolution has been made before a formal complaint is raised.

### **Raising a formal complaint**

Complaints must be raised under the College's procedures. All complaints about harassment or sexual misconduct will be considered on a case-by-case basis as to which is the most appropriate procedure for consideration.

If the complaint is about the behaviour of a student at another College, it may be possible to raise it under that student's College's procedure; if this is not possible, the College's procedure can be used to raise such a complaint.

The College will provide pastoral support, as desired, to any CECOS student involved in the Harassment and Sexual Misconduct procedure, whether as a Complainant or as a Respondent.

### **Precautionary Measures**

The Principal, on the advice of the Head of Student Services, shall have power to impose any precautionary measures set out below for a period of up to 21 days, in the first instance, where the Principal considers that any such measures are necessary:

- to ensure that a full and proper investigation can be carried out in relation to any matter (whether by the College or the Police); and/or
- to protect any person while any matter is being dealt with under a procedure in the College or as part of a criminal process.

The Principal shall have the power to extend any precautionary measures imposed for additional periods of no more than 21 days in duration.

The precautionary measures which the Principal may impose are any one or more of the following:

- excluding the person from some or all of the College's campus facilities;
- imposing conditions on the person in connection with that person's use of the College's facilities and/or premises or that person's contact with other persons, or
- suspending the person in question either in full or in part from their studies.

The Head of Student Services will inform the College of any precautionary action taken in respect of individual students.

Individual students who are subject to precautionary measures imposed by the Principal under this procedure have the right to provide representations when the decision regarding

precautionary action is made, or where a decision is required to be made immediately as a result of the level of risk, as soon as possible following the decision.

Students who are subject to precautionary measures also have the right to appeal the decisions or ask for a review of the decision if there is a material change in the circumstances of the case.

### **Review of Precautionary Measures**

The Respondent may seek a review of the Principal's decision to impose precautionary measures. Any precautionary measures which the Principal has imposed shall remain in force until the review panel had adjudicated on the matter.

The review will be carried out by a panel of three senior members of staff appointed by the Chief Executive Officer (CEO). A senior manager may not accept appointment to the review panel, if they have direct knowledge of the formal complaint which has given rise to the precautionary measures in question, or if they have personal acquaintance with the Complainant or the Respondent.

A request for a review shall be made in writing and sent to the CEO within 15 Working Days of written notification of the relevant decision. The request for review shall specify the grounds for review which may be only one or more of the following:

that there was material procedural irregularity in the decision to impose precautionary measures upon the Respondent;

- that there was bias or prejudice on the part of the decision-maker;
- that the decision reached was perverse in that it was one which no reasonable decision-maker could have reached on the available evidence;
- that new material evidence is available, which was not available and/or not presented for good reason at the time of the original decision.

The request for a review should be accompanied by supporting documentation. The review panel will consider the request for review and the documentation available to the original decision-maker. The review panel may, at its discretion, hold a hearing and regulate arrangements for the conduct of the hearing.

The review panel will issue an adjudication in writing as soon as possible, which shall normally be within twenty Working Days of the receipt of the request for a review or (if a hearing is held) within ten Working Days of the hearing. The review panel shall have power to confirm, quash, or amend the original decision or refer it back to the decision-maker for further consideration. If the review panel confirms the decision to impose precautionary measures, the Respondent will be issued with a Completion of Procedures letter when provided with the adjudication. If the

review panel issues an amended decision then the Respondent will be offered a Completion of Procedures letter when provided with the adjudication. Where the Respondent remains dissatisfied with the outcome of the review procedure, the Completion of Procedures letter will enable the student to submit a complaint to the external ombudsman, the Office of the Independent Adjudicator.

## **Appendix 1**

### **CECOS College Code of Conduct for Students in respect of Harassment and Sexual Misconduct**

CECOS College is committed to providing an environment that is free from discrimination and affirms the right of all members to be treated with dignity and respect. The College will not tolerate harassment of one member of its community by another nor sexual misconduct.

The College will take allegations of harassment and sexual misconduct very seriously and may take action, including disciplinary action, in response to a complaint from a student.

The College defines harassment as single or repeated incidents involving unwanted or unwarranted conduct towards another person which it is reasonable to think would have the effect of (i) violating that other's dignity or (ii) creating an intimidating, hostile, degrading, humiliating, or offensive environment for that other.

Harassment may be verbal, psychological or physical, in person or via a virtual platform or through other methods of contact. Harassment may occur in the course of an academic, sporting, social, cultural or other activity either on campus or elsewhere in the context of a person's membership of the College, or in circumstances where the victim of the harassment is a member, officer, or employee of the College.

Under this Code of Conduct unacceptable behaviour, whether intentional or not, can take a variety of different forms. The following descriptions are not exhaustive, but give an indication of the types of behaviour which the College considers to be unacceptable:

- making sexually offensive comments about dress or appearance, the display or distribution of sexually explicit material, or demands for sexual favours;
- engaging in harassment on the grounds of a person's sexuality (or assumptions about a person's sexuality) including making derogatory homophobic, transphobic or biphobic remarks or jokes aimed at a particular person, offensive comments relating to a person's sexuality, refusal to acknowledge a person's gender or identity, or threats to disclose a person's sexuality to others;
- making offensive references to a person's race, ethnicity, skin colour, religion or nationality, dress, culture, background or customs;

- ignoring, disparaging or ridiculing a person because of assumptions about their capabilities, or making offensive reference to an individual's appearance, in the context of their disability;
- controlling or coercive behaviour, such as pressure to subscribe to a particular political or religious belief.

Online harassment may take the form of intimidating, offensive or graphic posts on social media sites or chat rooms, or communications by email, text or instant messaging.

Sexual misconduct includes the following, whether or not within a sexual or romantic relationship, including where consent to some form of sexual activity has been given and then withdrawn, or if consent has been given on previous occasions:

- sexual intercourse or engaging in a sexual act without consent;
- attempting to engage in sexual intercourse or engaging in a sexual act without consent;
- sharing private sexual materials of another person without consent;
- kissing without consent;
- touching inappropriately through clothes without consent;
- inappropriately showing sexual organs to another person;
- repeatedly following another person without good reason.