



EDA COLLEGE



Birmingham
Newman
University

Harassment, Sexual Misconduct and Bullying Policy and Procedure¹

Version Control

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External Reference Points:

Universities UK (UUK) *Changing the Culture* Report (2016, updated 2022) – Best practices for tackling harassment.
OfS Statement on Harassment & Sexual Misconduct – Regulatory expectations for HE providers.

¹ This policy aligns with OfS Condition E6 and relevant UK legislation (Equality Act 2010, Protection from Harassment Act 1997).

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Purpose

1. The purpose of this policy and its underlying procedures for practice is to build and nurture all the EDA College students an environment that is free from any elements of harassment, sexual misconduct and bullying.
2. EDA College spreads awareness among all students and staff that any symptoms and cases of harassment, sexual misconduct and bullying are unacceptable and the students will be given confidence to complain about such cases knowing they will be supported by EDA College in completely confidential and legal manners.

Scope

3. This policy and its underlying procedures for practice apply to all students, staff and contractors. It covers all communications, contacts or interactions among them, whether those interactions/contacts be public, private, face-to-face or digital, and regardless of when and where they take place.
4. The policy covers;
 - Incidents of **harassment and sexual misconduct** involving students, whether perpetrated by staff or other students.
 - **Intimate personal relationships** between staff and students where there is a risk of **abuse of power or conflict of interest**.
5. It applies to complaints of the students about harassment, sexual misconduct or bullying by the relevant staff members or third parties.

Definitions²

Harassment and Sexual Misconduct

Harassment: Unwanted conduct violating dignity or creating an intimidating, hostile, degrading, humiliating, or offensive environment (Equality Act 2010 and Protection from Harassment Act 1997).

Sexual Misconduct: Unwanted conduct of a sexual nature, including harassment, assault or rape.

Intimate Personal Relationship: A relationship involving physical, romantic, or emotional intimacy.

Relevant Staff Member: Staff with direct academic or professional responsibilities for students e.g. lecturers, supervisors, personal tutors, student support personnel in academic and non-academic matters.

² Few examples of harassment, sexual Misconduct and bullying are given in the Annex 2.

Bullying

Bullying in itself if not against the law but harassment is. However, there is a thin line between bullying and harassment and therefore the EDA College has procedures to deal with bullying not to become a harassment.

Bullying is the abuse of power or position to undermine a person so that their confidence and self-esteem or self-worth is weakened. It may arise from the personal style of the bully, and attacks may be irrational, unpredictable and unfair.

Victimisation

Victimisation under the Equality Act 2010, is treating someone unfairly because they have taken action under the action or supported someone else who has made a complaint of bullying or harassment, alleged someone of breach of Equality Act, helped someone to complain, given evidence or information in support of a complaint, acted as a witness in a complaint, etc.

Policy Principles

6. The EDA College does not tolerate any type of bullying, harassment, sexual misconduct and victimisation at any levels and kinds of interactions between students and staff. The policy is based on following principles;

Seriousness

Any incident or allegation of bullying, harassment, sexual misconduct or victimisation are treated seriously according to this policy and its underlying procedures for practice.

Confidentiality

Any allegations received will be handled with an appropriate level of confidentiality ensuring that no personal information will be shared or released except for the purposes of compliance and implementation of these procedures.

Unintended Acts/Gestures

Bullying, harassment, sexual misconduct and victimisation often occur due to the unfair use of power relationship where people can be harassed, sexually exploited, bullied or victimised. The violator does not have to have the intention to do so.

Perception & Reasonableness

The perception of the recipient is significant however reasonable understanding of the matter is paramount. Reasonableness requires that the act or perception of bullying, harassment or victimisation must continue after an objection is made but this also does not mean that a single incident cannot constitute to bullying, harassment or victimisation.

Process of Support and Care for Complainant

7. EDA College is committed to supporting students who make complaints about harassment, sexual misconduct, bullying or victimisation throughout the investigation of their complaint.
8. Students who are victims of bullying, harassment, sexual misconduct or victimisation **will simply go to the EDA College website to lodge their anonymous or named complaint**. They may speak to their Student Support Officer for advice and guidance about such concerns or complaints if they feel so. Student Support Officer may refer the student to college website/portal to make a complaint or to specialist support services within and/or outside EDA College.
9. A student wishing to make a complaint about harassment and sexual misconduct by a member of staff (regardless of who the alleged victim is) have the choice to lodge the anonymous or named complaint using a precise complaint procedure available on EDA College website. Alternatively, they can speak to their Student Support Officer who will be responsible for raising the matter with the relevant line manager or with Human Resources according to the procedure described in the Employee Handbook.
10. Where the complaint of bullying or harassment cannot be resolved informally to the complainant's satisfaction using this procedure, the complainant may make a formal complaint under the Student Complaints Procedure. However, where the complaint involves an allegation of sexual misconduct, EDA College may invoke its staff disciplinary procedures immediately, in accordance with the Employee Handbook.
11. There are same procedures for a student wishing to make a complaint of harassment, sexual misconduct, bullying or victimisation by another student (regardless of who the alleged victim is). However, if a student wants to raise the concern informally, they should speak to their tutor or Student Support Officer, who will raise the matter with the relevant Programme Leader. The Programme Leader will be responsible for referring the complaint to the Student Disciplinary Procedure.
12. The procedure for staff to make to a complaint of harassment, sexual misconduct, bullying or victimisation by other staff is described in EDA College's Employee Handbook. An appropriate training is conducted for staff to be fully aware of harassment, sexual misconduct, bullying and victimisation so they apply them for themselves and for students at EDA College.
13. The procedure of complaint about harassment and sexual misconduct is same for staff complaining against a student. However, a member of staff wishing to make a complaint about harassment, sexual misconduct, bullying or victimisation by a student (regardless of who the alleged victim is) should speak to their line manager. The line manager will then be responsible for referring the complaint to the Student Disciplinary Procedure.
14. Students wishing to make a complaint about harassment, sexual misconduct, bullying or victimisation

by a third party³ will be the same as described about in all other cases.

Policy Implementation Requirements

15. EDA College aims to implement the harassment, sexual misconduct and bullying policy in the manners that it becomes a complete prevention and protection of all the learners studying at its programmes of study.

A. Prevention and Awareness

Training:

16. EDA College arranges a series of continuous mandatory training for students on understanding, recognising and reporting harassment/sexual misconduct. EDA College also provides bystander training to empower students to intervene safely. A specialist training for staff handling disclosures, investigations, and disciplinary processes is also arranged to implement OfS Condition E6 fully.

Communication:

17. The College makes sure that there is annual written communication to students and staff about this policy by including salient features of this policy in programme handbooks, employee handbook and the induction materials.

B. Reporting Mechanisms

18. The College uses multiple reporting channels like online via specified portal on college website and in-person allowing anonymous and confidential options. The step-by-step and clear guidance on how to report, including third-party reporting is made available with assurance of confidentiality & sensitivity in handling the reports and their follow-up.

C. Support for Affected Students

19. The college makes sure that complainants and victims of harassment and sexual misconduct have access to counselling, academic adjustments, and specialist referrals (e.g., Sexual Assault Referral Centres) and they are provided support for complainants, alleged perpetrators, and witnesses throughout investigations.

D. Investigations and Disciplinary Actions

20. The college will ensure that there is a fair, timely, and transparent processes adhering to natural justice is adapted to deal with any complaints of harassment, sexual misconduct, bullying and victimisation.
21. There will be clear timelines and mechanisms of appeal and communication of outcomes for each complaint as per complaints procedures given in the college complaints policy.

³ For the purposes of this document, a third party is someone whom a student interacts with during their studies or work who is not a student or staff member employed by EDA College. Examples of a third party include a contractor working on EDA College campus or a member of staff at a work placement provider.

E. Intimate Personal Relationships

22. The college has clear policy on intimate personal relationship in regards to students, staff and other stakeholders based on following features;

Ban: Prohibition on intimate relationships between **relevant staff members** and students, except for pre-existing **excluded relationships**.

Disclosure: Staff must disclose any permitted relationships to mitigate conflicts of interest.

Disciplinary Consequences: Breaches may result in dismissal or other disciplinary action.

F. Freedom of Speech

23. This policy and other related procedures will not restrict lawful speech, academic freedom, or course-related discussions. Rebuttable presumption that exposure to course materials or debates is unlikely to constitute harassment.

G. Non-Disclosure Agreements (NDAs)

24. No contractual restrictions on students and staff disclosing allegations of harassment/sexual misconduct or remaining silent on any instances of harassment/sexual misconduct.

H. Governance and Compliance

Regular Review

25. EDA College will ensure a process of regular review of policy effectiveness, informed by student feedback and prevalence data.

Designate Senior Staff

26. EDA College will appoint and announce a designated senior staff who will be accountable for compliance with policy and procedures on harassment, sexual misconduct, bullying and victimisation.

Annual Reporting

27. EDA College will ensure to add any issues and their resolution and compliance into its annual reporting to Academic Board and to the Office for Students (when registered) as required.

Accessibility

28. This policy is published prominently on the College website and available in accessible formats upon request.

Annex 1: Examples of harassment and bullying

Harassment based on personal attributes may include:

Sexual Harassment, for example unwelcome sexual advances, sexually provocative looks, remarks or jokes, comments on appearance, displaying offensive images in posters or screensavers, inappropriate texting or emailing, touching and other forms of assault. (There are professional and ethical reasons for staff and students to maintain an appropriate professional relationship).

Racial Harassment, for example derogatory name-calling, insults, reference to skin colour, racist jokes, ridicule for cultural difference, verbal abuse and assault. EDA College welcomes and values the cultural diversity of its community. Differences in understanding about acceptable behaviours in various cultures may not be harassment, but the people involved in any such difference will be supported in reaching an understanding.

Disability Harassment, for example not recognising competencies, drawing attention to disability or personal appearance, jokes, ignoring or focusing on a person because of their disability.

Ageist Harassment, for example denigrating competencies, patronising, ridiculing, marginalising, leaving people out of social activities.

Sexual Orientation Harassment, for example homophobic jokes or remarks, abuse relating to HIV/AIDS status, threats to disclose sexual orientation, ridiculing civil partnerships.

Religion or Belief Harassment, for example not supporting religious requirements such as prayer, offering inappropriate catering to minority groups, offensive remarks and jokes, ridiculing religious requirements in dress.

Gender Reassignment Harassment, for example ridiculing dress and personal appearance, offensive jokes and remarks.

Status Harassment, for example patronising, ostracising or marginalising colleagues with different job roles or students with different backgrounds. Showing favouritism may also be regarded as status harassment.

The above list of examples is not exclusive or exhaustive. Harassment can occur based on any personal attribute that makes the individual different from others, or from the person who harasses them.

Bullying is the exercise of power over another person through negative acts or behaviour that undermines them either personally, academically and/or professionally. Bullying can involve threatening, insulting, abusive, disparaging or intimidating behaviour which places inappropriate pressure on the recipient or has the effect of isolating or excluding them. Bullying can take the form of shouting, sarcasm, derogatory remarks concerning academic performance or constant criticism and undermining. Bullying is to be distinguished from vigorous academic debate or the actions of a teacher or supervisor making reasonable (but perhaps unpopular) requests of their students.

Annex 2: Precise understanding of Equality Act 2010 and Protection from Harassment Act 1997

According to Equality Act 2010, harassment is defined as follows;

- 1. A person (A) harasses another person (B) if—**
 - a. A engages in unwanted conduct related to a relevant protected characteristic, and
 - b. the conduct has the purpose or effect of—
 - i. violating B's dignity, or
 - ii. creating an intimidating, hostile, degrading, humiliating or offensive environment for B.
- 2. A also harasses B if—**
 - a. A engages in unwanted conduct of a sexual nature, and
 - b. the conduct has the purpose or effect referred to in subsection (A)(b).
- 3. A also harasses B if—**
 - a. A or another person engages in unwanted conduct of a sexual nature or that is related to gender reassignment or sex,
 - b. the conduct has the purpose or effect referred to in subsection (A)(b), and
 - c. because of B's rejection of or submission to the conduct, A treats B less favourably than A would treat B if B had not rejected or submitted to the conduct.
- 4. In deciding whether conduct has the effect referred to in subsection (A)(b), each of the following **must be taken into account**—**
 - a. the perception of B;
 - b. the other circumstances of the case;
 - c. whether it is reasonable for the conduct to have that effect.
- 5. The relevant **protected characteristics** are—**
 - age;
 - disability;
 - gender reassignment;
 - race;
 - religion or belief;
 - sex;
 - sexual orientation.



Annex 3: Reporting Procedures

Reporting procedures for harassment and sexual misconduct in EDA College typically follow its policies that are aligned with legal obligations under the Equality Act 2010, Protection of Students' Rights, and guidance from bodies like Universities UK (UUK) and the Office for Students (OfS). Below is a general outline of the process:

1. Immediate Support & Confidential Advice

Student Support Services: EDA College offers confidential support via wellbeing teams, student support team, or designated senior staff member.

External Support: Organisations like Rape Crisis, The Survivors Trust or Victim Support provide 24/7 help. EDA College ensures that students are aware of the available external support.

Anonymity: Students can often seek advice without formally reporting (e.g., through anonymous disclosure tools).

2. Formal Reporting Procedures

Internal Reporting

Who to Report?

The students at EDA College can access its Policies (e.g. Safeguarding, Harassment, Sexual Misconduct and Bullying policies) to report internally via EDA College portal complying with OfS's Condition E6. The process of reporting is simple and straight forward with step-by-step approach to lodge any E6 related complaints. To seek further clarification, victim can consult with the following staff in complete confidentiality;

- A. Student Services Officer: support@edacollege.co.uk
- B. Programme Leader: r.mahey@edacollege.co.uk
- C. Human Resources (if involving staff): hr@edacollege.co.uk

Investigation Process:

Following investigation process will be adopted to deal with any cases of harassment, sexual misconduct or bullying;

- A. Initial Assessment: The college assesses the report and may offer mediation (if appropriate) or escalate to a formal investigation.
- B. Independent Investigator: For serious cases, an external investigator may be appointed.
- C. Outcome: Possible outcomes include disciplinary action, sanctions (e.g., suspension), or referrals to external authorities.

External Reporting Options – relevant external links are provided on the college website

- A. Police: For criminal acts (e.g., sexual assault, stalking), students can contact the police (via 101 or 999 in emergencies).



B. Office of the Independent Adjudicator (OIA): If unsatisfied with the college's response, students can complain to the OIA.

C. Equality and Human Rights Commission (EHRC): For discrimination-related cases.

3. Safeguarding & Protective Measures

A. Interim Measures: Colleges may implement no-contact orders, timetable changes, or temporary suspensions pending investigation.

B. Right to Appeal: Students and staff can usually appeal the outcome of the complaints or decision made on the basis of complaint if dissatisfied.



Annex 4: Student-Staff Relationship Disclosure Form

Section 1: Staff Information

Full Name: _____
Position/Title: _____
Department: _____
Contact Information: Email: _____ Phone: _____

Section 2: Student Information (if applicable)

Full Name: _____
Student ID: _____
Program/Class: _____

Section 3: Nature of Relationship

Please describe the relationship (check all that apply):

- Familial (e.g., parent, sibling)
- Romantic/Dating
- Close Personal Friendship (outside professional bounds)
- Financial (e.g., business partnership, tutoring for pay)
- Other (specify): _____

Section 4: Declaration

I, _____, acknowledge that:

1. I have read and understand the institution's policy on student-staff relationships (Disciplinary, Harassment, Sexual Harassment and Bullying Policy).
2. This disclosure is made to avoid conflicts of interest and ensure compliance with institutional guidelines.
3. I will recuse myself from any academic or professional decisions involving the named student (if applicable).

Staff Signature: _____ Date: _____

Student Signature (if required): _____ Date: _____

Section 5: Administrative Use Only

Received by: Name: _____ Signature: _____ Date: _____

Action Taken: ☐ No conflict | ☐ Recusal recommended | ☐ Further review needed

Comments: _____