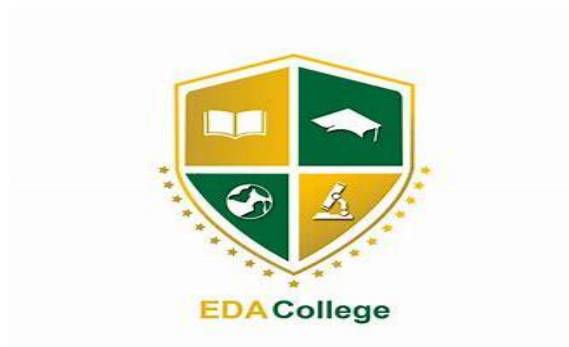




EDA COLLEGE



Birmingham
Newman
University

Harassment, Sexual Misconduct and Bullying Policy and Procedure¹

Version Control

<i>Version</i>	<i>1.2</i>
<i>Approved by</i>	<i>Academic Board</i>
<i>Approval date</i>	<i>May 2025</i>
<i>Next review date</i>	<i>May 2026</i>
<i>Policy owner</i>	<i>Principal</i>

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 bullying, harassment and sexual misconduct.
2. EDA College spreads an awareness among all students and staff that any symptoms and cases of bullying and harassment are unacceptable and the students will be given confidence to complain about bullying, harassment and sexual misconduct 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 and 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 Anex 2.

Bullying

Bullying in itself is 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 act 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, bullying or victimisation throughout the investigation of their complaint.
8. Students who are victims of bullying, harassment, sexual misconduct or victimisation should speak to their Student Support Officer. Student Support Officer may refer the student to specialist support services within and/or outside EDA College.

Procedure of Complaint about Staff

9. A student wishing to make a complaint about harassment, sexual misconduct, bullying or victimisation by a member of staff (regardless of who the alleged victim is) should speak to their Student Support Officer, who will then be responsible for raising the matter with the relevant line manager or with Human Resources according to the procedure described in Employee Handbook.
10. Where the complaint 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 gross misconduct (such as sexual misconduct), EDA College may invoke its staff disciplinary procedures immediately, in accordance with the Employee Handbook.

Procedure of Complaint about another Student/s

11. A student wishing to make a complaint about harassment, sexual misconduct, bullying or victimisation by another student (regardless of who the alleged victim is) should speak to their tutor or Student Support Officer, who should raise the matter with the relevant Programme Leader. The Programme Leader will then be responsible for referring the complaint to the Student Disciplinary Procedure.

Procedure of Complaint of staff about other staff

12. The procedure for staff to make to a complaint about harassment, sexual misconduct, bullying or victimisation by other staff is described in EDA College's Employee Handbook.

Procedure of complaint of staff about student/s

13. 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, who should then raise the matter with the relevant Programme Leader (or contact Programme Leader directly). The Programme Leader will then be responsible for referring the complaint to the Student Disciplinary Procedure.

Procedures of allegations about third parties

14. 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.
15. Students wishing to make a complaint about harassment, sexual misconduct, bullying or victimisation by a third party should speak to their Student Support Officer, who should raise the matter with the relevant Programme Leader (or contact the Programme Leader directly). The Programme Leader will then be responsible for dealing with the complaint.

Policy Implementation Requirements

16. 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:**
 - Mandatory training for students on recognising and reporting harassment/sexual misconduct.
 - Bystander training to empower students to intervene safely.
 - Specialist training for staff handling disclosures, investigations, and disciplinary processes.
- **Communication:**
 - Annual written communication to students and staff about this policy.
 - Inclusion in prospectuses, student handbooks, and induction materials.

B. Reporting Mechanisms

- Multiple reporting channels (online, in-person, anonymous options).
- Clear guidance on how to report, including third-party reporting.
- Assurance of confidentiality and sensitivity in handling reports.

C. Support for Affected Students

- Access to counselling, academic adjustments, and specialist referrals (e.g., Sexual Assault Referral Centres).
- Support for complainants, alleged perpetrators, and witnesses throughout investigations.

D. Investigations and Disciplinary Actions

- Fair, timely, and transparent processes adhering to natural justice.
- Clear timelines, appeal mechanisms, and outcomes communicated to all parties.

E. Intimate Personal Relationships

- **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

- 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)

- No contractual restrictions on students disclosing allegations of harassment/sexual misconduct.

Governance and Compliance

Regular Review

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

Designate Senior Staff

18. 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 of learners.

Annual Reporting

19. 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

20. 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 and 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 to;

- A. Student Services Officer: t.khan@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

- 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 can usually appeal the outcome if dissatisfied.

4. Preventative Measures

- A. **Training:** EDA College mandates consent workshops and bystander training.
- B. **Clear Policies:** The College have transparent, accessible policies compliant with OfS expectations.



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: _____