



POLICY NAME: Student Harassment and Sexual Misconduct Policy
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Student Harassment and Sexual Misconduct Policy

Introduction

The Croydon University Centre (CUC) recognises that incidents of Sexual violence and harassment can occur within the CUC community and acknowledges that there has been a noticeable increase nationally in the number of incidents disclosed by the student community across all educational settings.

As highlighted in the Universities UK (UUK) Changing the Culture report- [Changing the culture report](#), it is important that CUC adopts a 'whole centre' approach to responding to sexual violence and harassment, whilst recognising that each case will require individual responses and assessment using CUC framework for responding to reports of sexual violence and harassment. The recently published Department for Education Guidance 'Sexual Violence and sexual harassment between children in Schools and Colleges' : <https://www.gov.uk/government/publications/sexual-violence-and-sexual-harassment-between-children-in-schools-and-colleges> also stresses the necessity for all staff to maintain an attitude of 'it could happen here'.

CUC is committed to a zero-tolerance approach to any incidents of sexual misconduct and violence. Any incidents will be thoroughly addressed to ensure the preservation of a safe work and study environment. 'Zero tolerance' for the purposes of this policy means that incidents of such behaviour should not be left unchallenged.

We recognise the significant impact of all experiences of Sexual Violence and harassment and acknowledge the potential detrimental impact it may have on studies and employment, regardless of when the experience occurred.

We will always treat all members of our community with dignity and respect in line with our FREDIE principles, and all members of our community will share in this responsibility for creating and sustaining an environment which upholds the dignity of all.

We will inform all CUC staff about the Policy and provide training as appropriate to their roles. All staff involved in the process will always act with impartiality and discretion.

We will work with local partners and key groups to forge positive relationships to support all our work in this area, from prevention to reporting and after-care.

1. Purpose of this policy

1. To outline the CUC's commitment to responding to incidents of sexual misconduct, harassment, bullying and discrimination within our community.
2. To raise awareness of sexual misconduct, harassment, bullying and discrimination to promote a fully inclusive culture to enable issues to be tackled appropriately if they occur.
3. To improve understanding across our community and to providing a supportive culture which encourages disclosure of incidents. This policy aims to ensure that all parties are treated with dignity and respect and provided with access to support. Students' attention is drawn to Appendix 1 to this policy which sets out guidance and internal and external support services which may be of assistance.
4. CUC will take appropriate steps to deal with behaviour that results in a breach of this policy.
5. This policy will be reviewed on annual basis

2. Policy and scope

1. The policy applies to behaviour and conduct by registered students wherever and whenever it may have taken place when it is considered by CUC to be detrimental to:
2. any other member of CUC community; and/or
3. CUC property; and/or
4. the interests and reputation of CUC itself.
5. This shall include behaviour arising at any time when the student may be regarded as representing CUC as an individual or as part of a team or group and when the student is at a location away from CUC e.g. as part of their study or following an arrangement made through CUC.
6. The policy applies equally to students from partner institutions whilst present on CUC premises. CUC also appreciates and recognises that any student studying at a partner institution may make disclosures to CUC which fall within the scope of this policy. Where this happens, CUC and the partner institution will together consider carefully how best to respond to the disclosure to ensure appropriate support and investigative processes are put in place as necessary.
7. The policy does not preclude individuals from seeking recourse through criminal or civil proceedings.
8. The policy applies equally to all students regardless of any protected characteristics.
9. It should be noted that incidents of harassment, bullying, discrimination and sexual misconduct are not limited to incidents taking place in person. The policy includes incidents taking place through any medium, including online, by email and/or any form of social media. Use of CUC systems in this way will contravene CUC's Policy for Acceptable Use of Email, Internet and Cloud Facilities.
10. Whilst this policy does not apply specifically to staff, CUC wishes to make clear that it has a zero-tolerance approach to all cases of staff being bullied, harassed, discriminated against or subjected to any form of sexual misconduct. Staff are referred to the Dignity at Work Policy for further information and should contact HR if they wish to make a disclosure or need assistance. In particular, staff are reminded of the need to maintain appropriate professional relationships with students as set out in the Code of Conduct
11. CUC expects its partner institutions and placement providers to have appropriate processes in place for dealing with any disclosure of harassment, bullying, discrimination and/or sexual misconduct depending on the nature of its contractual arrangement with CUC. Any student making a disclosure or against whom a disclosure is made will be supported appropriately by both the partner institution and CUC as required.

3. Definitions

Sexual violence and harassment refer to a broad spectrum of behaviours that cannot be divorced from other types of gender-based violence including intimate partner violence or domestic abuse, coercive and/or controlling behaviour, and stalking. CUC acknowledges that Sexual Violence and harassment can be experienced by any individual, regardless of their identity.

'Bullying' may be characterised as offensive, intimidating, persistent malicious or insulting behaviour, including an abuse of power to undermine, humiliate or injure the recipient. Power does not always mean being in a position of authority but can include both personal strength and the power to coerce through fear or intimidation.

'Discrimination' occurs when a person is treated less favourably for a reason related to a protected characteristic.

‘Harassment’ is unwanted conduct related to a relevant protected characteristic which has the purpose or effect of violating an individual’s dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment as defined by the Equality Act 2010. This includes harassment by association or perception.

‘Sexual Misconduct’ relates to all unwanted conduct of a sexual nature. This includes, but is not limited to:

- Sexual harassment as defined by Section 26(2) Equality Act 2010
- Assault as defined by the Sexual Offences Act 2003.
- Rape as defined by the Sexual Offences Act 2003.
- Physical unwanted sexual advances as set out by the Equality and Human Rights Commission: Sexual harassment and the law, 2017.
- Intimidation or promising resources or benefits in return for sexual favours as set out by the Equality and Human Rights Commission: Sexual harassment and the law, 2017.
- Distributing private and personal explicit images or video footage of an individual without their consent as defined by the Criminal Justice and Courts Act 2015

‘Victimisation’ occurs when a person is treated less favourably because they have asserted their rights to raise a complaint under this policy. This also applies to those who have acted as witnesses or supporters of individuals who have complained of harassment, bullying and/or sexual misconduct

Definitions of Sexual Violence as listed under the Sexual Offences Act 2003- [Sexual Offences Act 2003](#) are as follows:

- **Rape:** A person (A) commits an offence of rape if: they intentionally penetrate the vagina, anus or mouth of another person (B) with their penis, B does not consent to the penetration and A does not reasonably believe that B consents.
- **Assault by Penetration:** A person (A) commits an offence if: they intentionally penetrate the vagina or anus of another person (B) with a part of their body or anything else, the penetration is sexual, B does not consent to the penetration and A does not reasonably believe that B consents.
- **Sexual Assault:** A person (A) commits an offence of sexual assault if: they intentionally touch another person (B), the touching is sexual, B does not consent to the touching and A does not reasonably believe that B consents (note that sexual assault covers a very wide range of behaviour so a single act of kissing someone without consent or touching someone’s bottom/breasts/genitalia without consent, can still constitute sexual assault).
- **Causing someone to engage in sexual activity without consent:** A person (A) commits an offence if: they intentionally causes another person (B) to engage in an activity, the activity is sexual, B does not consent to engaging in the activity, and A does not reasonably believe that B consents (note that this could include forcing someone to strip, touch themselves sexually, or to engage in sexual activity with a third party).

4. What is consent?

- **Consent** is about having the freedom and capacity to choose.
- **Consent** is the agreement by choice where the individual has both the freedom and capacity to make that choice. Consent cannot be assumed based on a previous sexual experience or previously given consent, or from the absence of complaint, and each new sexual act requires a re-confirmation of consent as the foundation of a healthy and respectful sexual relationship.
- **Consent** to sexual activity may be given to one sort of sexual activity but not another, e.g. to vaginal but not anal sex or penetration with conditions, such as wearing a condom.

- **Consent** may be withdrawn at any time before or during a sexual activity and each time activity occurs. Someone consents to vaginal, anal or oral penetration only if they agree by choice to that penetration and they have the freedom and capacity to make that choice.

Further information about consent can be found here: [What is sexual consent? | Rape Crisis England & Wales](#)

5. Other types of behaviour contemplated by this policy

Sexual Misconduct and Violence includes a broad spectrum of behaviour. Examples of the types of behaviour that will constitute a violation of this Policy are set out below. Reports of such behaviour will be considered by CUC and investigations will be pursuant to the procedures. When the Responding Party is a student, Positive Behaviour Policy will also apply. When the Responding Party is a member of staff, Grievance Policy will also apply.

Some incidents of Sexual Misconduct and Violence may also constitute a criminal offence under English law. Such incidents may be addressed through criminal proceedings, internal disciplinary proceedings, or, in some cases, both criminal and internal proceedings.

Sexual Misconduct and Violence:

Sexual Misconduct and Violence is defined as any unwanted conduct of a sexual nature which occurs in person or by letter, telephone, text, email or other electronic forms of communication and/or social media and includes, but is not limited to, the following behaviour:

- engaging, or attempting to engage in a sexual act with another individual without consent
- sexually touching another person without their consent
- conduct of a sexual nature which creates (or could create) an intimidating, hostile, degrading, humiliating, or offensive environment for others including making unwanted remarks of a sexual nature
- inappropriately showing sexual organs to another person
- repeatedly following another person without good reason
- recording and/or sharing intimate images or recordings of another person without their consent; and
- arranging or participating in events which may reasonably be assumed to cause degradation and humiliation to those who have experienced sexual violence, for example inappropriately themed social events, up skirting or initiations

Domestic abuse and coercive or controlling behaviour:

Domestic abuse and coercive or controlling behaviour is defined as any incident or pattern of incidents of controlling, coercive, threatening behaviour, violence or abuse between those who are, or have been, intimate partners or family members regardless of gender or sexuality. This can include, but is not limited to, psychological, physical, sexual, financial and/or emotional abuse

Complicity:

Complicity is defined as any act that knowingly helps, promotes, or encourages any form of Sexual Misconduct and Violence by another individual.

Retaliation:

Retaliation may constitute any words or actions, including intimidation, threats, or coercion, made in response to disclosures or reports made under this policy, by any individual including both the Responding Party and the Reporting Party, as well as witnesses, friends, or relatives.

Vexatious reporting:

Vexatious reporting involves the creation of persistent, unwarranted reports made under this policy, or a refusal to accept any reasonable decisions arising from the application of the procedures under this Policy.

Malicious reporting:

Malicious reporting occurs when an individual shares allegations of Sexual Misconduct and Violence that the individual knows to lack a basis in fact.

CUC recognises that there are potentially additional types of behaviour that will constitute a breach of this Policy, and which will therefore need to be considered under the relevant internal disciplinary policies and regulations.

6. Confidentiality and data protection

Ensuring confidentiality is a key principle in creating a culture where those affected feel safe to make a disclosure. CUC will take all reasonable steps to protect the confidentiality and privacy of those who make a disclosure falling within the scope of this policy. However, there may be circumstances where CUC is required to share information with other agencies in order to protect an individual at risk.

CUC may be required to break confidentiality and share information internally or with external agencies if:

- the person is a child or young person under 18 who has experienced, or is at risk of, significant harm; or
- information is provided about a child or young person under 18 who has experienced, or is at risk of, significant harm; or
- that person is a vulnerable adult as set out in the Safeguarding Policy who has experienced, or is at risk of, significant harm; or
- information is provided about a person who may be a vulnerable adult who has experienced, or is at risk of, significant harm; or
- it is believed that there is a risk of significant harm occurring to any individual; or
- it is believed that there is a risk to the public; or
- the disclosure is otherwise required by or in accordance with CUC's duties and obligations under data protection law.

All individuals involved in any process under this Policy must keep information that is disclosed to them as part of the process confidential. Any unauthorised disclosure of confidential information will be considered a Policy violation and will be addressed accordingly. It may also be in breach of data protection requirements.

- There may also be circumstances where CUC needs to share certain information internally in accordance with the Data Protection and Freedom of Information Policy. This could include (but is not limited to):
- preventing or detecting criminal behaviour or misconduct
- ensuring appropriate information about support services is passed on
- data collection
- managing conflicts of interest
- protecting others

Records of any disclosures made under this policy and any subsequent investigation and/or action will be held in accordance with the duties and obligations under data protection law.

CUC will maintain annual statistics on disclosed incidents of sexual misconduct, bullying, harassment and/or discrimination for the purposes of education, training and any reporting (internal and external) or publication that may be required, including reporting to the Governing Body.

The statistics will not include any identifying information.

7. Equality and Diversity

Sexual Misconduct and Violence can be experienced by any individual, regardless of sex, gender, sexual orientation, relationship status, age, disability, faith, ethnicity, nationality and economic status. Women, members of the LGBT+ community, and individuals with disabilities are disproportionately affected by experiences of sexual violence.

Experiences of sexual misconduct and violence may intersect with other forms of harassment and discrimination.

8. Governance

The Governing Body has ultimate responsibility for and oversight of the CUC's approach to tackling sexual misconduct, bullying, harassment and/or discrimination. An annual report on these areas is considered by the Governing Body.

9. Responsibilities

This policy aims to ensure that students can challenge behaviour which does not respect the rights, freedoms and dignity of others and to be able to disclose concerns without fear of victimisation.

CUC aims to ensure that a fair, constructive and consistent approach is taken when dealing with student concerns and that issues are resolved as fairly and promptly as possible.

It is normally expected that a student who is experiencing bullying or harassment will disclose the matter. However, where another student or member of staff becomes aware of bullying or harassment affecting a student, they may also make a disclosure.

Operational responsibility for ensuring a centre-wide response is delegated to Executive Director of Student Services and they are responsible for the oversight of the application of the procedures associated with this Policy.

The Director of Human Resources has key responsibilities for the application of the procedure for managing disclosures or reports involving allegations of staff sexual violence and misconduct.

Failure by students and/or staff members to respond appropriately when they become aware of bullying and/or harassment affecting students may be regarded by CUC as a failure to take reasonable steps to prevent this kind of behaviour. This may potentially lead to action being taken under the Grievance Policy and Procedure as appropriate.

10. How to make a disclosure of bullying, harassment or discrimination

In deciding whether conduct is bullying, harassment and/or discrimination, account will be taken of the following:

- the individual's (or individuals') perception of the conduct
- the other circumstances of the case; and

- whether it is reasonable for the conduct to have had the effect of bullying, harassment and/or discrimination

Students and staff are strongly encouraged to submit allegations of bullying and harassment through CUC's Report + Support portal. This enables disclosures to be made anonymously or by speaking to an advisor.

Alternatively, allegations of bullying or harassment may also be submitted as follows:

Who is complaining?	Disclosure
Student about another student	Student should raise the matter in writing using the Report and Support form for the matter to be considered under the appropriate procedure.
Student about a member of staff or third party	Student should raise the matter with a trusted adult or Safeguarding Lead. Subsequent investigation will determine whether an allegation about a staff member should be referred to the Grievance Policy and Procedure.
A member of staff about a student	Staff member should raise the matter under the Positive Behaviour Policy.

Whilst CUC would encourage disclosures to be made as set out above, it is recognised and appreciated that a student may choose to make a disclosure to any member of staff with whom they feel most comfortable or during another CUC procedure. In the circumstances, members of staff should direct the student to appropriate sources of support and guidance as indicated in the table above.

11. Available support

Any student who makes a disclosure of bullying, harassment and/or discrimination will be provided with appropriate support.

Individuals who disclose having experienced bullying, harassment and/or discrimination have the right to determine what and how much they choose to share about their experience. CUC will not pressure any individual to make a formal disclosure if they do not wish to do so.

In some cases, CUC may be required to take certain action without the individual's consent as set out in section 6 above, for example where there are concerns about a risk of significant harm to the student or to a third party. If this is necessary, the individual will be informed and supported unless it is not reasonable, possible or practicable for the CUC to do so.

CUC is also committed to providing support to any student against whom an allegation of bullying, harassment and/or discrimination is made.

12. Additional relevant policies

The following additional relevant policies can be accessed via CUC's website:

- Equality, Diversity and Inclusion Statement

- Wellbeing policy
- Dignity at work policy
- Whistleblowing Policy
- Grievance Policy and Procedures Policy
- Data Protection and Freedom of Information Policy
- Staff Code of Conduct Policy
- Positive Behaviour Policy
- Safeguarding policy

APPENDIX 1: Guidance for students

Students are encouraged to disclose any concerns falling within the scope of this policy at the earliest opportunity. However, CUC recognises that a student may not be sure if what they have experienced/are experiencing would be a breach of this policy or they may not feel ready to share their experience.

Where that may apply, students may find it helpful to:

- Keep a diary of any incidents of concern and note the date, time, place and what was said and/or done and the way it made them feel. The names of any witnesses should be noted
- Retain any relevant documents and/or information
- Speak to the individual(s) involved if the student feels comfortable to do so. Again, it would be helpful to keep a diary in case the student wishes to go on to disclose that matter to the CUC
- If the student does not feel able to speak to the individual(s) involved, they may prefer to write to them to outline the behaviour they find unacceptable and ask for it to stop. A copy of any correspondence should be retained by the student together with any response(s)

If the behaviour does not stop or the student remains concerned, a disclosure should be made as set out in the policy. Always seek help and support if you are in any doubt.

Support for students affected by any of the issues raised in this policy is available from:

Report + Support

Report + Support is the CUC's portal for disclosing any form of harassment, including bullying, discrimination, hate crime and sexual misconduct. Disclosures can be made anonymously or by speaking to an advisor. The site also provides information about these issues and the CUC's policies and guidance.

Student Wellbeing Service

Information, guidance and support to students, including confidential one-to-one counselling are available from our counselling and mental health services.

wellbeing@croydon.ac.uk

Students facing allegations falling within the scope of this Policy will be provided with a named staff member who they can contact for support. Support is also available from the Wellbeing Centre.

CUC has information on services available both within and external to CUC, including who to contact in an emergency: [Safeguarding & Wellness - Croydon College](#)