

# Harassment and Sexual Misconduct Policy

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# Harassment and Sexual Misconduct Policy

## Introduction

1. Burnley College University Courses (BCUC) is Burnley College's higher education provision and is registered with the Office for Students (OfS). BCUC is committed to creating an environment that promotes equality, dignity and respect. BCUC is committed to preventing bullying, discrimination, harassment and sexual misconduct and as such, this document should be read in conjunction with all other policies and procedures available on the College website: [Policies, Procedures and Public Value Statement - Burnley College](#).
2. There has been increased attention and awareness regarding sexual misconduct in higher education, which has led to institutions reviewing their policies in this area. In August 2024, the OfS announced a new condition 'E6' of registration. This new condition requires institutions to have comprehensive policies and procedures to prevent and address incidents of harassment and/or sexual misconduct, including relationships between staff and students. The condition is in force as of the 1 August 2025.

## Scope

3. This policy applies to students enrolled on a higher education course that is taught by BCUC, including learners who attend short courses, study part-time and degree apprentices. It relates to incidents of harassment and/or sexual misconduct which affect one or more students, including the conduct of staff towards students, and/or the conduct of students towards students and/or the conduct of students towards staff.
4. The policy extends to all Burnley College sites and buildings, relevant work-related and organised events and business trips, on social platforms, and any incidents that take place off campus.

## Purpose

5. The introduction of condition E6 by the OfS marks a significant step towards ensuring Higher Education providers foster a safer and more inclusive environment. This condition mandates that institutions implement robust policies and procedures to address harassment and/or sexual misconduct, ensuring that all incidents are handled with the utmost seriousness and care. The policy aims to protect students, promote respectful relationships, and create a culture of accountability. This proactive approach not only enhances the well-being of the academic community but also reinforces the commitment of Burnley College University Courses to uphold the highest standards of safety and respect.

## Definitions

6. **Sexual harassment** is defined as unwanted conduct of a sexual nature or that is related to sex or gender reassignment, that has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating, or offensive environment. Less favourable treatment because of a person's rejection of or failure to submit to such conduct, also constitutes sexual harassment. Sexual harassment is a form of sexual discrimination which contravenes the Equality Act 2010.
7. **Sexual Misconduct** is any unwanted or attempted unwanted conduct of a sexual nature including sexual harassment, sexual assault and rape. It often involves actions that disregard boundaries, exploit power dynamics, or undermine consent, and it may have legal implications beyond anti-discrimination laws leading to criminal convictions, especially in relation to incidents of sexual assault (Sexual Offences Act 2003).
8. **Harassment** under section 26 of the Equality Act 2010, harassment is defined as unwanted conduct related to a relevant protected characteristic (i.e. age, disability, gender reassignment, race, religion or belief, sex or sexual orientation) that has the purpose or effect of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating, or offensive environment. The Protection from Harassment Act 1997 also defines harassment as repeated behaviour that causes alarm or distress to another person or a group, either intentionally or in a way that a reasonable person ought to know amounts to harassment.
9. **Incident** includes, but is not limited to, circumstances where allegations or complaints are made to the provider about harassment and/or sexual misconduct, and the provider could reasonably be considered to have grounds for suspecting that harassment and or/sexual misconduct has taken place or is taking place.

## Examples of harassment and/or sexual misconduct

10. This non-exhaustive list provides examples of a wide range of behaviours that may constitute harassment or sexual misconduct:
  - Physical conduct of a sexual nature, including unwelcome physical contact or intimidation.
  - Unwelcome sexual advances, propositions, leering or making suggestive remarks, or gender-related insults.
  - Persistent suggestions to meet up socially after a person has made it clear they do not welcome such suggestions.
  - Displaying sexually explicit materials, including showing or sending discriminatory or pornographic material by any means (including but not limited to text, video clip, email, posting on the internet, social media).

- Discriminatory comments about someone's appearance or dress, innuendos, or lewd comments including the use of disrespectful comments or jokes about a person's disability, sex, ethnicity or religion.
- Gossip and speculation including about someone's sexual orientation or transgender status and including the spreading of malicious rumours.
- Making someone feel intimidated or unsafe because of pervasive or sexually harassing conduct, including comments, images, or actions that interfere with an individual's ability to work or learn.
- Quid pro quo harassment, as the act of promising an individual something in exchange for the satisfaction of a sexual advance.
- Cyber stalking – repeatedly messaging or spying on someone online to frighten or intimidate them.
- Trolling – sending or posting hurtful or controversial messages or comments, to cause emotional distress or provoke a reaction from others.
- Bullying or intimidating behaviour that incites violence or hostility or prejudice towards a person due to a particular protected characteristic, for example race or belief.

11. A single incident can amount to harassment and/or sexual misconduct.

12. An individual may be sexually harassed even if they were not the intended target for example if an individual displays pornographic images on their computer in their environment, or if an individual was overheard boasting about their sexual conquests.

13. Some forms of harassment can also be considered a hate incident or crime. A hate incident is anything that is perceived to be motivated by hostility or prejudice based on a person's protected characteristic, such as their race, religion, sexual orientation, disability or gender reassignment; this could be a one-off gesture or behaviour. A hate crime is a criminal offence and can include harassment or threatening behaviour.

## **Unwanted Conduct**

14. The person affected has the right to deem conduct as unwanted or otherwise and the law is concerned with the effect of the unwanted conduct, the surrounding circumstances and if it is reasonable for the conduct to have had that effect.

15. A perpetrator's perception that the affected person was 'playing along' will not defend their unwanted conduct or the effect of that unwanted conduct on the affected individual.

16. The person making an allegation of harassment and/or sexual misconduct does not themselves have to be the victim, nor do they have to possess one of the relevant protected characteristics. They may for example have an awareness of inappropriate behaviour of a sexual nature happening, and/or they may have witnessed an act of harassment and/or sexual misconduct.
17. It is important to note that sexual harassment can result in legal liability for the perpetrator.

## **Responsibility**

18. All staff and students are expected to be committed to upholding a zero-tolerance approach to harassment and/or sexual misconduct and must refrain from engaging in any form of harassment and/or sexual misconduct. Given one of the main aims of this institution is ensuring the safety and protection of all students, this must extend to behaviours outside of the campus.
19. Management and supervisory staff have a particular responsibility to set an example, monitor the College environment, and take action to address any form of harassment or sexual misconduct that comes to their attention.
20. The College has a comprehensive policy on workplace relationships. This policy aims to prevent any conflict of interest or abuse of power and ensure a safe, respectful environment for all students and staff.
21. It is not permitted for any College staff to be in an intimate personal relationship with a student, which may include physical, romantic and/or emotional intimacy, and the College operates a zero-tolerance approach to such relationships, which could result in the termination of employment.

## **Third-party Harassment**

22. Third-party harassment occurs where a person is harassed or sexually harassed by someone who isn't employed by the College and/or is not under the control of the College, but with whom a student has come into contact during the course of their studies. Third-party sexual harassment could include, for example, unwelcome sexual advances from someone visiting our premises or from a contractor.
23. Third party harassment will not be tolerated. Examples of steps that we will take to prevent third party harassment include notices to customers, visitors, guests and third parties on our expectations of behaviour, including how harassment will be reported and what steps we will take to remedy a complaint and/or prevent it from happening again.

24. All students are encouraged to report any harassment they experience or witness, including third party harassment, in accordance with this policy and via the methods below.

### **How Students Can Disclose and Report Harassment and Sexual Misconduct**

25. Both reporting and disclosure are important steps in addressing harassment and sexual misconduct.

**Disclosure:** making new or secret information known – this could be, for example, to a member of the Safeguarding team. An individual may not want to report formally at this stage.

**Report:** formally reporting the incident(s) to be processed through our investigation procedures and/or potentially, the police, the LADO and any other relevant external bodies. Making a report inherently involves the act of making a disclosure, but making a disclosure does not necessarily always lead to making a formal report.

26. Students may select their preferred mechanism of reporting should they:

- feel they have been subject to harassment and/or sexual misconduct
- be aware of a case of harassment and/or sexual misconduct
- have witnessed harassment and/or sexual misconduct
- have experienced harassment and/or sexual misconduct by a third party on or off campus

27. If you or someone you know has experienced or witnessed an incident of concern, there are several ways you can share this information. It is your choice whether to formally report an incident and the way in which you would prefer to do this.

28. You have the option to share information anonymously; however, please note that if you choose not to share any identifying information, this may limit the ability to conduct a thorough investigation and the actions that the College can take. Irrespective of how the concern or incident is reported, all disclosures will be taken seriously.

29. Any information that you share will help to inform work to prevent harassment and/or sexual misconduct. If you would like the College to take follow-up action in relation to a concern or incident, please consider submitting a report that includes personal details.

30. All information shared, whether as a disclosure or a formal report, will be handled sensitively and confidentially.

## Reporting Mechanisms

31. If you feel that you are at immediate risk of harm, in an emergency you are advised to call **999**: [Urgent and emergency care services - NHS](#)
32. If the affected individual feels confident doing so, they could initially speak to the person involved, explain why their behaviour is unwanted and ask them to stop. Sometimes, people do not realise how their actions are impacting others and pointing this out can be enough to prevent repeat behaviour. Students are encouraged to speak to any member of staff if they would like advice about how to approach the conversation.
33. The concern or incident can be reported using our online reporting form – please use this link: [BCUC – Report Harassment and/or sexual misconduct](#)  
  
Reports submitted via the online reporting system go to the relevant investigation team, based on who the allegation has regards to. Please be assured that if concerns were to be raised about a member of the team responsible for investigating such complaints, the report would automatically be sent to another member of the team.
34. Make a formal complaint through the Complaints Policy and Procedure: [Complaints Form and Policy](#)
35. An individual may disclose or report an incident or concern to the Safeguarding and Wellbeing Team located in the main campus building on E wing room E115 or they can email [safeguarding@burnley.ac.uk](mailto:safeguarding@burnley.ac.uk) or telephone **01282 733710**.

## Investigation Procedure

36. Upon receiving a report of harassment and/or sexual misconduct via any of the means above, the College will utilise its Investigation Procedure to:
  - promptly conduct a thorough and impartial investigation; the time it will take to thoroughly investigate will depend on the level of detail and circumstances being reported. The individual accused will also have an opportunity to respond to the allegations.
  - consider how the reporting person wishes for the concern or incident to be resolved.
  - respect the sensitivity of the contents of the report and the need to support all parties. Both the reporting and accused parties may be accompanied by a representative during any meetings or hearings related to the investigation.
  - protect the reporting person and any witnesses from ongoing harassment or being victimised both during and after an investigation

- report the matter to the police and/or the LADO (Local Authority Designated Officer), if the complaint of harassment is a criminal offence, or considered a low-level concern, and may mean the harasser can no longer work or study in education. The LADO manages allegations against individuals who work with children, including paid staff, volunteers, and those in other roles.
- communicate outcomes to persons directly affected by the decisions made, including the reporting person and actual or alleged perpetrators, in a timely manner.

37. It should be noted that any outcome or judgement by the College does not constitute a legal ruling as to whether criminal activity has taken place.

38. If we uphold a complaint we will deal with the matter in accordance with the relevant Disciplinary Policy and may need to refer the case to the LADO, the Police, or any other appropriate external body. For more information, please see the College's [Disciplinary Procedure](#) and the [Safeguarding and Child Protection Policy](#).

39. If a thorough investigation deems a complaint cannot be upheld, we will explain why and explain the appeals process, which is in accordance with our Complaints Policy: [Complaints Form and Policy](#). If a complaint relates to a member of staff, we will consider ways of improving the relationship and may, for example, suggest mediation or offer training.

## **Disciplinary Action**

40. If an investigation finds that on the balance of probability, harassment and/or sexual misconduct has likely occurred, the College will take appropriate disciplinary action, which may include (but is not limited to) a warning, additional training, reassignment, suspension, or even dismissal or exclusion, depending on the severity of the unwanted conduct.

41. Aggravating factors, such as abuse of power over a more junior person for example, will be taken into account in deciding what action to take.

42. If an investigation finds that on the balance of probability, the reporting person has likely made a false and/or malicious claim of harassment and/or sexual misconduct, the College will take appropriate disciplinary action, which may include (but is not limited to) a warning, additional training, reassignment, suspension, or even dismissal or exclusion, depending on the severity of the misconduct.



## **How we will Maintain Confidentiality**

- 43. We are committed to handling all disclosures and reports of harassment and/or sexual misconduct fairly, sensitively and confidentially.
- 44. We may place information and documents, about a concern raised by or about a member of staff or student, on their personal file, which will be dealt with in accordance with our Data Protection obligations.
- 45. Where required, appropriate third parties may need to be informed of the incident reported, for example, the police, the LADO and/or the awarding university partner.
- 46. The College does not use Non-Disclosure Agreements (NDAs) and would only utilise a settlement agreement or confidentiality provision if it were lawful, necessary, and appropriate to do so, and this will never prevent the making of protected disclosures (Whistleblowing) as defined under the Employment Rights Act 1996. Please also refer to the College's [Whistleblowing Policy](#) for more details.
- 47. A failure to maintain confidentiality (where lawfully required to do so) by anyone involved in any way in a harassment and/or sexual misconduct complaint, may result in action being taken under the relevant Disciplinary Policy.

## **Protection Against Retaliation**

- 48. The College will not tolerate retaliation against anyone who reports harassment and/or sexual misconduct in good faith, or anyone who participates in the relevant investigation/processes in good faith. Any form of retaliation, including victimisation, and any attempts to impact the investigation in any way will be subject to disciplinary action, up to and including dismissal.

## **Support**

- 49. A wealth of support is available to students who have experienced harassment and/or sexual misconduct, whether as a witness, the victim, the accused, or a person supporting either party.

50. Support can be provided or arranged through the Safeguarding and Wellbeing Team, whether a formal report has been made or not, as well as at any time during and after an investigation:

- By visiting the office in E1-15 in the main campus building
- Email: [safeguarding@burnley.ac.uk](mailto:safeguarding@burnley.ac.uk)
- Calling **01282 733710**

51. Students can also access the Wellness Hub online, available 24/7 via the Student Portal, which includes information signposting how to access support and self-help guidance, for general wellbeing and self-care.

52. Outside of the College, support may also be accessed by students and/or staff, through a variety of external services provided by charities and in connection with the NHS. The following is an inexhaustive list of some services that you may find useful:

- [Urgent and emergency care services - NHS](#) - If you feel that you are at immediate risk of harm, in an emergency you are advised to call **999**.
- [Rape and Sexual Abuse Support Line](#) - The rape and sexual abuse support line is available 24/7 by calling **0808 500 2222** or via webchat.
- [Urgent Help :: Lancashire and South Cumbria NHS](#) - The mental health crisis line, for Lancashire and South Cumbria, is available 24/7 by calling **0800 953 0110**.
- [The Samaritans](#) - a charity that connects people with trained volunteers, who will listen and support. They have a 24/7 phone line available by calling **116 123**.
- [Lancashire SAFE](#) - sexual assault forensic examination centre, providing medical examinations and advice for anyone living in Lancashire, who makes a complaint of sexual assault or rape. Accessed directly or through referral if a report has been made to the police.
- [The National Domestic Abuse Helpline](#) - a 24/7 helpline available by calling **0808 2000 247**.
- [Refuge](#) - supporting women and children against domestic violence.
- [Respect - Mens Advice Line](#) - support for male victims of domestic abuse available by calling **0808 801 0327** or via webchat.
- [National Stalking Helpline](#) - run by the Suzy Lamplugh Trust, providing practical information, support and advice to victims of stalking and their friends and family. Available during opening hours by calling **0808 802 0300** or via e-mail.

- [Lancashire - Victim Support](#) - a charity providing support across Lancashire for victims of sexual violence and domestic abuse.
- [Lancashire Women](#) - a charity supporting women with a variety of concerns, across Lancashire. Support includes one-to-one counselling and group programmes and can be accessed directly or through a referral.
- [Lancashire and South Cumbria NHS Foundation Trust](#) - services available for accessing mental health support across Lancashire.
- [Victim Care Lancashire](#) - funded by Lancashire's Police and Crime Commissioner, to provide support, signposting and practical help to victims of (most) crimes.
- [Paladin – National Stalking Advocacy Service](#) - assists high risk victims of stalking with accessing support, across England and Wales.
- [Galop - the LGBT+ anti-abuse charity](#) - a UK wide charity supporting LGBT+ victims of a wide range of abuse, including domestic abuse, sexual violence and hate crime.
- [The Cyber Helpline](#) - providing support for victims of online harm, including online harassment and bullying and image abuse; as well as cybercrime and digital fraud. The service can be accessed via a self-help chatbot or helpline.

## **Academic Support**

53. Academic support will be provided where needed, for any student who has experienced or witnessed an incident or concern. This may involve submission of mitigating circumstances or extended deadlines to support the student to complete outstanding work or timed assessments. Processes to support submission of mitigating circumstances can be found in the student handbook. In addition to this, tutors will be able to guide the student throughout the process.

## **Training and Awareness**

54. The College will provide annual training to both staff and students on this policy and the broader issue of harassment and sexual misconduct to ensure:

- staff are aware of their rights and responsibilities.
- Students are aware of their rights and responsibilities.

This training will also cover the steps the College is taking to prevent harassment and/or sexual misconduct and the importance of a respectful culture.

55. All students are required to complete training during their initial Induction, with refresher training provided annually. To ensure an understanding of consent, behaviour that might constitute harassment and sexual misconduct, an awareness of this policy, and how to raise concerns and access support. This policy will be communicated annually and uploaded to the Student Portal and the College website. Links to College policies, including this policy, will also feature in Student Handbooks.
56. All staff are required to complete training during their initial induction, and mandatory annual training is also delivered to staff, in relation to the College's stance on staff-student relationships and preventing and responding to harassment and sexual misconduct. All student-facing staff (including those likely to receive disclosures from students) are also required to undertake monthly safeguarding training, which covers the wide range of topics relating to safeguarding students. This policy will be communicated annually to relevant staff and is available on the College website.
57. In relation to staff with specialist roles and/or who are involved in investigation processes, the Head and Deputy Head of Safeguarding and Wellbeing are registered Social Workers and are trained to identify and support individuals who have experienced harassment and sexual abuse; they are required to complete a minimum of two pieces of continuing professional development per year, to remain registered. Utilising this expertise, they have developed a professional capabilities framework for safeguarding, based around the training that Social Workers receive, which all staff in the Safeguarding and Wellbeing team work through. Various staff within the team and in management/senior management roles, also undertake formal DSL (Designated Safeguarding Lead) training and refresher training every two years. This training is delivered externally, by persons with credible expertise, ensuring staff remain up to date with changes in safeguarding legislation and continue to develop their relevant knowledge and skills.
58. Whilst we strongly encourage all staff and students to undertake the harassment and sexual misconduct training that is provided, we acknowledge that some individuals may find the nature of the content to be triggering and difficult to engage with. Warnings regarding the sensitive nature of the training sessions are provided in advance, with instructions on how to discreetly raise any concerns and access an alternative.

## The Steps We're Taking

59. We will take the following reasonable steps to prevent harassment and/or sexual misconduct in College:

- Encourage students and staff to report incidents in line with this policy, to allow the College to effectively deal with concerns of harassment and/or sexual misconduct.
- Encourage students and staff to intervene in situations they deem to be inappropriate, where they feel able and confident to do so.
- Provide training for students and staff to ensure they recognise behaviours that may amount to harassment and sexual misconduct, understand how we expect them to behave towards the people they encounter and how to disclose or report if they experience or witness inappropriate behaviour.
- Annually communicate this policy to all students and relevant staff, including information in Student handbooks.
- Make this policy available for potential applicants, including students considering applying for a higher education course or staff applying for a job vacancy, by including information in our prospectus, publishing on our open access website, alongside a summary webpage: [Harassment & Sexual Misconduct - Burnley College](#)
- Monitor for any instances of victimisation, following any reports of harassment and/or sexual misconduct, and thoroughly investigate them to ensure that those who report or witness an incident are not victimised, to prevent repeat offenders, that any cultural clashes are identified and that appropriate action is taken.
- Evaluate the contents and effectiveness of this policy annually, identify any themes that emerge, review feedback and consider what lessons can be learned and what improvements can be made to continue to prevent harassment and/or sexual misconduct in the College.

## Review

60. This policy and all related processes will be reviewed annually to ensure they remain compliant with current laws, reflect best practice and are effective in preventing and addressing harassment and sexual misconduct.

The Assistant Principal for University & Adult Education is responsible for the administration of this Harassment and Sexual Misconduct Policy. Please contact [nparkin@burnley.ac.uk](mailto:nparkin@burnley.ac.uk) if you have any feedback or any suggestions about how it could be improved.