

Student Harassment/Sexual Harassment and Bullying Procedure



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Monitor Changes

Version Level	Details of Change	Date
01	New procedure	28.02.05
02	Review and new format Curriculum Manager references changed to Head of Department. Include related document	22.06.06
03	Reviewed, updated and new format	24.07.07
04	Reviewed and update to reflect current practice	01.10.08
05	Reviewed and updated to reflect current practice	29.03.10
06	Reviewed and updated to include definitions of bullying, harassment and to link safeguarding issues.	19.08.10
07	Reviewed and updated to reflect current practice	16.09.11
08	Reviewed and updated, change of author	19.03.12
09	Reviewed and updated.	04.10.13
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11	Reviewed and updated UK GOV description of bullying, and changes to staff titles.	04.07.16
12	Reviewed, no changes necessary.	15.03.17
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15	Reviewed, checked all hyperlinks and updated staff job titles.	25.08.20
16	Reviewed, slight amendments	10.11.20
17	Author and approver updated. Removal	02.11.21
18	Updated to include further information on Sexual Harassment, checked by solicitors 18.02.2022	24.01.22
19	Reviewed, some minor amendments	02.11.22
20	Reviewed by Solicitors, updates to section 1, 2, 3.1, 3.4, 3.14,	11.09.23
21	Reviewed by Solicitors, Some minor amendments	16.10.23
22	Reviewed, some minor amends following guidance from OfS around Sexual Harassment	20.08.24.
23	Reviewed. Minor amends (Job title changes)	22.08.25

Key search words for this document
Student Harassment Complaints

01. Aims and Objectives

This procedure has been designed to deal with student complaints of harassment/bullying, which need to be handled in a sensitive manner. This procedure, therefore, seeks to ensure minimal stress for the complainant, timely resolution of complaints and a degree of flexibility appropriate to individual circumstances.

Where the complaint is either by or concerning a student with additional needs or a learner with mental health issues advice will be sought from the Head of Department – High Needs Learners, prior to the procedure being invoked.

What is Harassment?

Harassment is unwanted conduct which violates a person's dignity or creates an intimidating, hostile, degrading, humiliating or offensive environment. Harassment may arise from a series of events or an isolated incident against one or more individuals and is defined largely by the impact of the behaviour on the recipient not its intention.

Harassment may be:

- a) Physical - contact, assault or gestures, intimidation, aggressive behaviour;
- b) Verbal - unwelcome jokes, remarks, suggestions and propositions malicious gossip, nicknames;
- c) Non-verbal - offensive literature or pictures, graffiti and computer imagery, isolation or exclusion from social activities;
- d) Bullying - offensive, abusive, intimidating or insulting behaviour.

Sexual Harassment and Violence

Sexual violence: It is important that everyone is aware of sexual violence and the fact children and adults can, and sometimes do, abuse their peers in this way. When referring to sexual violence we are referring to sexual offences under the Sexual Offences Act 2003 such as the examples described below:

Rape: A person (A) commits an offence of rape if: he intentionally penetrates the vagina, anus or mouth of another person (B) with his 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: s/he intentionally penetrates the vagina or anus of another person (B) with a part of her/his 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: s/he intentionally touches another person (B), the touching is sexual, B does not consent to the touching and A does not reasonably believe that B consents.

What is consent?

Consent is about having the freedom and capacity to choose. 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 can be withdrawn at any time during sexual activity and each time activity occurs. Someone consents to vaginal, anal or oral penetration only if s/he agrees by choice to that penetration and has the freedom and capacity to make that choice.

Sexual harassment

When referring to sexual harassment we mean 'unwanted conduct of a sexual nature' related to sex or gender reassignment that can occur online and offline. When we reference sexual harassment in this policy, we do so in the context of child on child sexual harassment.

Sexual harassment is likely to: violate a person's dignity, and/or make them feel intimidated, degraded or humiliated and/or create a hostile, offensive or sexualised environment. It also includes treating someone less favourably because of rejecting or submitting to sexual conduct or harassment.

Whilst not intended to be an exhaustive list, sexual harassment can include:

- sexual comments, such as: telling sexual stories, making lewd comments, making sexual remarks about clothes and appearance and calling someone sexualised names;
- sexually suggestive comments, "jokes" or taunting;
- innuendo or jokes about a person's sexual orientation, insults or inappropriate questions about one's private life;
- physical behaviour, such as: deliberately brushing against someone, interfering with someone's clothes and displaying pictures, photos or drawings of a sexual nature
- online sexual harassment. This may be standalone, or part of a wider pattern of sexual harassment and/or sexual violence. It may include:
 - non-consensual sharing of sexual images and videos;
 - sexualised online bullying; unwanted sexual comments and messages, including, on social media; and sexual exploitation; coercion and threats

How to report Harassment or Sexual Harassment

- If you have any concerns about sexual harassment or violence please report it to the safeguarding team immediately by emailing safeguarding.team@gateshead.ac.uk or you can speak to a Safeguarding Officer on Campus in person.
- You can also make an anonymous Report via the form on the student portal.

Support for Victims

- The college has trained members of staff who can also provide learners with initial support with sexual harassment or violence. They can be contacted at welfare@gateshead.ac.uk
- While in College we will look to support and implement interim protective measures, such as no-contact, a temporary adjustment to your timetable / class will be looked at, this is to ensure the safety and well-being of you during the investigation.

Investigations

- Any complaints under sexual harassment and violence are likely to be escalated to stage 3 of the Student Disciplinary procedure.

- The college will ensure to conduct a fair and thorough investigation with all reports of harassment and sexual misconduct investigated and thoroughly.
- The College will maintain fairness and due process for all parties involved, balancing the rights of the victim and those of the accused.

External Support

The College has partnered with external agency rape crisis Tyneside and Northumberland to support learners who may have experience sexual harassment or violence.

www.rctn.org.uk or email enquiries@rctn.org.uk

Training for Staff and Students

All staff receive yearly training through their safeguarding training. In addition, monthly bulletins are sent to all staff to update knowledge on safeguarding matters.

All students complete safeguarding training during induction as well as covering throughout the academic year sexual harassment and consent which are covered in the PSD programme in an attempt to educate and prevent cases of sexual harassment/violence.

02. Scope

This procedure is for all Gateshead College learners. This covers behaviour on college premises, or in the course of college activity within or outside Gateshead whether academic, sporting, social, cultural, or other.

At all stages of the procedure, the need to maintain confidentiality will be paramount. Information circulation will be minimised to that which is necessary to ensure a fair investigation and hearing.

This procedure is separate from the Student Disciplinary Procedure, which may be used following the outcomes of the investigation under this procedure. Alternatively, an incident may be so serious, or there may be sufficient evidence to proceed immediately with the disciplinary procedure.

If at any stage in this procedure a student does not receive a response in accordance with the specified or agreed time limits, or where the response is inadequate or inappropriate, the individual is entitled to raise the matter under the Students' Complaints Procedure.

It is recognised that in bringing a complaint of harassment or bullying, the complainant must be protected from further harassment/bullying or detriment arising from the alleged incident and associated complaint.

03. Procedure

At all stages of the procedure, the student raising the concern, the alleged harasser/bully and any witnesses interviewed, may have a friend/relative/carer/learner representative present at meetings/interviews.

3.1 Keeping a Record

It is important that anyone who believes that they have suffered from harassment/sexual harassment or bullying should keep notes of the details outlined below for each incident and that they are made as soon after the event as possible.

Detailed notes should include the following:

- date
- time
- place
- name of person harassing/bullying them
- the nature of the behaviour that the reporting learner is concerned about
- how the person actually felt at the time
- names of any witnesses
- action taken and whether reported to staff and/or college management
- any correspondence relating to the incidents and subsequent complaints

3.2 Contact Person

The learner raising the concern may wish to meet with a contact person whose role will be to provide support and assistance.

This role also extends to providing support and assistance to the alleged harasser/bully, if requested. However, the same contact person should not advise both the learner raising the concern and the alleged harasser/bully.

The contact person has no role in formal investigations and neither are they a source of evidence in any proceedings, since all discussions between the contact person and learner are confidential unless there are justifiable reasons to breach confidentiality.

3.3 Stage 1: Informal Resolution

Every effort will be made to resolve the issue informally in the first instance, if this is appropriate.

As soon after the incident as possible, the individual should make it clear to the offender that the incident is not welcomed and should stop. If too embarrassed to speak directly, this could be done by writing, or asking a fellow student, another member of staff or advocate to do this for them. A note should be made of the action taken.

If the action continues, or the individual cannot take personal action, then they are advised to contact either their Curriculum Leader or the Mental Health Lead for support and advice.

If a member of staff is the person against whom the complaint is being made, the matter should be reported to the Head of Department/Assistant Principal. A complaint by a learner against an employee of the College will be dealt with in line with the (Staff) Complaints Procedure (HR-PRO-003) in consultation with Human Resources.

Where the learner indicates a preference about who they discuss the matter with, this should be arranged, whenever possible.

The appropriate courses of action may then be followed:

- to take no further action at this stage but to record any future incidents, if they occur, as recommended in 3.1 above and to keep the situation under review, enabling the student to seek further advice in the future if necessary;
- if the offender has not already been approached, then ask the person to stop the offending behaviour and again keep the situation under review;
- make a complaint following stage 2 of the procedure;
- any discussion will be confidential and no further action will be taken without the consent of the student concerned, unless the member of staff to whom the incident(s) have been reported considers the incident(s) so serious, in which case they will inform the student of their need to take immediate action

3.4 Stage 2: Complaint

If informal resolution does not succeed in resolving the situation, or would not be appropriate given the nature of the behaviour, a learner is entitled to:

- expect Gateshead College managers to institute a formal investigation in to a complaint of harassment/bullying;
- complain under the (Student) Complaint procedure against management for failing to meet their responsibilities.

The complaint does not need to be written and needs to specify details of the incident(s).

In the case of a student making a complaint in which an employee of the College is implicated, this should be addressed to the Head of Student Services and it will be dealt with in line with the (Staff) Complaints Procedure (HR-PRO-003), in consultation with Human Resources.

3.5 Investigating a Complaint

Where the complaint is relating to sexual harassment or violence the safeguarding team should be informed to advise the Investigating Officer.

The investigation should be undertaken to protect the rights of both parties involved and ensure that both are entitled to a full and fair opportunity to put their version of events.

The investigation will normally be carried out by the Head of Department/Assistant Principal who received the complaint or other appropriate manager depending upon the nature of the complaint received. The manager undertaking the investigation should not be connected with the case in any way.

The manager investigating the complaint may choose to have another independent manager, who has relevant experience, present during all interviews undertaken as part of the investigation and to consult with this manager on the conclusions reached.

The person against whom the complaint has been made should be informed of the nature of the complaint, details of the procedure involved and advised they may be accompanied by a friend/relative/carer/student representative at interview(s).

3.6 Possible Suspension during the Investigation

In order to relieve the stress and pressure on one or both parties, to prevent the risk of further incidents and to prevent victimisation it may be necessary to suspend the alleged harasser/bully. Any suspension of a student would only be with the approval of the Deputy Principal Curriculum and Quality (or other senior post holder e.g. member of the Executive Team in his/her absence) and the individual would have the right to appeal to the Principal within 10 working days of suspension. Suspension under this procedure, will be without prejudice, and does not constitute part of the Student Disciplinary Procedure.

3.7 Meeting the Parties Involved

The investigating manager will meet separately with the complainant and the alleged harasser/bully and their respective accompanying persons. Detailed written statements will be taken, which the relevant parties should sign and date, confirming that they agree with the statements collected. Both parties should be given the opportunity to nominate witnesses who they wish to be interviewed.

3.8 Meeting with Witnesses

The investigating manager will meet anyone else who was present or who has information which is relevant to the issue. Notes of these meetings will also be taken and the individuals called will be notified that they can be accompanied by a friend/relative/carer/student representative.

Further interviews may need to take place to clarify or gain further information. The investigating manager will need to ensure that they have collected all relevant written materials.

3.9 Consideration of Information

The investigating manager will, on completion of the investigation, review the material collected and decide whether the complaint is substantiated. In cases of sexual harassment, in no circumstances will evidence of the complainant's appearance and sexual attitudes be taken as relevant information.

In some cases, there will not be any witnesses and it will be one person's word against another's. In these cases, the investigating manager will consider whether on the balance of probabilities, the incidents/actions occurred.

3.10 Further Action

The investigating manager will consider the facts and will decide either to:

- 3.10.1 take no further action, that is the allegation has not been substantiated;
or
- 3.10.2 initiate the College's student disciplinary procedure; and/or
- 3.10.3 take management action other than to initiate the student disciplinary procedure. This could include:
 - 3.10.3.1 monitoring of the situation
 - 3.10.3.2 time-table changes
 - 3.10.3.3 room changes
 - 3.10.3.4 change of course

The College will take all reasonable steps to ensure individuals are being protected from intimidation, victimisation or discrimination for filing a complaint or assisting in an investigation. Retaliating against an individual for complaining about harassment/bullying may be a disciplinary offence.

Any allegation of harassment/bullying which is found to be malicious will also be treated as a serious disciplinary offence.

3.11 Keeping Management Records

After a complaint has been heard, the following storage arrangements for records should be followed:

- (i) Where the complaint is informal, no record will be kept on learner files, but it is recommended that the complainant makes a note of their meeting
- (ii) Where the complaint is not substantiated, then no record will be kept on the alleged offender's file.
- (iii) Where the matter proceeds to a disciplinary hearing, relevant records should be stored on the alleged offender's file.

3.12 Action when the Complainant is Dissatisfied

If the complainant or alleged harasser/bully is a student and they disagree with the decision, then they have the right to appeal under the College's Complaints Procedure.

3.13 The Disciplinary Process

The normal disciplinary procedure should be applied; however, the following points should be considered:

- (i) The complainant may be required to attend the disciplinary hearing as a witness, although every effort should be made to avoid this whenever possible.
- (ii) If they are required to attend, then they should be allowed to be accompanied as outlined in the Disciplinary Procedure and to have any questions directed through this person.

3.14 Police Involvement

In cases of an alleged assault, sexual harassment or violence or alleged behaviour that is considered to be a criminal offence, the College are likely to contact the Police, if the complainant so wishes and/or if the incident is considered to be a serious criminal offence. These decisions will always be made with discussion with the alleged victim. This Procedure, or parts of this Procedure, may be varied or deferred to avoid any prejudice with any ongoing police or criminal investigation/prosecution.

3.15 Time Limits

The investigation should normally be completed within 10 working days of the complaint being received. On occasions, it will not be possible to keep within this timescale. In such cases, the complainant and the alleged offender must both be kept informed of any need for an extension and the likely timescale for completion.

04. Related Documents

STM-POL-008-Student Code of Conduct

STM-POL-007-Student Harassment/Bullying Position StatementSTM-PRO-005-Student
Disciplinary Procedure

HR- PRO-003-Staff Complaints Procedure

STM-PRO-002-Dealing with allegations or suspicions of child abuse.

STM-PRO-006-Dealing with allegations or suspicions of abuse of a vulnerable adult

EQY-POL-001-Equality and Diversity Policy