



Student Sexual Misconduct Policy

A. Introduction

1. ArtsEd aims to operate an enabling environment where all students/pupils and members of staff are supported to feel safe, respected and able to challenge inappropriate behaviours wherever they occur.
2. We maintain transparent and robust mechanisms that allow any member of ArtsEd to raise concerns over sexual misconduct and will respond appropriately and effectively to any breaches of this Sexual Misconduct Policy and associated procedures. **However, where it is considered that that there is a real and immediate threat to the personal safety of any person, please call 999.**
3. This Policy should be read alongside:
 - [Safeguarding Policy](#)
 - [Student Discipline Policy](#)
 - [Staff Disciplinary Policy and Procedure](#)
 - [Student Charter for HE Students](#)
 - [Student Anti-Harassment and Bullying Policy](#)
 - [Staff Anti-Harassment and Bullying Policy](#)
 - [Policy and procedure for the management of historic allegations of misconduct](#)

B. Scope

4. This Policy applies to pupils, students, and staff of ArtsEd and to third parties at ArtsEd. Sexual misconduct is not permitted in the ArtsEd community and everyone is expected to treat all members of the community with dignity and respect.
5. The Policy applies to:
 - i. alleged incidents of sexual misconduct which have taken place on ArtsEd premises - in learning environments, working environments, social activities and when activities are linked to the ArtsEd community;
 - ii. alleged interactions which occur within an online or virtual space, such as a virtual learning environment used by ArtsEd or a social media group relating to ArtsEd activity;
 - iii. alleged interactions or text messages and emails which may have an impact on a pupil, student or member of staff (including staff members working on behalf of ArtsEd) or another member of the ArtsEd community.
6. Please note, ArtsEd will, where appropriate, take reasonable steps to support its learners (pupil or student) or member of staff in a Police investigation against a 'visitor'. However, ArtsEd does not have jurisdiction to take any action against a 'visitor' with whom ArtsEd does not have a contract or agreement.
7. For learners who are under the age of 18, or who are considered to be 'individuals at Risk' (which includes 'adults at risk' and adults who are experiencing abuse), any response to sexual misconduct will be considered under our [Safeguarding Policy](#).

c. Definitions

8. **Sexual Misconduct:** Sexual misconduct includes any behaviour of a sexual nature which is unwelcome, unreciprocated and which might create a stressful or intimidating working, studying or social environment. It includes the following, whether or not within a sexual or romantic relationship, including one off incidents or encounters, and / or where consent to some form of sexual activity has been given and then withdrawn, or if consent has been given on previous occasions:
 - i. sexual intercourse or engaging in a sexual act without consent;
 - ii. showing sexually explicit images or text to others without their consent’;
 - iii. attempting to engage in sexual intercourse or in a sexual act without consent;
 - iv. sharing private sexual materials of another person without consent;
 - v. kissing without consent;
 - vi. touching inappropriately through clothes without consent;
 - vii. inappropriately showing sexual organs to another person;
 - viii. making unwanted remarks, looks, suggestions or jokes of a sexual nature.
9. **Formal Report:** A formal report is the sharing of information on an alleged experience of sexual misconduct in order to enable ArtsEd to take appropriate action.
10. **Reporting Party (including ‘student’ or ‘member of staff’):** The Reporting Party is the person(s) who has experienced the alleged incident of sexual misconduct, who has made a report to ArtsEd.
11. **Responding Party (including ‘student’ or ‘member of staff’):** The Responding Party is the person(s) whose behaviour has been alleged to have amounted to sexual misconduct and a breach of this policy, and who has been named as such in a report made to ArtsEd.
12. **Investigating Officer:** An Investigating Officer will usually be a senior academic or professional member of staff, a Safeguarding and Welfare Officer or other member of staff with responsibility for student welfare.
13. **Consent:** Consent is agreeing by choice to a sexual act and having the *freedom* and *capacity* to make that choice. The person seeking consent should always take steps to ensure that consent is freely given and that it is informed. The person seeking consent must recognise that it can be withdrawn at any time throughout a sexual encounter or act. Consent cannot be assumed on the basis of a previous sexual act or encounter or previously given consent. Consent can be withdrawn at any time.
 - i. **Freedom to consent:** a person is free to make a choice if nothing negative would happen to them if they said no. For example, a person may not feel free to make a choice if:
 - a. they are being threatened with violence;
 - b. they are being threatened with humiliation;
 - c. they believe that the continuation or assessment of their studies, or progression or advancement of their career, will be at risk if they refuse;
 - d. they are being blackmailed;
 - e. there is a significant power imbalance in the relationship between the parties, and the party with less power in the given circumstance feels pressured to continue against their will.This list is representative and not exhaustive.
 - ii. **Capacity to consent:** Capacity is about whether someone is physically and/or mentally able to make a choice and to understand the consequences of that choice. For example, a person does not have the capacity to give consent if:
 - a. they are drunk or under the influence of drugs;

- b. they are asleep or unconscious;
- c. they are a child;
- d. they do not have the capacity to give consent for example, they are a child, they have a cognitive or learning difficulty or they have a disability which impairs their speech, or are experiencing a mental health crisis.

14. A glossary of different types of Sexual Misconduct can be found in **Appendix 1** of this Policy.

D. Principles & Responsibilities

15. Where a formal report of sexual misconduct is brought to ArtsEd, this will be reviewed in line with the following policies and procedures:
- [Student Discipline Policy](#)
 - [Student Anti-Harassment and Bullying Policy](#)
 - [Staff Disciplinary Policy and Procedures](#)
 - [Staff Anti-Harassment and Bullying Policy](#)
 - [Safeguarding Policy](#) (for formal reports relating to persons under the age of 18, or who may be considered to be 'Adults at Risk')
16. The responsibility of ArtsEd is to undertake an investigation into a breach of this Policy, and not to attempt to be a substitute for a Police investigation or criminal proceedings. In doing so, the Investigating Officer, on behalf of ArtsEd, will undertake an assessment of the evidence made available in order to determine whether, on the balance of probabilities, misconduct which would be considered a breach of this Policy occurred or not.
17. ArtsEd recognises it has an equal responsibility to both the reporting party and the responding party. Any report of a breach of this Policy, where a formal report has been submitted, cannot be considered anonymously, and will be investigated through the appropriate process outlined in this Policy. It may also be referred for consideration under the [Student Discipline Policy](#) or [Staff Disciplinary Policy and Procedures](#) where a disciplinary investigation is required.
18. ArtsEd will ensure that, throughout any investigation, it is mindful of the rights and welfare of both the reporting party and the responding party, and that both parties should have the opportunity to a fair hearing. As such, both parties will have the right to put their case forward and to respond to the case against them, and to have an outcome determined through a fair and impartial process.

E. Processes for Managing Reports of Sexual Misconduct

19. Any member of the ArtsEd community who feels that they have experienced, or are experiencing, sexual misconduct is encouraged to use our online safeguarding and welfare reporting tool '[SpeakUp](#)' to make a formal report.
20. Alternatively, they can contact a member of staff with whom they feel comfortable discussing the behaviour. ArtsEd treats reports relating to sexual misconduct very seriously. They can contact ArtsEd Staff with [Designated Safeguarding and Welfare](#) responsibilities.
21. Any person who thinks they may have witnessed an act of sexual misconduct is also encouraged to submit a formal report using our online tool '[SpeakUp](#)'.
- 22. The most important consideration is that any individual aged 18 or over who experiences sexual misconduct should be encouraged to report the incident as soon as possible.**

However, they should not be pressured into making a report if they don't feel comfortable doing this - the decision of such an individual needs to be respected.

23. On receipt of the formal report, an initial investigation will be undertaken and a decision made as to whether or not action should be taken.
24. Once a formal report has been submitted, the relevant Designated Safeguarding Lead/Welfare Officer will undertake an initial assessment of the report and any supporting evidence. Student Support and Wellbeing Services and Human Resources (where it involves staff members working for ArtsEd, including those working on ArtsEd's behalf) may provide support to the Designated Safeguarding Lead/Welfare Officer in undertaking this initial assessment.

(i). Precautionary Action

25. In the case of sexual misconduct cases, precautionary action may be required to protect the integrity of the investigation and to safeguard the welfare of both the reporting party and responding party, as well as protecting others from potential harm, while having the minimum possible impact on the responding party. ArtsEd will consider the interests and welfare of all parties and endeavour to treat them fairly and equally when ascertaining the potential effectiveness and impact of precautionary measures.
26. Precautionary action is only intended to be a precaution to achieve the above aims, and is not a penalty or sanction. It also does not indicate a decision on the part of ArtsEd as to whether the responding party has committed misconduct which would be considered a breach of this Policy, or a criminal offence.
27. Precautionary action must be reasonable and proportionate and should be considered on a case-by-case basis. In imposing precautionary action, ArtsEd should be able to demonstrate the rationale for its decision. In cases where the responding party is an ArtsEd member of staff, Human Resources will work with the Investigating Officer to identify available precautionary measures.
28. Precautionary action may include, but is not limited to:
 - Imposing a No-Contact Arrangement or other similar condition on the responding party, as well as on the reporting party and possibly any witnesses;
 - Suspending the responding party from their studies/employment;
 - Excluding the responding party from any aspects of the ArtsEd experience it is deemed appropriate to do so.

(ii). Investigation

29. Where the relevant Designated Safeguarding Lead/Welfare Officer determines that there is sufficient available evidence, a formal investigation will be undertaken. To undertake a formal investigation, the relevant Designated Safeguarding Lead/Welfare Officer will recommend that the Designated Institutional Safeguarding Lead appoints an independent Investigating Officer. The Deputy Principal, in their capacity as the Institution's Designated Institutional Safeguarding Lead, will appoint the independent Investigating Officer. Where the allegation is against the Designated Institutional Safeguarding Lead, the Designated Institutional Safeguarding Lead should be asked to appoint an independent Investigating Officer.
30. Where an investigation commences, the Designated Institutional Safeguarding Lead must make the Principal aware that an investigation is being undertaken but without providing the specific details of the allegation/case.

31. If there is a conflict of interest (due to their prior knowledge, role or relationships with the involved parties), it is the responsibility of the appointed Investigating Officer to make this known to the Designated Institutional Safeguarding Lead (or their appointee) and the investigation should be delegated to an alternative Officer.
32. The responding party will be notified of the report made against them. They will be given an opportunity to respond to the report and to provide their own statements and supporting evidence, and to present any potentially mitigating circumstances which they feel are relevant. This process may involve a preliminary meeting between the Investigating Officer and the responding party.
33. The responding party will also be notified of their right to be accompanied at any meetings related to the investigation by an appropriate member of the ArtsEd community such as an ArtsEd Staff or Student Union representative. **Please see Section H below for more information on Representation.**
34. The Investigating Officer will undertake a full investigation into the statement and evidence provided by both the reporting party and the responding party and will ensure that any witnesses or other relevant people are interviewed, and evidence is gathered and considered in a confidential manner.
35. The Investigating Officer will provide a report of the investigation's findings and recommendations to the Deputy Principal, in their capacity as the Designated Institutional Safeguarding Lead (or nominee) and who will be responsible for determining the next steps.
36. Should an Investigating Officer determine that a report has been made which is malicious or vexatious in nature, including where false representations have knowingly been provided by the reporting student or staff member and/or their representative, the Officer may be able to close the case and pursue actions against the reporting student or staff member under the [Student Discipline Policy](#) or [Staff Disciplinary Policy and Procedures](#).

(iii). Outcome

37. The responding party will be provided with a written outcome of the investigation and next steps within 28 calendar days of their notification of the report made against them. Where we are unable to meet this timeline, we will let the responding party know. Please note that the timeframe will pause where we refer the matter to a different ArtsEd process/policy (for example, the Student Disciplinary Procedure) or where we refer the matter externally (for example, to the police).
38. The reporting party will only be notified that this process has been concluded, and of any action required of them relating to any sanctions which may be imposed. ArtsEd will not share the full details of the outcome of an investigation with the reporting party. The reporting party will be notified in writing by the relevant Investigating Officer.
39. Following the outcome of the investigation, the Designated Safeguarding Lead/Welfare Officer with responsibility for the responding party will determine the next steps to be taken in accordance with the appropriate procedure, which would usually be one of the following:
 - i. The investigation finds insufficient evidence to substantiate the allegations or the evidence is not substantive enough for further consideration under any procedure;
 - ii. The investigation finds evidence to substantiate the allegations and local measures can be put into place in order to protect the welfare of all or necessary parties;

- iii. The Designated Safeguarding Lead/Welfare Officer may determine that the matter should be considered under either the [Student Discipline Policy](#) or [Staff Disciplinary Policy and Procedures](#).
40. Where appropriate, guidance will be provided throughout the process by Student Support and Wellbeing Services to students. Guidance will also be provided throughout the process by Human Resources where any of the parties are ArtsEd members of staff (including staff members working on behalf of ArtsEd).
 41. Regardless of the outcome of the investigation, ArtsEd should be seeking to provide the reporting party and responding party with support, and to consider any steps which may be required in order to enable them to continue their studies/employment.
 42. ArtsEd is committed to providing support for members of its community affected by these issues. Support information is available within **Appendix B** of this Policy.

(iv). Reporting to the Police

43. Where behaviour has been alleged which would amount to a serious criminal offence (for example, sexual assault or rape) an assessment of risk will be undertaken by ArtsEd as to whether this should be reported to the Police.
44. ArtsEd would usually only report a matter to the Police with the consent of the person who has been subject to the criminal offence. In exceptional circumstances, ArtsEd may take the decision to report an incident to the Police where ArtsEd understands there to be a considerable concern about the safety of its learners (pupils and students), staff or others.
45. Where a report is made to the Police, any resulting Police investigation or criminal proceedings would normally be expected to have been completed before ArtsEd will take any action formally under this policy. However, emergency action via the [Student Discipline Policy](#) or [Staff Disciplinary Policy and Procedures](#) may be considered appropriate by ArtsEd, if necessary. This is to protect the welfare, safety and dignity of our pupils, students, staff and others.
46. Where a Police investigation or criminal proceedings begin once an investigation has been initiated by us, ArtsEd will typically suspend its investigation and defer to the Police investigation or criminal proceedings. This decision will be considered on a case-by-case basis. ArtsEd will consider the introduction of measures to safeguard the reporting and responding parties, and any other students and staff as relevant, such as a No-Contact Arrangement, or emergency actions under the [Student Discipline Policy](#) or [Staff Disciplinary Policy and Procedures](#) without hindering or interfering with the Police investigation.
47. ArtsEd acknowledges the rights of its pupils/students and staff to report an issue directly to the Police. Where a report relating to sexual misconduct has been made to the Police, this should be made known to ArtsEd as there may be support that we can provide or precautionary actions to take.

F. Timeframe for reporting

48. A report in relation to a breach of the Sexual Misconduct Policy should be made as soon as possible, or within 12 calendar months of the date on which the last alleged breach of this Policy has taken place, unless appropriate grounds for a report at a later point have been established, as determined by the Investigating Officer and in line with the provisions set out in ArtsEd's [Policy and procedure for the management of historic allegations of misconduct](#).

49. Grounds which may be considered as valid for considering a report outside of 12 calendar months would usually be as follows:
 - i. The reporting party had been fearful of the repercussions of reporting and may have put themselves or others at risk if they were to have made a report and they can evidence this claim;
 - ii. The reporting party had interrupted their studies or been signed-off from work, and had not had consistent contact with ArtsEd for 12 calendar months or more;
 - iii. Any other justifiable/reasonable or exceptional reason(s) considered to be valid by the Investigating Officer.
50. If the reporting party is an ArtsEd student, who has recently graduated, the reporting student will be able to make a report up to 12 calendar months from the date of the most recent incident, regardless of the date of their graduation within this twelve-month period, and subject to the above requirements.

G. Confidentiality & Data Protection

51. ArtsEd acknowledges the importance of privacy in cases relating to sexual misconduct, and the impact which mishandling of a disclosure can have on the welfare and wellbeing of an alleged victim or perpetrator. Discretion and confidentiality will be maintained as far as is possible, except for circumstances where there is a significant risk of harm to one or more individuals if sensitive information were not appropriately shared.
52. Unless it involves an individual who is under 18 or an 'individual at risk' including an 'adult at risk' (or where individuals who are under 18 or members of ArtsEd's community may be at risk), reports should not be made to external authorities (such as the Police or psychological services) without the consent of the relevant parties, and/or compliance with ArtsEd's processes. If, however, confidentiality does need to be broken, this should always be on a need-to-know basis, and the reporting party (and if appropriate the responding party) should be notified of this action. Such instances should enable ArtsEd to act in accordance with its duty of care and its own policies and procedures.
53. ArtsEd may also be required to provide information relating to a report or investigation to the Police as part of a Police investigation or criminal proceedings, and any relevant parties may also be required to provide evidence as a witness in these proceedings. To enable this, the Investigating Officer should keep accurate and appropriate records in relation to sexual misconduct investigations and should ensure the security of any records kept.
54. Any sensitive information disclosed will be securely held by ArtsEd, subject to and in accordance with the provisions of the General Data Protection Regulation (GDPR) 2018 and the Data Protection Act 2018.

H. Representation

55. When you are invited to attend a meeting with us as part of our investigation, you have a right to be accompanied by a student representative, a current student of ArtsEd or a current member of staff at any stage of our process. You must notify us prior to the relevant meeting if you wish to be accompanied to a meeting.
56. Neither ArtsEd nor the reporting party or the responding party would normally be represented by a legal practitioner at meetings or hearings. We do not usually expect students to access legal support or advice in order to pursue an investigation through the Student Sexual Misconduct Policy. While the Institution does not encourage this, you may choose to pursue legal action on issues relating to your allegation(s). However, you should be aware that we reserve the right to request that legal proceedings be suspended where our internal procedures have not been completed.

I. Getting Support

57. ArtsEd students and members of staff, have access to a range of support in relation to sexual misconduct, regardless of whether they are the reporting party or responding party or another party affected by conduct of this nature (e.g. a witness to an alleged incident).
58. ArtsEd encourages anyone who believes they have been affected by an act of sexual misconduct to act promptly and not to feel that they have to wait until the situation is repeated or exacerbated. ArtsEd recognises that any incident is unacceptable and might be distressing.
59. **Where it is considered that that there is a real and immediate threat to the personal safety of any person, please call 999.**
60. **Students can access support through one or more of the following support services:**
 - Contact the Student Support and Wellbeing Team either face to face or email studentwelfare@artsed.co.uk;
 - Seek advice or discuss the matter with a personal tutor or lecturer in your School and / or anyone else with whom you feel comfortable;
 - Contact the Designated Safeguarding and Welfare Officer for Staff by sending an email to studentwelfare@artsed.co.uk
 - Report it via the '[SpeakUp](#)' online reporting Tool;
 - Call the police on 999 in the case of emergency (or if not urgent call 101).
61. **Staff can access support through one or more of the following support services:**
 - Contact Human Resources by sending an email to hr@artsed.co.uk
 - Seek advice or discuss the matter with your line manager or a colleague, or anyone else with whom you feel comfortable;
 - Contact the Designated Safeguarding and Welfare Officer for Staff by sending an email to staffwelfare@artsed.co.uk
 - Report it via the '[SpeakUp](#)' Online reporting Tool
 - Call the police on 999 in the case of emergency (or if not urgent call 101).
62. If you witness an incident of sexual misconduct you should also be encouraged to report it using the same channels listed above.

Appendix 1: Glossary of different types of Sexual Misconduct

This is not intended as an exhaustive list of all types of sexual misconduct. and behaviours which would lead to the exercise of power enabling sexual misconduct

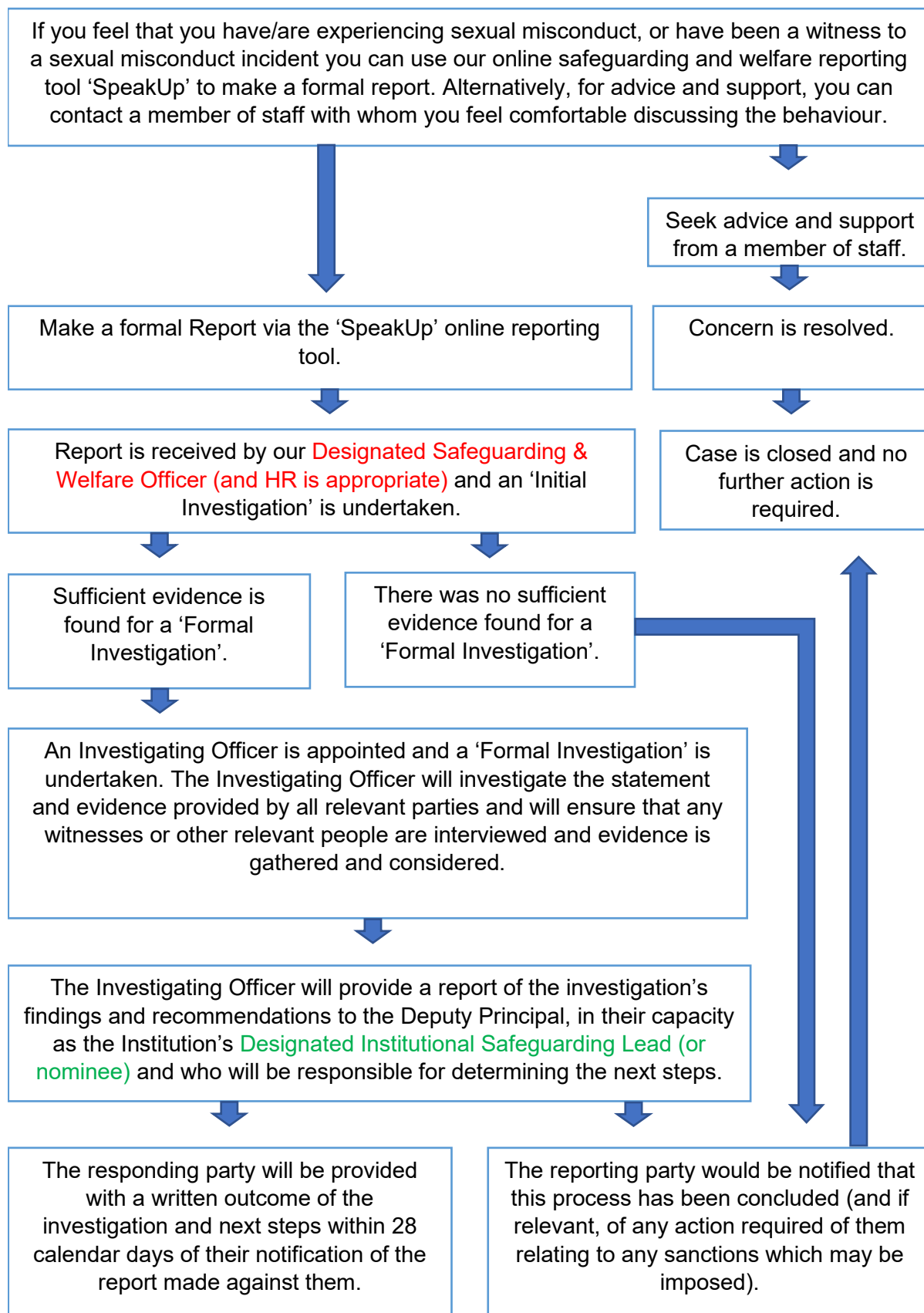
Child sexual abuse	Child sexual abuse is a form of child abuse in which an adult or a young person uses a child for sexual stimulation. Types of child sexual abuse include engaging in sexual activities with a child (whether by asking or pressuring, or by other means), indecent exposure, child grooming, child sexual exploitation or using a child to produce child pornography.
Coercion	The intimidation of an individual to compel them to do some act against their will by the use of psychological pressure, physical force, or threats.
Doxxing	This is the internet-based practice of researching e.g. through social media websites and broadcasting private or identifying information about an individual or organisation. It can be carried out for various reasons including inflicting harm, coercion and harassment.
Female genital mutilation	Female genital mutilation is a procedure where the female genitals are deliberately cut, injured or changed, but there's no medical reason for this to be done. It is usually carried out on young girls between infancy and the age of 15, most commonly before puberty starts. It's illegal in the UK and is child abuse.
Forced marriage	A forced marriage is where one or both individuals do not (or in cases of people with learning disabilities or reduced capacity, cannot) consent to the marriage as they are pressurised, or abuse is used, to force them to do so. It could be physical – for example, threats, physical violence or sexual violence, emotional and psychological – for example, making someone feel like they are bringing 'shame' on their family. It is recognised in the UK as a form of domestic or child abuse and a serious abuse of human rights.
Gaslighting	An elaborate and insidious technique of deception and psychological manipulation, usually practiced by an individual towards another over an extended period.
Honour based violence	Honour based violence is a term used to describe violence committed within the context of the extended family which are motivated by a perceived need to restore standing within the community, which is presumed to have been lost through the behaviour of the victim. Most individuals affected are women or girls, although men may also be at risk.

Appendix 2: External Support Agencies who provide Help & Support

Please note that ArtsEd does not endorse or take responsibility for the information provided by external organisations.

- **National Union of Students** represents students across the UK to shape the future of education and create a better world. They promote, defend and extend student rights and fight discrimination, isolation and injustice including sexual violence and sexual harassment. For more information please see, www.nus.org.uk
- **Universities UK** is the collective voice of Universities in the UK which helps to maintain the world-leading strength of the UK university sector. They support and promote life-changing opportunities for people of all ages and backgrounds at every university, free from harassment and bullying. For more information visit, www.universitiesuk.ac.uk.
- **Samaritans** provides free confidential emotional support 24/7 to those experiencing despair, distress or suicidal feelings. Call: 116 123 or email: jo@samaritans.org
- **Survivors UK provides** specialist services and awareness raising activities to support boys and men who have been raped and sexually abused. For more information visit, www.survivorsuk.org
- **Victim Support** provides free confidential support to those affected by crime including sexual violence and sexual harassment. Call for free on 0808 1689111 or request support online via www.victimsupport.org.uk
- **Sexual Abuse Support Campaign** provides a list of helpline services where you can find information and support via sexualabusesupport.campaign.gov.uk/
- **Rape Crisis England & Wales** provides free, confidential and specialist support and advocacy services for people whose lives have been impacted by sexual violence and abuse of any kind at any time. Please visit, rapecrisis.org.uk/get-help/
- **National Online Helpline for Male Survivors** is operated by Survivors UK. Supports men and boys (trans or cisgender) and non-binary survivors of sexual abuse. Please visit, www.survivorsuk.org/
- **The Survivors Trust** provides confidential information, advice and support for people who have experienced rape and sexual violence. Please visit, www.thesurvivorstrust.org/
- **Galop** provides a free, confidential and independent services for all LGBT+ people who have experienced sexual assault, violence or abuse, however or whenever it happened. Please visit, <https://galop.org.uk/>
- **Solace** provides free and confidential advice and support for women in London affected by abuse. Please visit, www.solacewomensaid.org

Sexual Misconduct Process Flowchart



Version Control	
Document Title	Student Sexual Misconduct Policy
Maintained By	Deputy Principal
Owned By	Deputy Principal
Approving Committee / Ratifying Body	Board of Trustees
Last Reviewed	March 2022
To be Reviewed	March 2025 (or prior if required)
Current Version	Version 1
Location of master document	https://teams.microsoft.com/l/channel/19%3aw-ekhrkvUAYf-poCislpXAtITMpMervHPnfaS0ONC_Y1%40thread.tacv2/General?groupId=fe70d9e8-8216-4003-922e-b9bfe9e5fb9c&tenantId=02f4a62e-6e9d-4607-974c-7de2591c4698
Web location	https://artsed003.blob.core.windows.net/policy/student-sexual-misconduct-policy.pdf