



POLICY

Title: SEXUAL HARASSMENT POLICY

Policy Holder: Hilary Bright

Approval Board: College Leadership Team

Version No: v1.0

Last reviewed: October 2024

Review period¹: 1 Year.

Summary: The aim of the Sexual Harassment Policy is set out the standards of behaviour expected and the procedure that is followed for staff raising a complaint of sexual harassment.

Accessibility: If you would like this information in an alternative format, e.g. Easy to Read, large print, Braille or audio tape, or if you would like the procedure explained to you in your language, please contact the College's marketing team on 01603 773 169.

Further information: If you have any queries about this policy or procedure, please contact the named policy holder or the College's marketing team on 01603 773 169.



City College Norwich, Ipswich Rd, Norwich NR2 2LJ

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| Legislation or Regulation: | <ul style="list-style-type: none"> • Equality Act 2010 • Health and Safety at Work Act 1974 • Protection from Harassment Act 1997 • Management of Health and Safety at Work Regulations 1999 |
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¹ The Review Period refers to our internal policy review process. The published policy is current and is the most recent approved version.

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1. Policy Statement

City College Norwich (CCN) is committed to providing a work environment free from sexual harassment where everyone is treated with dignity and respect. Sexual harassment is unlawful and will not be tolerated by the College. The College will take active steps to help prevent staff from being sexually harassed in the workplace or from being victimised if they have made a complaint or have supported someone else who has made a complaint.

2. Policy Aims & Objectives

The aim of the Sexual Harassment Policy is to support CCN's commitment to not tolerate sexual harassment and to detail the action to be taken when an issue of sexual harassment and is reported.

3. Legal requirements

Sexual harassment is unlawful and can result in legal liability for the College and also the perpetrator.

Equality Act 2010

Health and Safety at Work Act 1974

Protection from Harassment Act 1997

Management of Health and Safety at Work Regulations 1999

4. Scope

This policy applies to everyone who works for CCN, including employees, workers, agency workers, consultants, casual staff and volunteers.

5. Definitions

Sexual Harassment is defined as any unwanted physical, verbal or non-verbal conduct of a sexual nature that has the purpose or effect of violating a person's dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment for them. Unwanted means unwelcome or uninvited. It reflects the employee's view and means unwanted by them.

It also includes treating someone less favourably because they have submitted or refused to submit to unwanted conduct of a sexual nature in the past.

Third Party Harassment occurs where a person is sexually harassed by someone who is not employed by the College or is under the College's control but with whom they may have come into contact during the course of their employment.

Victimisation is when someone is treated less favourably as a result of being involved with a discrimination or harassment complaint..

6. Sexual Harassment

Some examples of sexual harassment are:

- sexual comments or jokes, which may be referred to as "banter"
- displaying sexually graphic pictures, posters or photos
- suggestive looks, staring or leering

- propositions and sexual advances
- making promises in return for sexual favours
- sexual gestures
- intrusive questions about a person's private or sex life or a person discussing their own sex life
- sexual posts or contact in online communications, including on social media
- spreading sexual rumours about a person
- sending sexually explicit text messages or messages via other social media
- unwelcome touching, hugging, massaging or kissing

A single incident can amount to sexual harassment.

A person may be sexually harassed even if they were not the intended target. For example, a person may be sexually harassed by pornographic images displayed on a colleague's computer in the workplace or by overhearing colleagues boasting about their sexual conquests.

A person may experience sexual harassment because of conduct of a sexual nature that they find unwanted, even if it was not intended to have that effect by the person doing it. For example, whilst a joke may have been intended to be inoffensive to the recipient and if it is of a sexual nature, this may amount to sexual harassment.

The College will not tolerate sexual harassment in the workplace. Any member of staff who sexually harasses another person will be subject to disciplinary action, including dismissal, if it happens:

- in a work situation including whilst working from home
- during any situation related to work, such as a social event with colleagues or stakeholders
- on social media or other platforms and involves a colleague or any other person connected to the College
- against anyone outside of a work situation where the incident may negatively impact on the reputation of the College or is relevant to the staff member's suitability to carry out their role.

7. Third Party Harassment

Third party harassment could include, for example, unwelcome sexual advances from a contractor visiting the premises, by a student or where employees are visiting third party premises in the course of their employment.

The law requires the College to take reasonable steps to prevent sexual harassment by third parties and the College will not tolerate third party harassment either by a third party to College staff or by College staff to a third party.

All staff are encouraged to report any sexual harassment they experience or witness in accordance with this policy, including third party harassment, and to speak to their manager or any other appropriate person in the organisation if they think there are additional steps that could be taken to protect them from sexual harassment.

8. Preventing Sexual Harassment

The College will take the following reasonable steps to prevent sexual harassment in the workplace:

- conduct regular risk assessment to identify where staff may be exposed to sexual harassment by other members of staff or third parties;
- implement training programmes for all employees to ensure they recognise behaviours that may amount to sexual harassment, understand how the College expects them to behave towards the people they come into contact with and how to complain if they experience or witness inappropriate behaviour.
- ensure staff know how to access this policy
- encourage staff to report incidents and deal with complaints in line with this policy.

9. How to complain or raise issues

(a) **Witnessing Sexual Harassment:**

Staff who witness sexual harassment or victimisation are encouraged to take appropriate steps to address this. Depending on the circumstances, this could include:

- intervening where staff feel able to do so
- supporting the victim to report it or reporting it on their behalf
- reporting the incident where they feel there may be a continuing risk if it is not reported
- co-operating in any investigation into the incident.

The matter can also be reported anonymously as detailed above or staff can speak to their line manager for advice.

(b) **Staff who have been sexually harassed:**

Staff who believe they have been sexually harassed have a number of options open to them:

- If they feel confident doing so, to speak to the person who has harassed them, 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.
- Make a complaint under the College Grievance Procedure (with the option of choosing an informal or formal approach). Sometimes an informal solution may not be appropriate or has not worked.

If a member of staff is not certain whether an incident or series of incidents amounts to sexual harassment, they should speak to their line manager or an HR Business Partner and ask for advice.

If the concerns relate to their line manager, the member of staff should contact HR or a senior leader.

Staff will not be penalised for making a complaint, even if the complaint is not upheld, provided that the complaint was made in good faith.

All complaints will be dealt with in line with the College Grievance Policy.

If necessary, the member of staff may be separated from the person being complained about whilst the investigation takes place. This is not a prejudgement of the complaint and a full discussion would take place before taking such action.

If the complaint is upheld, the matter would subsequently be dealt with under the Disciplinary Policy.

If the complaint is not upheld, the member of staff will receive an explanation why and given the right of appeal in accordance with the Grievance Policy. If the complaint relates to a colleague, the College will consider ways of improving the relationship, eg offering training or mediation.

(c) Disciplinary action

Any employee found to have sexually harassed a colleague or another person will be subject to disciplinary action and may be dismissed. The College will fully investigate the matter in accordance with the Disciplinary Policy and Procedure. The College may also report any criminal acts to the police.

If a member of staff has been harassed by a third party, the College will take appropriate action to prevent it from reoccurring. That may include warning the harasser that if they repeat their behaviour the College may ban them from their premises and report any criminal acts to the police.

(d) Protection and Support

Anyone who raises an allegation of sexual harassment with the College in good faith will not be subjected to any detriment as a result.

The College will provide appropriate support to anyone who makes a complaint or who witnesses an incident and will protect them from victimisation. Staff should not fear retaliation for having raised or supported a complaint of harassment and will be protected from being treated less favourably because they have made such a complaint.

Staff can access confidential counselling through BHSF on 0800 0720 0353. Staff who are not members of BHSF should speak to HR about how they can access counselling.

Staff who are members of a trade union can also access support from their union representative.

The College will provide regular training to all employees on what sexual harassment is and how to report it. The College will provide separate training to managers so they understand the role they have in supporting colleagues who experience or witness sexual harassment.

10. Maintaining Confidentiality

The College is committed to handling all complaints of sexual harassment sensitively and confidentially.

Staff who make a complaint, witness an incident or are accused of sexual harassment must not discuss the case with anyone, except:

- any manager or other responsible person in the organisation that has been approached for help and support
- a trade union representative
- someone at work who is acting as a companion at a formal meeting
- close family or friends
- anyone who is providing counselling or other services, provided they are suitably qualified.

The College will ensure that any investigation into a complaint is conducted confidentially and that the details of the complaint are only disclosed to those who need to know in order to investigate and resolve the matter. In some cases, this may include providing information to the police or to a regulator.

The College may place information and documents about a complaint raised by or about a member of staff on their personal file. These will be processed in accordance with the College's Data Protection Policy.

Covert recording of meetings held under this policy may be considered an act of misconduct or gross misconduct and addressed under the Disciplinary Policy and Procedure.

The College only uses Non-Disclosure Agreements (NDAs) or confidentiality provisions if it is lawful and appropriate to do so, and will not prevent employees from making protected disclosures (whistleblowing) as defined under the Employment Rights Act 1996. (Please refer to the College's Whistleblowing Policy for more details).

Staff who fail to maintain confidentiality when involved in some way in a sexual harassment complaint may face action under the College Disciplinary Policy.

11. Monitoring

The College will monitor the treatment and outcomes of any complaints of sexual harassment or victimisation that are received to make sure that they are properly investigated and resolved, those who report or act as witnesses are not victimised, repeat offenders are dealt with appropriately, cultural clashes are identified and workforce training is targeted where needed.

The College will review the effectiveness and contents of this policy at least on an annual basis and will identify any themes that emerge, evaluate, feedback and consider what lessons can be learned.

12. References to related Policies

- Grievance Procedure
- Disciplinary Procedure
- Compliments, Complaints and Concerns Procedure
- Data Protection Policy
- Whistleblowing Policy

13. Contact

HR Services are able to offer advice and guidance on this Policy.

14. Equal Opportunities Statement

This policy has been assessed against the nine protected characteristics outlined in the Equality Act 2010. The policy can be made available in different formats and languages as appropriate.