

Prevention of Harassment and Sexual Misconduct Policy

1 Introduction

- 1.1 City & Guilds of London Art School is committed to providing a positive and safe study and work environment for all our students and staff members, free from bullying and harassment including sexual harassment, sexual misconduct and sexual violence. All members of the Art School community should be treated with respect and be respected for the contribution they make.
- 1.2 This Policy sets out the Art School's expectations of behaviour by our students and employees and provides approaches for dealing with complaints of sexual harassment. It intends to protect students and employees from inappropriate sexual behaviour which may include, but is not limited to, violence, grooming, misconduct and harassment.
- 1.3 At the Art School we encourage the questioning of ideas, beliefs, traditions and societal assumptions as part of academic enquiry and the learning experience. Being challenged to think or act differently may make us feel uncomfortable, but is entirely acceptable provided the challenge is presented in a spirit of mutual respect. However, causing another person to feel harassed, bullied, victimised or otherwise disrespected is not acceptable. It is possible for a problem to arise unintentionally, but the fact that an adverse effect on an individual has been caused unintentionally does not make it any less real, or valid, for the person experiencing it.
- 1.4 This policy therefore also provides a framework to ensure that the Art School is a place where diversity, free debate and criticism can thrive while everyone feels that their dignity is respected.
- 1.5 This Statement and Policy is intended to be read, understood and complied with by all members of our community: that is, all who work or study at, or govern, the City & Guilds of London Art School. It also applies to those who supply goods and services and visit us.
- 1.6 It applies to bullying, harassment or sexual misconduct that may take place outside of the Art School premises or hours, e.g. social events, trips abroad or on social media as well as misconduct that takes place on the Art School premises.

2 Policy statement on Harassment, Sexual Misconduct and Protecting Dignity & Respect

- 2.1 The Art School is a small community of committed individuals dedicated to the pursuit of excellence in their subject specialisms. We believe that everyone who studies or works here, or with whom we interact either individually or as an institution, is entitled to respect and consideration at all times; behaviour which compromises a person's dignity will not be tolerated.
- 2.2 We are committed to dealing rigorously with harassment, bullying, victimisation or violence, whether perpetrated in the 'real' or 'virtual' environment, by spoken or written word (including by email or on social media), or by physical or mental attack.
- 2.3 We will take swift necessary action in response to allegations made against students or staff in line with the procedures outlined below. Where necessary, the Art School will conduct confidential investigations into allegations. Disciplinary action will be taken if allegations of sexual harassment or sexual misconduct are upheld following a formal complaint. All complaints of sexual harassment will be taken seriously and treated with respect and in confidence. No one will be victimised for making such a complaint.
- 2.4 The Art School will ensure relevant staff are trained to appropriately identify and to respond to disclosures of sexual harassment and sexual assault, and will listen to and take seriously all disclosures, establishing anonymous disclosing mechanisms as well as guidance on who to contact should an individual have any concerns and prefer to discuss this directly. The Art School will also ensure relevant staff receive training in relation to the freedom of speech principles so that they have a proper understanding of relevant free speech rights and responsibilities.
- 2.5 The Art School will ensure the provision of appropriate support to students involved in any way in an incident of harassment or sexual misconduct, whether personal support (such as counselling) or academic support (such as decisions about attendance, continuation interruption or cessation of study). Such support will be available to students whether or not they decide to make a formal report about an incident and whether or not the incident has occurred on Art School premises or in connection with the student's registration with the Art School.
- 2.6 The Art School will not impose any provision that would prevent or restrict any student or staff member from disclosing information about an allegation of harassment and/or sexual misconduct, nor will it enter into any agreements with third parties who are likely to require the use of non-disclosure agreements in matters relating to harassment and/or sexual misconduct.
- 2.7 All members of the Art School are individually and collectively responsible for ensuring the application of this Policy.

3 Legal background and relationship to the Equality Act 2010

- 3.1 Under the Protection from Harassment Act 1997 a person must not pursue a course of action which amounts to harassment of another, and which they know or ought to know amounts to harassment of the other. The person whose course of conduct is in question ought to know that it amounts to or involves harassment of another if a reasonable person in possession of the same information would think the course of conduct amounted to harassment of the other.
- 3.2 The Equality Act 2010 makes unlawful the harassment of individuals related to the 'protected characteristics' of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief (including no belief), sex and sexual. The Act affords protection not only to individuals, with a particular protected characteristic but also to those who are affected because they are associated with someone else with a protected characteristic, or because they are wrongly perceived to have, or not have, a protected characteristic. In determining whether an infringement of this Policy in relation to the Equality Act has actually taken place, the reasonable perception of the (alleged) victim will therefore be an important factor.
- 3.3 In the case of educational institutions, the Act provides this protection not only to employees and current students, but also to those who are applying for employment or a study place.
- 3.4 The Act forms the basis in law for the Art School's Equality & Diversity Statement and Policy, which should be read in conjunction with this document. However, the application of the principles of dignity and respect should not be considered as confined to the 'protected characteristics' listed therein.
- 3.5 This Policy is also informed by the requirements of the 'Prevent' Duty (2015), since the practical manifestations of radical extremism are likely to include one or more of the activities described in Section 4 below.
- 3.6 This Policy is also informed by and designed to comply with the Office for Students Condition of Registration E6: *Harassment and sexual misconduct*

4 Definitions

- 4.1 **Harassment** Harassment is unwanted verbal, written or physical conduct, related to a protected characteristic which has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating, threatening or offensive environment and interferes with their learning, working, or social activity.
- 4.2 **Bullying** Bullying is coercion or intimidation which serves to undermine the competence, effectiveness and integrity of another. The abuse of power,

position or knowledge by one person to criticise or humiliate another, can cause the individual to feel vulnerable, humiliated, and lacking in confidence.

- 4.3 **Victimisation** Victimisation is treating a person detrimentally because the perpetrator believes that the person has made (or may make) a complaint about discrimination or harassment, or has given or may give evidence relating to such a complaint.
- 4.4 **Violence and physical attack** A violent incident is one in which a student or member of staff is abused, threatened, subject to overly aggressive behaviour or language or is assaulted in circumstances arising out of the course of their studies or employment, regardless of whether or not there is lasting damage or injury, either physical or emotional.
- 4.5 **Sexual misconduct** Sexual misconduct is an umbrella term and can include harassment and bullying. Sexual misconduct is any act of violence or harassment which is sexual in nature or any kind of unwanted, non-consensual sexual touching or harassment within or outside a relationship. Sexual misconduct might constitute a series of different behaviours, repeated forms of the same unwanted behaviour or a one-off incident.
- 4.6 **Sexual Harassment** Sexual harassment is unlawful under the Equality Act 2010 ('the Act'). It is also unlawful to treat someone less favourably because they have either submitted a complaint of sexual harassment or have rejected such behaviour. Under the Act sexual harassment is defined as occurring when a person engages in unwanted conduct of a sexual nature that has the purpose or effect of:
- violating someone's dignity, or
 - creating an intimidating, hostile, degrading, humiliating or offensive environment for them

Examples of sexual harassment include but are not limited to:

- sexual comments or jokes
- 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, and discussing your own sex life
- sexual posts or contact on social media
- spreading sexual rumours about a person
- sending sexually explicit emails or text messages
- unwelcome touching, hugging, massaging or kissing
- criminal behaviour, including sexual assault, stalking, grooming, indecent exposure and sending offensive communications
- predatory behaviour
- coercion

- 4.7 It should be noted that any of the above can occur between student and student, staff member and staff member, and between staff member and student, or student and staff member. This Policy also relates to trustees, outside contractors and visitors to the Art School and it is understood that interactions described above may occur between these individuals and members of the Art School community. Perpetrators and victims may not only be single individuals; for example, bullying can take place between a group of people and an individual.
- 4.8 Any breaches of this Policy undertaken in the 'virtual' environment, e.g. involving the abuse of email, Moodle, or social media, will be treated with the same seriousness as if perpetrated in the 'actual' or 'real world' environment.

5 Expected Behaviour of Students

- 5.1 Each student has a responsibility to treat their fellow students, the Art School's employees and visitors with dignity and respect. The *Student Charter* sets out the Art School's expectations of students and their role as key members of the Art School's community. Sexual harassment by a student towards an employee and/or another student will be considered under the Student Disciplinary procedure and action taken can include expulsion from the Art School.
- 5.2 While intimate personal relationships between students and staff are not permitted under this policy, a student would not be penalised for participating in such a relationship and would be protected from retaliation by the staff member if they reported harassment or sexual misconduct.

6 Expected Behaviour of Employees and Volunteers

- 6.1 Employees and volunteers (including those in positions of governance) are required to respect the age, beliefs, convictions and sexual orientation or identification of others and not behave in ways which cause offence, or which in any way could be considered to be sexual misconduct. Each member of staff has a responsibility to ensure colleagues, students, and visitors are treated with dignity and respect.
- 6.2 The Art School's *Professional Code of Conduct* sets out the nature of the professional relationship between students and employees and how this is central and an essential part of a student's educational development and pastoral care. Those who work for, or represent, the Art School must not abuse their position in any way.
- 6.3 Given the inherent imbalance of power between many employees and students, the Art School has placed a ban on intimate personal relationships

between relevant staff members and students. Relevant staff entering into such relationships will be subject to disciplinary action.

- 6.4 An imbalance of power can also exist between employees due to the positions they hold. Any abuse of the professional working relationship between employees is unacceptable and could also be subject to disciplinary action. The Art School recognises that, on occasion, a consensual relationship may develop between two employees. In such cases both employees must follow the guidance in the *Professional Code of Conduct*.

7 How the Art School will deal with instances of alleged breach of this Policy

7.1 Confidentiality

The Art School has an obligation to protect all members of the community, including complainants and those who have been accused. Information will therefore only be disclosed on a need-to-know basis e.g. to those involved

with looking into a complaint or in dealing with the outcomes. All investigations will otherwise remain confidential.

7.2 Witnesses of infringements or threats to respect and dignity

7.2.1 Everyone is responsible for their own behaviour, but there is also a moral duty to act if an incident is observed, or knowledge received, which relates to the compromising of another person's dignity or causes them physical or mental damage.

7.2.2 If there is reason to believe that a fellow student or staff member has been/is being subjected to harassment, bullying, or violence, any member of the Art School may approach their Personal Tutor, the Head of Access to Learning or their Line Manager (as appropriate) for advice.

7.2.3 If a specific incident of harassment, bullying or violence is witnessed, this should be formally reported as soon as possible.

7.2.4 No witness will be victimised or be subject to any reprisal as a result of coming forward in support of a victim of a breach of this Policy.

7.3 Informal stage (applicable to cases between student/student, staff/staff, student/staff, staff/student)

7.3.1 In the first instance, any student or staff member who feels they have been harassed, bullied or otherwise affected within the definitions of this Policy may wish to discuss their concerns informally with a friend or colleague, their Personal Tutor, or a member of support staff.

- 7.3.2 There is also an incident reporting form available on the Access to Learning Moodle page that can be submitted anonymously. It is automatically sent to the Art School's Safeguarding Team.
- 7.3.3 Although all accusations of harassment or bullying are taken seriously, there is no automatic presumption of guilt. Anyone accused of harassment or bullying may contact their Personal Tutor, the Head of Access to Learning, their line manager, or their Head of Department, as appropriate, for advice and guidance.
- 7.3.4 Both the complainant and the accused person have the right to be accompanied by a willing person of their choice in any meetings during the informal stage.
- 7.3.5 Informal discussion between the parties will be arranged if agreed by both of them. During such discussion it should be made clear that behaviour contrary to this policy which interferes with the individual's work, study, or social life is unacceptable. If the accused person acknowledges the problem and agrees to modify their future behaviour, or if the accusation is withdrawn, the case will not be pursued formally.

7.4 *Formal stage for cases between Students*

If the informal discussions do not resolve the issue, or if the facts are in dispute, a student may raise a formal complaint via the *Student Disciplinary and General Misconduct Regulations*. The Art School will ensure that any formal procedures are conducted fairly and correctly, with the aim of establishing the facts, identifying any underlying issues and addressing them as quickly as possible.

7.5 *Formal stage for cases between members of Staff*

If the informal discussions do not resolve the issue, a member of staff may invoke the School's *Grievance Procedure*. The Art School will ensure that any formal procedures are conducted fairly and correctly, with the aim of establishing the facts, identifying any underlying issues and addressing them as quickly as possible.

7.6 *Cases involving both Students and Staff*

Where a student feels that they have been harassed or bullied by a member of staff, they should invoke the student-related procedure. Where a member of staff feels harassed or bullied by a student, they should invoke the staff-related procedure.

7.7 *Outcomes*

If a formal complaint /grievance is upheld, appropriate action, including the disciplinary process where necessary, will be taken against the person whose behaviour is deemed unacceptable within the terms of this policy. Generally, the outcome will aim to resolve the problem and prevent it occurring again. In

extreme circumstances, however, where there is no prospect of a solution and/or there was a serious breach of this policy, dismissal (staff) or expulsion (students) may be the only appropriate action.

7.8 *Vexatious complaints*

The Art School treats all complaints of harassment or bullying very seriously. Anyone making a mischievous or malicious complaint will be dealt with under the appropriate disciplinary procedures. However, no disciplinary action will be taken if a complaint made in good faith is judged to be unfounded.

8 How the Art School will deal with incidents involving violence and physical attack

- 8.1 Any member of staff or student who experiences a physical assault should seek help immediately and is advised to report the matter to the Police and if necessary, particularly if the attack involves sexual assault or rape, the victim should additionally seek immediate medical help. The Art School will provide support to the best of its ability in cases of violent behaviour and physical attack, but victims are strongly advised to seek professional assistance.
- 8.2 The Art School will treat such an incident very seriously and will take appropriate action. The nature of this action will depend on whether the alleged perpetrator is a member of the Art School, and on the outcome of any criminal proceedings. However, no further action that involves the victim will be taken without informing them.

9 Dissemination of this Policy

It is essential that all members of our community are aware of this Policy, which will be included in both student and staff induction training, and made available on the Art School's virtual learning environment and website.

10 Review and monitoring

This Statement and Policy will be formally reviewed by the Board of Trustees every 5 years. In addition, it will be subject to annual review by the Director of Resources & Operations to ensure that any changes to legislation or institutional need are incorporated in a timely way, with any changes reported to the Board of Trustees.

This Policy was last approved by the Board of Trustees on the recommendation of the Academic Board in June 2025 and will next be reviewed in the 2029/30 academic session.