

Sexual Misconduct

Policy

Quality Assurance Benchmarking		
This policy and procedure maps to the following external quality assurance frameworks: Part B: Assuring and enhancing academic quality, Chapter 2: Recruitment, selection and admission to higher education		
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POLICY STATEMENT

West Dean College, incorporating KLC School of Design ("The College") recognises and understands that sexual misconduct, including sexual harassment and sexual violence, are a significant public health and social problem across society and the Higher Education sector, and that incidents may occur. Sexual misconduct can have a devastating impact on those who experience it. The College will therefore ensure that those reporting sexual misconduct are taken seriously and treated with dignity and respect. West Dean is committed to promoting and ensuring an inclusive, positive and safe environment in which all students can be equally valued and respected. The College is committed to ensuring effective prevention and effective response to sexual misconduct when incidents occur.

SUMMARY

This document outlines West Dean's policy on sexual misconduct, including definitions, reporting procedures, support services, and disciplinary actions. It details the Colleges expectations and how students who have experienced any form of sexual misconduct will be supported.

This policy outlines the Colleges commitment to preventing and addressing sexual misconduct, providing support for survivors and those accused, and maintaining a safe environment for all members of the college community.

This policy is for students, employees, contractors and visitors of West Dean College.

The Sexual Misconduct Procedure can be found at:

<https://www.westdean.ac.uk/degrees-and-diplomas/terms#harassment-sexual-misconduct>

1. INTRODUCTION

West Dean College is committed to providing a safe and secure environment that promotes equality, diversity and inclusion for all students, employees and visitors. We strive to maintain a culture of prevention through appropriate and consistent education and training.

The College takes reports of sexual misconduct very seriously. This policy is intended to provide all parties with information about support available, reporting options, and the college's response procedures.

This policy encompasses all aspects of Sexual Misconduct including misuse of power or issues of unequal relationships between students and staff.

This policy should be read in conjunction with the [Student Code of Conduct](#), and the [Sexual Misconduct Procedure](#).

2. WHAT IS SEXUAL MISCONDUCT

For the purposes of this policy, sexual misconduct is defined as any unwanted conduct of a sexual nature. This includes, but is not limited to:

- Sexual harassment (as defined by [Section 26 \(2\)](#) of the Equality Act 2010)
- Unwanted behaviour or advances that create an environment where a person feels intimidated, threatened, degraded, humiliated, or offended. This can include, but is not limited to:
 - Inappropriate or unwelcome touching, groping, or physical contact
 - Sexually suggestive comments, jokes, or innuendos
 - Displaying sexually explicit materials
 - Persistent unwanted sexual attention or propositions
 - Sexual gestures or leering
 - Intimidation, or promising resources or benefits in return for sexual favours
- [Sexual assault](#) (as defined by the Sexual Offences Act 2003)
- [Rape](#) (as defined by the Sexual Offences Act 2003)
- [Distributing \(or threatening to distribute\) private and personal explicit images or video footage of an individual without their consent](#) (as defined by the Criminal Justice and Courts Act 2015)

Sexual misconduct can occur:

- In person, by letter, telephone, text, email or other electronic means and/or social media
- Between individuals of any gender identity or sexual orientation
- By someone known to the victim or by a stranger
- In any location on or off campus.

3. GENERAL PRINCIPLES

The College is committed to creating a safe environment in which the rights and dignity of all members of the school community are valued and respected, in line with the [OfS Condition of registration](#).

We will promote a culture in which any incident of sexual misconduct will not be tolerated and will be actively challenged. All disclosures of sexual misconduct will be treated confidentially and with sensitivity. They will be considered through our internal disciplinary procedures as outlined in the [Sexual Misconduct Procedure](#) and the [Student Code of Conduct](#).

The College will promptly respond to all reports of sexual misconduct and will respect the rights of the individual disclosing an incident to choose how to take the matter forward. Staff will ensure that there is dedicated specialist support available for all individuals involved.

All West Dean staff will be made aware of this policy and supporting [Sexual Misconduct Procedure](#). They will be offered training appropriate to their role.

We will work with local partners and organisations to support our work in this area. In working with external experts, we seek to continuously improve our policies and practices according to sector guidance.

4. RESPONSIBILITIES

The Chief Executive and Principal hold overall responsibility for this policy.

If a member of the college community has experienced sexual misconduct, the College will take all reasonable steps to ensure their physical safety and facilitate their access to appropriate specialist support. Dedicated staff actively encourage, and support individuals affected to come forward, to disclose with confidence and to seek help. We will manage expectations and possible outcomes for all parties involved in sexual misconduct cases.

We will ensure there is a set procedure for handling sexual misconduct cases for staff and students, set out in the [Sexual Misconduct Procedure](#), the Staff Code of Conduct and the Staff Disciplinary Procedure in line with OfS guidance.

5. CONSENT

Consent represents the cornerstone of respectful and healthy intimate relationships. We strongly encourage members of our community to communicate openly, honestly and clearly about their actions, wishes and intentions, and to do so before engaging in intimate conduct.

Consent is defined as where a person has the freedom and capacity to make the choice

whether or not to agree to the sexual activity free from any pressure. This can be considered in two stages:

1. Whether a person had the capacity (i.e. the age and understanding) to make a choice about whether or not to take part in the sexual activity at the time in question.
2. Whether they were in a position to make that choice freely and were not constrained in any way. This is particularly relevant when an individual is intoxicated by alcohol or affected by drugs.

Assuming that the person had both the freedom and capacity to consent, the crucial question is whether they agreed to the activity by choice. Consent can be withdrawn at any point.

Consent must be voluntarily given and may not be valid if a person is being subjected to actions or behaviours that elicit emotional or psychological pressure, intimidation, or fear.

6. STAFF-STUDENT RELATIONSHIPS

West Dean College prohibits intimate or close personal relationships between staff and students and comprehensive guidance for staff can be found in the Staff Code of Conduct.

Where staff become enrolled as students during their employment at the College, they will be defined for the purposes of this policy as an employee. In cases where a student undertakes casual employment or volunteers alongside their studies, they will still be classified as students under this policy.

Any breach of this policy by a staff member will be treated as a serious disciplinary matter and may result in sanctions up to and including dismissal.

7. SUPPORT FOR REPORTING AND REPORTED STUDENTS

The College is committed to supporting both sexual misconduct survivors (reporting students) and those accused of sexual misconduct (reported students) and in all cases they will be able to access support from trained staff.

Support will be available to reporting students regardless of whether they chose to make a formal report.

Appropriate support will be targeted at the individual needs of the students and will be provided from the initial report and throughout any resulting processes including during an investigation and/or the decision making process.

When dealing with incidents of misconduct, the process laid out in the [Sexual Misconduct Procedure](#) should be followed, and students referred to the Student Welfare Team. For

further information you can contact the team by emailing welfare@westdean.ac.uk.

Dedicated staff will provide appropriate support to students including but not limited to:

- Appropriate ongoing advice, including referrals to wellbeing, medical services and local Sexual Assault Referral Centres (SARC) as appropriate (reporting student)
- Assistance in making an informed decision about next steps should an individual choose to report to authorities within the college or to the police (reporting student)
- Assistance in navigating resources and making appropriate responses to allegations (reporting student)
- Self-care resources, safety planning and wellbeing support (reporting and reported students)
- Advocacy (reporting and reported students)

8. DISCIPLINARY ACTION

Where a formal report results in disciplinary procedures, we will follow the process laid out in the College's [Student Code of Conduct](#) if the reported party is a student; or [Disciplinary Procedure](#) and [Student Complaints Procedure](#) if the reported party is a member of staff, ensuring a fair and unbiased process.

The process laid out in the [Sexual Misconduct Procedure](#) will be followed to ensure appropriate support is offered and a clear process for Disclosure and Reporting is followed.

The College recognises that it is not placed to undertake a criminal investigation. It will, however, cooperate fully with any associated police investigation and subsequent legal proceedings.

The College may also undertake separate disciplinary proceedings where such measures are indicated by the behaviours and circumstances. The College will not undertake any investigations or actions which may hamper any police investigation.

If formal disciplinary proceedings are placed on hold due to a police investigation, appropriate risk assessments and safeguarding considerations will continue to take place to ensure the safety and wellbeing of all parties involved.

The accompanying disciplinary procedure for this policy applies only to those experiences which have occurred during the course of study at West Dean College. Disclosures and reports made under this policy are not limited to West Dean premises or the immediate geography of the college.

9. TRAINING AND PREVENTION

West Dean College implements a clear training strategy to support staff in responding effectively to different types of sexual misconduct incidents. All staff receive training in relation to harassment and sexual misconduct, college policies and where to find them, and freedom of speech principles. This strategy is reviewed and evaluated regularly to ensure it remains fit for purpose.

The College requires all students to engage in training to ensure they are also appropriately informed of the policies and procedures relating to sexual misconduct and behaviour that may constitute harassment or sexual misconduct.

Information and training is made available on an ongoing basis for all staff and students to raise awareness of sexual misconduct with the purpose of preventing incidents and encouraging reporting. This includes areas such as bystander initiatives, consent, and receiving and responding to disclosures.

10. REPORTING AND DISCLOSURE

West Dean provides easy to understand information for all students and staff on how they can report, disclose or seek support and advice if they experience or witness any incident of sexual misconduct. This includes information on anonymous reporting and third-party reporting options.

- The college is committed to removing barriers to reporting and regularly reviews its processes to ensure accessibility for all students.
- West Dean uses reporting mechanisms, which allows anonymous and third-party reporting of incidents as well as the option to provide contact details in order to receive confidential advice and support.
- Anonymous and third-party reports will be considered and acted upon where possible, though the College's ability to investigate will be limited in these cases.

Policies and processes for reporting is communicated to all students in an accessible way via the College website and as part of early communication with prospective students.

[Student Support](#)

11. INVESTIGATION AND DECISION MAKING

West Dean College ensures that investigations undertaken, and decisions made in respect of sexual misconduct incidents are credible, reasonable, and reflect established principles of natural justice.

All parties involved in an investigatory process have access to appropriate and effective

support prior to the decision to launch a formal investigation, for the duration of any investigation, and following its outcome.

The College communicates clearly with relevant parties about the investigatory process, decision-making process, associated timescales, and factors which may impact on timescales. This is detailed within the [Sexual Misconduct Procedures](#).

Disciplinary hearings will be conducted by a panel that is free from any reasonable perception of bias, is diverse, and includes student representatives where appropriate. All panel members will be appropriately trained in handling complaints of this nature.

RECORD KEEPING AND DATA PROTECTION

All disclosures of sexual misconduct are treated with confidentiality and sensitivity. They are considered through our internal disciplinary procedures as outlined in the [Sexual Misconduct Procedure](#) and the [Student Code of Conduct](#).

Records of proceedings are kept in accordance with the College's data retention policies and relevant data protection legislation.

West Dean College expressly prohibits the use of non-disclosure agreements (NDAs) in cases involving harassment, sexual misconduct, or any other form of student misconduct. This prohibition applies to all stages of the reporting, investigation, and resolution process. The College recognises that NDAs can have a silencing effect on individuals who have experienced misconduct and may hinder the pursuit of justice and institutional improvement.

The College will maintain non-identifying annual data on disclosures and reports of any incidents of sexual misconduct on campus, reported to the relevant governance committee.

12. FREEDOM OF SPEECH AND ACADEMIC FREEDOM

West Dean College is committed to addressing sexual misconduct while simultaneously upholding the [principles of freedom of speech and academic freedom](#). We recognise that in an educational context, students may encounter ideas, materials, or discussions that they find challenging or uncomfortable, but which do not constitute harassment or sexual misconduct.

The content of academic discourse, including lectures, seminars, debates, and course materials, is protected under principles of academic freedom and is unlikely to be considered sexual misconduct unless it is targeted at or delivered in a way that harasses a

specific individual. However, this protection does not extend to personal conduct or behaviour that crosses the line into harassment or sexual misconduct. In implementing this policy, West Dean College will carefully consider the context of any allegation, ensuring that legitimate academic discourse is protected while still taking appropriate action against genuine instances of sexual misconduct.

Any training, policies, or procedures related to sexual misconduct will be developed and implemented in a manner consistent with the College's obligations to protect freedom of speech and academic freedom.

13. GOVERNANCE AND OVERSIGHT

West Dean College's Academic Board oversees policies and practices to deliver the College's duty of care for safeguarding students and staff, including its responsibilities under the [Prevent duty](#). It provides strategic oversight and leadership on Safeguarding and Prevent matters across the three Schools.

The Academic Board reports to the Board of Trustees.

14. POLICY REVIEW

This policy is reviewed annually to ensure it remains effective and compliant with relevant legislation and guidance. Student representatives are consulted for comment as part of the review process.

Appendix 1: List of external support services

EXTERNAL SUPPORT SERVICES

Search Tools

- Find your local Sexual Assault Referral Centre (SARC)
<https://www.nhs.uk/service-search/sexual-health-services/find-a-rape-and-sexual-assault-referral-centre/>

SUSSEX

- Survivors Network – Sussex Rape Crisis Centre
<https://rapecrisis.org.uk/find-a-centre/survivors-network-sussex-rape-crisis-centre/>
- The Saturn Centre – Sexual Assault Referral Centre (SARC for West Sussex)
<https://saturncentre.org/>
- Life Centre – Trauma-informed Therapy
<https://lifecentre.uk.com/support/counselling/>
- ManKind – support for Men (based in East Sussex – for men in England & Wales)
<https://mkcharity.org/>

LONDON

- The Havens (SARC for the City of London)
<https://thehavens.org.uk/>
- Rape Crisis South London
<http://www.rapecrisissouthlondon.org/>
- London Survivors Gateway
<https://survivorsgateway.london/>
- Women & Girls Network (West London Rape Crisis Centre)
<https://www.wgn.org.uk/>