

## **Maryvale Institute**

### **Harassment and Sexual Misconduct Policy**

Maryvale Institute is committed to providing a safe and respectful environment both in person and online where the whole community is able to study and work free from harassment and sexual misconduct.

#### **Scope**

This policy applies to all members of the Institute including current students and staff, and to any persons who access physical locations or have online access to staff or students.

Allegations that may constitute criminal offences will be referred to the police and only pursued through the process below if the police advise that they will not be taking action.

#### **Background**

Although Maryvale Institute is not registered with the Office for Students (OfS), certain of its validators, Liverpool Hope University and the Open University, are. The OfS statement of expectations for preventing and addressing harassment and sexual misconduct affecting students in higher education has been considered by Maryvale's Academic Board at its meeting on XXX.

The OfS statement of expectations has been taken into account in developing the Maryvale policy which follows.

#### **Definitions**

The definitions used in this policy are those adopted by the OfS. The definitions include harassment and sexual misconduct through any medium, including, for example, online.

**Harassment** (as defined by Section 26 of the Equality Act 2010) includes unwanted behaviour or conduct which has the purpose or effect of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment because of, or connected to, one or more of the following protected characteristics: age, disability, gender reassignment, race, religion or belief, sex, sexual orientation.

Harassment is taken to include domestic violence and abuse (which can also involve control, coercion, threats), and stalking.

Harassment is taken to include any incidents of physical violence towards another person(s) on the basis of a protected characteristic, and hate crimes, such as those criminal offences which are perceived by the victim or any other person, to be motivated by hostility or prejudice, based on a person's disability or perceived disability; race or perceived race; or religion or perceived religion; or sexual orientation or perceived sexual orientation or transgender identity or perceived transgender identity.

**Sexual misconduct** relates to all unwanted conduct of a sexual nature. This includes, but is not limited to:

- i. Sexual harassment (as defined by Section 26 (2) of the Equality Act 2010)
- ii. Unwanted conduct which creates an intimidating, hostile, degrading, humiliating or offensive environment (as defined by the Equality Act 2010)
- iii. Assault (as defined by the Sexual Offences Act 2003)
- iv. Rape (as defined by the Sexual Offences Act 2003)
- v. Physical unwanted sexual advances (as set out by the Equality and Human Rights Commission: Sexual harassment and the law, 2017)<sup>2</sup>
- vi. Intimidation, or promising resources or benefits in return for sexual favours (as set out by the Equality and Human Rights Commission: Sexual harassment and the law, 2017)<sup>3</sup>
- vii. Distributing private and personal explicit images or video footage of an individual without their consent (as defined by the Criminal Justice and Courts Act 2015).

## **Maryvale Ethos**

Maryvale expects and believes that its ethos creates a community which behaves with respect and dignity to each other, where boundaries are understood and individuals who are affected by or observe any instance of harassment or sexual misconduct are able to speak up and get help.

This policy explains the process for dealing with any allegation of harassment or sexual misconduct so that anyone knows how to seek help and knows that appropriate support will be provided.

Maryvale commits to handling all allegations of harassment or sexual misconduct seriously and sensitively and investigating them promptly while protecting the individual rights of those involved, including those against whom an allegation has been made.

Harassment or sexual misconduct will be treated as a serious disciplinary offence and will be dealt with under Maryvale's Disciplinary Policy.

Students are advised to report any concern to their programme director and members of staff to report to their line manager. If reporting in this way is not possible (for example if the member of staff is not available or is involved in the allegation) the student, member of staff or other person should report to the Registrar (also the Institute's Safeguarding Contact), whom failing the Academic Dean, whom failing the Chair of the Maryvale Council.

The person to whom the report has been made should first ensure that the person making the report has access to suitable confidential support, which may be through a member of staff in whom they have confidence or a pastoral advisor.

They should then discuss with the Registrar, Academic Dean or Chair of the Maryvale Council what investigation steps are required and who should undertake

this. At this stage, the person against whom an allegation has been made should be advised of the nature of the allegation and that an investigation is being carried out.

The person against whom the allegation has been made should be advised of support available to them through a suitable member of staff or pastoral advisor.

Following the report of the investigation, the Registrar, Academic Dean or Chair of the Maryvale Council should follow the Disciplinary Policy which would generally involve establishing a Staff or Student Disciplinary Committee to hear the case; the person against whom the allegation has been made must be invited to the hearing and allowed to be accompanied by a fellow student, member of staff or in certain circumstances an external person such as a member of their family.

## **Training**

Maryvale will provide awareness sessions and training on what constitutes unacceptable and inappropriate behaviour under this policy and how to make or respond to an allegation, and to access appropriate support.

## **Safeguarding**

The Diocese of Birmingham is committed to safeguarding and its policy, which covers Maryvale Institute, describes its approach to safeguarding children, young people and adults at risk. Allegations of abuse are always reported to the statutory agencies in accordance with national procedures to ensure that they are dealt with.

This policy is complementary to the Institute's Harassment and Sexual Misconduct which relates to adults of capacity, noting that the Institute does not admit students below the age of 18.

All Maryvale staff are expected to undertake training in relation to Safeguarding, training that is also relevant to understanding responsibilities in relation to disclosures in relation to harassment and sexual misconduct.

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