

Sexual Harassment, Sexual Misconduct and Sexual Violence

This policy applies to all members of the College community and relates to sexual misconduct perpetrated by:

- a student against a student or a member of staff;
- a member of staff against a student or a member of staff;
- a student or staff member against a third party.

Laine Theatre Arts is committed to ensuring a working and learning environment free from sexual harassment, sexual misconduct and sexual violence so all members of the College community can enjoy the right to study, live, work and be respected for the contribution they make.

The College will listen to and take seriously all disclosures of sexual harassment and sexual misconduct.

Responsibilities

Leaders and Line Managers

Senior Leadership and Heads of Departments/Divisions, and all other leaders and managers have a duty to familiarise themselves with this policy, and to make every effort to ensure that Sexual Misconduct does not occur, particularly in the areas of work for which they are responsible.

Members of Staff and the Student Community

Staff are required to respect the age, beliefs, convictions, and sexual orientation 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 and all students have a responsibility to ensure colleagues, clients, students, and visitors are treated with dignity and respect. It is the responsibility of all to ensure the College is a safe place for teaching and learning at all times.

Policy

1 Policy statement

Laine Theatre Arts is committed to ensuring a working and learning environment free from sexual harassment, sexual misconduct and sexual violence so all members of the College community can enjoy the right to study, live, work and be respected for the contribution they make.

Sexual misconduct and violence can be experienced by any individual, regardless of sex, gender, sexual orientation, relationship status, age, disability, faith, ethnicity, nationality and economic status. Women, members of the LGBTQ+ community, and individuals with disabilities are disproportionately affected by experiences of sexual violence. Experiences of sexual misconduct and violence may also intersect with other forms of harassment and discrimination.

The College will listen to and take seriously all disclosures of sexual harassment and sexual misconduct.

The College will be introducing disclosing mechanisms in order to understand the nature and extent of sexual harassment, sexual misconduct and sexual assault experienced by members of its community (see definitions in section three. This is so we can direct resources appropriately and evaluate our progress towards eliminating all forms of sexual misconduct across the College.

The College will ensure relevant staff are trained to appropriately identify and to respond to disclosures of sexual harassment and sexual assault.

All individuals are personally liable for their actions, which in some instances could lead to criminal or civil action in the Courts under the Protection from Harassment Act 1997, the Equality Act 2010 or other relevant legislation, such as the Crime and Disorder Act 1998.

The College will take swift necessary action in response to allegations made against students or staff in line with the procedures below. Where necessary, the College will conduct confidential investigations into allegations of sexual misconduct.

Disciplinary action will be taken if allegations of sexual harassment or sexual misconduct are upheld following a formal complaint. These will be carried out in line with our staff disciplinary policies and the Student complaints policy and procedure under peer-on-peer abuse. The consequences arising from a complaint being upheld can be up to and including the termination of training or the termination of contract for staff.

2 Scope of policy

This policy applies to all members of the College community and relates to sexual misconduct perpetrated by:

- a student against a student or a member of staff;
- a member of staff against a student or a member of staff;
- a student or staff member against a third party.

It applies to sexual misconduct that may take place outside of the College premises or hours, e.g. social events, trips abroad or on social media.

Sexual misconduct is not necessarily confined to the behaviour of senior staff towards more junior staff or staff towards students. It can take place between persons at the same level or involve staff or students behaving inappropriately towards more senior members of the College.

3 Definitions

For the purposes of this Policy, the following definitions apply:

Sexual misconduct is an umbrella term and can include harassment and bullying.

Harassment is unwelcome behaviour which violates an individual's dignity and/or creates an intimidating, hostile, degrading, humiliating or offensive environment. Harassment may be physical, written, verbal, non-verbal, online or via social media. It can be intentional or unintentional.

Bullying is offensive, intimidating, malicious or insulting behaviour, which may include an abuse or misuse of power, through means that threaten, undermine, humiliate, denigrate, take advantage of, or injure the recipient. Causing offence may be a deliberate act or it may not be. It is the impact on the individual which is the key consideration.

Unlike bullying, harassment is legally defined in the UK and included as a form of discrimination in the Equality Act (2010).

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. This may include rape, sexual assault, sexual exploitation or groping. It also covers behaviours such as grooming, coercion, the promise of a reward for sexual access and sexual demands or threats. It often arises where there is an imbalance of power in a relationship and it violates the principle that the parties involved have given willing consent to the behaviours.

Harassment, bullying and sexual misconduct might be a series of different behaviours, repeated forms of the same unwanted behaviour or a one-off incident.

The following non-exhaustive list gives examples of behaviour that may also constitute harassment or bullying:

- offensive or inappropriate comments, body language, jokes, innuendos or gestures
- openly hostile, insulting, abusive or embarrassing comments or criticism
- persistently demeaning, ridiculing, excluding or isolating someone
- threats to disclose, or disclosing, private or personal information, including photographs
- comments, notes, publications or posts on social media that are derisory, disparaging, abusive, offensive or intimidating
- knowingly addressing or referring to someone using a pronoun (for example, he or she) with which an individual does not identify

Examples of sexual misconduct include:

- sexually explicit remarks, innuendos or banter
- sexual insults, jokes, teasing or songs
- wolf whistling, cat calling or making other offensive sexual noises

- offensive comments about someone’s dress, appearance or private life, including their sexuality or gender identity
- unwanted or inappropriate physical contact including touching, pinching, groping or smacking
- unwanted requests to engage in or discuss sexual activity
- lifting or removing clothing without consent
- display or distribution of sexually explicit material
- stalking

Stalking is persistent and unwanted conduct of one or more kinds of behaviours described above. It can be physical or psychological and take place directly against a person, or by approaching a third party about a person. The more common examples of stalking are following a person home, following a person around, between or to/from campus, sending or leaving them unwanted and repeated messages, bullying them on social media or making intrusive or unwanted visits.

Interpersonal relationships between individuals can also be abusive without a sexual element to the behaviour. They may involve bullying or coercive behaviours which are used to maintain power or control. While this might include sexual abuse and/or bullying, it can also include emotional, financial or physical abuse, threats, isolation or intimidation.

By definition, some of the behaviours set out would necessitate physical contact or for the parties to be physically proximate. Many, however, may also manifest themselves in virtual, online, social media or other remote forms of communication. The medium does not mitigate the impact or excuse the behaviour.

Reporting Party is the individual who has experienced the sexual harassment, misconduct or violence.

Responding Party is the individual who allegedly perpetrated the sexual harassment, misconduct or violence.

Staff: any person who is engaged by the College as an employee or worker.

Students: All full-time and part-time students, students studying on or off campus or online, whether they are currently enrolled in subjects or deferred from their studies. It does not include Laine Theatre Arts graduates or individuals who are not currently admitted as students.

Third party: someone who is not a part of the College community, i.e. not a staff member or a student.

A **disclosure** is where someone tells you or someone else about their experience but may not choose to make a report.

A **report** is a written complaint made to the College by the Reporting Party, to be followed up with potential action against the Responding Party.

4 Responsibilities

4.1 Leaders and line managers

Senior Leadership, Heads of Departments/Divisions, and all other leaders and managers have a duty to familiarise themselves with this policy, and to make every effort to ensure that sexual misconduct does not occur, particularly in the areas of work for which they are responsible.

Line managers are expected to undertake their role in line with and be role models of the Laine Theatre Arts Values and Behaviours. The College's values are at the very centre of our work and guide our behaviour as a community, across all levels of the College. This policy aims to protect and promote our Values of Respect, Collaboration, Excellence, Integrity, and Innovation.

Sexual misconduct can be hard for leaders and managers to recognise, particularly as it may not be obvious to them or other colleagues what is happening. The individual being subjected to inappropriate behaviours may be too frightened to report it. The inappropriate behaviours may be done in a subtle way or the individual may even think it is part of the 'culture' of the workplace and just normalise what they are being subjected to. If the individual is unwilling or too frightened to act there may be other ways to address the issue and this should be discussed with HR.

4.2 Members of staff and the student community

Staff are required to respect the age, beliefs, convictions and sexual orientation 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 and all students have a responsibility to ensure colleagues, clients, students, and visitors are treated with dignity and respect.

Review:

This policy will be reviewed annually to ensure its effectiveness, compliance with applicable laws, and alignment with the evolving needs of the Laine Theatre Arts community.

Adherence to this Sexual Harassment Policy is essential in maintaining a healthy, safe, and inclusive environment at Laine Theatre Arts. Any violations will be addressed promptly and appropriately, with the aim of protecting the rights and well-being of all individuals associated with the Company.

12/07/23

Review date: 12/07/24 via Senior Management Committee.