

## **Peer on Peer Sexual Harassment, Sexual Abuse and Sexually Harmful Behaviours**

### **1. Policy Statement**

- 1.1. The College is committed to promoting and maintaining acceptable standards of behaviour and conduct by all users of the College in order to ensure no-one is subjected to harassment or abuse of any sort.
- 1.2. Incidents of sexual harassment or abuse will be dealt with in accordance with the College's disciplinary regulations and will refer to external authorities/Police should the situation dictate.

### **2. Aims**

- 2.1. The aim of the policy is to set out the expectations of behaviours to avoid such issues.
- 2.2. The College is committed to encouraging understanding and demonstration of appropriate behaviours and values within the student cohort.
- 2.3. The policy will clarify the response, should an individual or group be responsible for sexual harassment or sexual abuse.

### **3. Definitions of consent**

- 3.1. Consent is defined by section 74 Sexual Offences Act 2003 –  
Someone consents to vaginal, anal or oral penetration only if s/he agrees by choice to that penetration and has the freedom and capacity to make that choice.
- 3.2. Consent is an essential part of healthy relationships. Consent means that you have given permission, and that someone has given you permission to engage in any intimate activity for sex. Any sexual contact without consent is illegal regardless of the age of the people involved. In the UK, the age of consent for sexual activity is 16. The College encourages students to understand what constitutes a healthy relationship. The College believes it to be one which shows respect and care towards each other's wishes and feelings and one in which an honesty exists that enables discussion on how each person wishes to be treated.

### **4. Definitions of sexual offences**

#### **4.1. Sexual Misconduct**

Sexual misconduct relates to all 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)

- (i) Unwanted conduct which creates an intimidating, hostile, degrading, humiliating or offensive environment (as defined by the Equality Act 2010)
- (ii) Assault (as defined by the Sexual Offences Act 2003)
- (iii) Rape (as defined by the Sexual Offences Act 2003)
- (iv) Physical unwanted sexual advances (as set out by the Equality and Human Rights Commission: Sexual harassment and the law, 2017)<sup>2</sup>
- (v) 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>
- (vi) 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).

Our definitions include sexual harassment and sexual misconduct through any medium, including, for example, online

#### **4.2. Sexual harassment**

This can be defined as ‘unwanted conduct of a sexual nature’ that can occur online or offline. Sexual harassment is likely to: violate a person’s dignity, and/or make them feel intimidated, degrade or humiliate and/or create a hostile, offensive or sexualized environment. This can include abuse within an intimate relationship. Examples of sexual harassment can include sexual jokes, sexual taunting or remarking on someone’s appearance or clothing.

#### **4.3. Sexual violence**

This guidance refers to sexual violence in the context of peer on peer abuse. Sexual violence covers a spectrum of behaviour. It can refer to offences under the Sexual Offences Act 2003.

##### *Rape*

*(1) A person (A) commits an offence if:*

- (a) he intentionally penetrates the vagina, anus or mouth of another person (B) with his penis,*
- (b) B does not consent to the penetration, and*
- (c) A does not reasonably believe that B consents.*

*(2) Whether a belief is reasonable is to be determined having regard to all the circumstances, including any steps A has taken to ascertain whether B consents.*

##### *Assault by penetration*

*(1) A person (A) commits an offence if:*

- (a) he/she/they intentionally penetrates the vagina or anus of another person (B) with a part of his body or anything else,*
- (b) the penetration is sexual,*
- (c) B does not consent to the penetration, and*
- (d) A does not reasonably believe that B consents.*

*(2) Whether a belief is reasonable is to be determined having regard to all the circumstances, including any steps A has taken to ascertain whether B consents.*

### *Sexual assault*

*(1) A person (A) commits an offence if:*

*(a) he/she/they intentionally touches another person (B),*

*(b) the touching is sexual,*

*(c) B does not consent to the touching, and*

*(d) A does not reasonably believe that B consents.*

*(2) Whether a belief is reasonable is to be determined having regard to all the circumstances, including any steps A has taken to ascertain whether B consents.*

*Sexual Offences Act 2003*

#### **4.4. Upskirting**

This typically involves taking a picture under a person's clothing without them knowing with the intention of viewing their genitals or buttocks to obtain sexual gratification, or cause the victim humiliation or distress. Cases of 'upskirting' have a mandatory requirement for being reported under The Voyeurism (Offences) Act 2019.

#### **4.5. Initiation/hazing type rituals**

This is the practice of rituals, challenges and other activities involving harassment, abuse or humiliation used as a way of initiating a person into a group.

#### **4.6. Sexting/sending nudes/revenge porn**

Sexting/sending nudes is when someone shares sexual, naked or semi-naked images or videos of themselves or others, or sending sexually explicit messages. These can be sent on any device that allows you to share media or messages. This is also known as youth produced sexual imagery. It is a crime to take, make, permit to take, distribute, show, possess, possess with intent to distribute, or to advertise indecent images of any person below the age of 18, under The Crime and Justice Act 1988 and The Protection of Children Act, 1978.

#### **5. Responding to a report of peer on peer sexual harassment or sexual abuse**

All victims will be reassured and taken seriously. How the College responds to a report can encourage or undermine the confidence of future victims to come forward. Staff should challenge inappropriate behaviours and not tolerate sexual harassment as "banter" as this normalises sexually harmful behaviour. All reports of sexual harassment or sexual abuse will be dealt with in line with the College's safeguarding procedure.

#### **6. Implementation**

The policy will be implemented in accordance with the College's procedures and guidelines and through the following –

- Effective and timely induction and tutorial programmes for all students.
- The College Charter, circulated annually, that includes a code of conduct highlighting expectations of students.
- Staff training and support around student management.
- Review of associated policies and procedures in line with the College quality cycle.
- Involvement of external bodies to support knowledge and understanding of this area, for example Brook, NSPCC and the Lincolnshire and East Riding Multi Agency Safeguarding Hubs.

## **7. Method of Monitoring**

7.1. Safeguarding Committee

7.2. **Authorship:** Deputy Designated Safeguarding Lead Riseholme

7.3. **Date: January 2024**

7.4. **Next Review date January 2025**

7.5. **Reviewing Officers:** Designated Safeguarding Lead