

University Centre Truro and Penwith Sexual Misconduct and Harassment Policy

1. Context

1.1 The University Centre Truro and Penwith (UCTP) is committed to fostering a safe, inclusive, and respectful environment in which all students, staff, and members of the university community can thrive. The university has zero tolerance for sexual harassment, sexual violence, and other forms of sexual misconduct. All allegations will be taken seriously and handled with sensitivity and fairness. This policy sets out our approach to preventing sexual harassment and misconduct, supporting those affected, and responding appropriately to all reported incidents.

1.2 The Office for Students' Condition E6 requires that higher education providers ensure students experience a supportive environment that promotes their mental health and well-being, and that systems are in place to respond to reports of harassment and sexual misconduct.

To comply with E6 UCTP must:

- Take all reasonable steps to prevent and respond to sexual misconduct
- Have clear policies and procedures in place
- Ensure appropriate support mechanisms are accessible to students
- Train staff appropriately
- Monitor and review the effectiveness of measures

2. Scope

2.1 This policy applies to:

- All UCTP students (part-time, and full-time)
- All staff, contractors, and volunteers
- Visitors and third parties on university premises or participating in university activities

2.2 This will include conduct which occurs on University Centre property and/or at a location where the student is representing the University Centre or as part of their study arranged by the University Centre.

2.3 This policy is in line with relevant legislation such as (but not limited to):

- Equality Act 2010
- Sexual Offences Act 2003
- Protection from Harassment Act 1997

2.4 This policy does not preclude individuals from seeking recourse through criminal or civil proceedings.

2.5 Relationship with other policies:

2.5.1 this policy will be used in line with our existing policies including (but not limited to) the Bullying and Harassment policy and our Freedom of Speech policy. Although the Sexual Misconduct Policy and Harassment policy will take precedence over the Freedom of Speech Policy.

2.5.2 This policy will also operate in line with relevant policies provided by our partner institutions. Accusations of sexual misconduct will be investigated using the Student Disciplinary Policy.

2.5.3 Students should be aware that making a malicious or vexatious allegation under this policy may be treated as a disciplinary matter under the student Code of Conduct and Student Disciplinary Policy.

2.6 It should be noted that incidents of harassment, bullying, discrimination and sexual misconduct are not limited to incidents taking place in person. The policy includes incidents taking place through any medium, including online, by email and/or any form of social media.

3. Definitions

3.1 Harassment is unwanted conduct related to a relevant protected characteristic which has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment as defined by the Equality Act 2010. This includes harassment by association or perception.

3.2 Sexual harassment includes:

- Unwanted conduct of a sexual nature that violates a person's dignity or creates an intimidating, hostile, degrading, humiliating, or offensive environment.
- This may include unwelcome sexual advances, inappropriate touching, suggestive comments, jokes, or messages.

3.3 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) Equality Act 2010.
- Assault as defined by the Sexual Offences Act 2003.

- Rape as defined by the Sexual Offences Act 2003. Physical unwanted sexual advances as set out by the Equality and Human Rights Commission: Sexual harassment and the law, 2017.
- 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.
- 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.

3.4 Victimisation occurs when a person is treated less favourably because they have asserted their rights to raise a complaint under this policy. This also applies to those who have acted as witnesses or supporters of individuals who have complained of harassment, bullying and/or sexual misconduct.

4. Training

UCTP will:

- Provide staff training on how to respond to disclosures
- Provide training to all students regarding Sexual Misconduct and Harassment, and the use of this policy as a single source of information.
- Monitor and review the effectiveness of this training annually, incorporating feedback from students.

5. Reporting and Disclosures

Students and staff can report incidents via:

- 5.1 Our Sexual Misconduct/Harassment Reporting Microsoft form (with an anonymous option).
- 5.2 Emailing hestudentsupport@truro-penwith.ac.uk
- 5.3 Alternatively, students may choose to make a disclosure of sexual misconduct to any member of UCTP staff. A staff member receiving a disclosure of sexual misconduct affecting a student must refer the disclosure to the HE student support team.
- 5.4 Where the University is made aware of an allegation made by a student, a member of our student support team will be appointed to support the affected individual and to ensure that the individual understands the options available to them in terms of disclosing the allegation to the police and/or for investigation under the UCTP policy.
- 5.5 Disclosures will be treated with sensitivity and confidentiality. The university will provide:
 - A clear explanation of options (informal resolution, formal complaint, reporting to police)

- Access to specialist support services (internal or external)

6. Handling information: data and confidentiality

6.1 Ensuring confidentiality is a key principle in creating a culture where those affected feel safe to make a disclosure.

6.2. The University will take all reasonable steps to protect the confidentiality and privacy of those who make a disclosure falling within the scope of this policy. However, there may be circumstances where the University is required to share information with other agencies in order to protect an individual at risk.

6.3. The University may be required to break confidentiality and share information internally or with external agencies if:

6.3.1. the person is a child or young person under 18 who has experienced, or is at risk of, significant harm; or

6.3.2. information is provided about a child or young person under 18 who has experienced, or is at risk of, significant harm; or

6.3.3. that person is a vulnerable adult who has experienced, or is at risk of, significant harm; or

6.3.4. information is provided about a person who may be a vulnerable adult who has experienced, or is at risk of, significant harm; or

6.3.5. it is believed that there is a risk of significant harm occurring to any individual; or

6.3.6. it is believed that there is a risk to the public; or

6.3.7. the disclosure is otherwise required by or in accordance with the University's duties and obligations under data protection law.

6.4. There may also be circumstances where the University needs to share certain information internally in accordance with its Data Protection Policy. This could include (but is not limited to):

6.4.1. preventing or detecting criminal behaviour or misconduct;

6.4.2. ensuring appropriate information about support services is passed on;

6.4.3. data collection;

6.4.4. seeking advice from other University departments;

6.4.5. protecting others.

6.5. Records of any disclosures made under this policy and any subsequent investigation and/or action will be held in accordance with the University's duties and obligations under data protection law.

6.6 The University Centre will maintain annual statistics on disclosed incidents of sexual misconduct, bullying, harassment and/or discrimination for the purposes of education, training and any reporting (internal and external) or publication that may be required. The statistics will not include any identifying information.

7. Response and Investigations

7.1 Investigations will follow the University Centre's policies and procedures and will be clearly separated from any police investigation, though may run concurrently.

7.2 The University has a zero-tolerance approach to all forms of sexual misconduct.

7.3 We recognise that it is a serious problem that has a significant impact on the individual, their families and friends, their wider communities and our society.

7.4. People who experience sexual misconduct often experience trauma that can have significant long-lasting physical, emotional and psychological impact on those who have experienced it. However, not all people who experience sexual misconduct react in the same way to their experiences and, as such, their individual needs may vary considerably.

7.5. Anyone can experience sexual misconduct. However, some individuals may have increased vulnerabilities based on specific factors, such as gender, age, sexual orientation, race, language and physical or mental ability. They may then go on to experience barriers to disclosing, reporting and seeking support. The University is committed to breaking down those barriers and providing support, understanding and compassion where disclosures of alleged sexual misconduct are made e.g. by providing easy to use channels for making disclosures and developing our support for students who do so.

7.6 The University Centre recognises its responsibilities for assessing risk factors and putting measures in place to minimise the risk of incidents of sexual misconduct affecting its students.

7.7 The University Centre is committed to working towards preventing sexual misconduct from occurring within its community.

- The University Centre will seek to maintain an environment in which sexual misconduct is unacceptable.
- The University Centre will ensure that its zero-tolerance approach to sexual misconduct is clearly communicated to all students and staff e.g. during inductions.
- Staff training to prepare them for dealing with disclosures.
- Student training to ensure adequate understanding of what constitutes sexual misconduct and our policy.
- The University Centre is committed to ongoing education, raising awareness and supporting prevention initiatives to combat sexual misconduct from occurring within its community within the tutorial programme.
- The University Centre's approach will include student involvement and feedback on our policy and our training.

7.8 Investigation process

7.8.1 Any allegation of sexual misconduct against a student falling within the scope of this policy will be referred for investigation under the University Centre's Student Disciplinary Procedure. Those who have been found to have committed an act of sexual misconduct may be subject to sanction, including expulsion.

7.8.2 Where disclosures are made which fall within the scope of this policy, they will be dealt with in a timely manner. Where it may be necessary for matters to be referred to the University's Student Disciplinary Procedure, the timescales set out therein will apply as far as it is reasonable and possible to do so.

7.8.3 Where an incident of sexual misconduct falling within the scope of this policy is reported to the police, the University Centre will liaise with the police as necessary to support its investigation. The University Centre will not take any action that may prejudice or otherwise interfere with the criminal investigation process in any way.

7.8.4 Save for any necessary precautionary and/or immediate action, the University Centre may defer the conclusion of its own investigation under the Student Disciplinary Procedure until the criminal process is at an end.

7.8.5 Any allegation of sexual misconduct against a member of the University's staff will be referred for investigation under the Staff Disciplinary Policy and Procedure.

7.8.6 Appeals will also be subject to the procedure outlined in our Student/Staff Disciplinary Policy.

8. Support for Students

8.1 Students who disclose having experienced sexual misconduct will be provided with appropriate support.

8.2. The first point of contact for students will be the University Centre's reporting Microsoft form or by emailing hestudentsupport@truro-penwith.ac.uk

8.3 Where the University Centre is made aware of an allegation made by a student, a member of our student support team will be appointed to support the affected individual and to ensure that the individual understands the options available to them in terms of disclosing the allegation to the police and/or for investigation under the University's policy.

8.4 Support is available to any student affected by sexual misconduct or harassment regardless of when or where it occurred. This includes:

- Counselling and signposting to mental health services
- Academic adjustments

8.5 Students who disclose having experienced sexual misconduct have the right to determine what and how much they choose to share about their experience. The University will not pressure any individual to make a formal disclosure if they do not wish to do so.

8.6 Students facing allegations falling within the scope of this Policy will be provided with a named staff member who they can contact for support. Support is also available from the HE student support team.

9. Staff and student relationships

9.1 We are committed to protecting students from any actual or potential conflict of interest and/or abuse of power that may arise from intimate personal relationships with staff.

9.2 Our policy bans personal relationships between staff and students, except for pre-existing relationships which must be declared to the Human Resources Department (HR) so any conflicts of interest can be managed.

9.3 Management of these relationships is to prevent detrimental or favourable treatment to the student and can include measures including, but not limited to;

- Alternative timetables
- Adjustments to assessments and marking procedures
- Ensuring relevant staff are involved/not involved in decisions such as extensions on deadlines

10. Non-Disclosure Agreements

The University Centre will not use non-disclosure agreements (NDAs) in relation to complaints of sexual harassment, abuse, misconduct, or other forms of harassment and bullying. Since September 2024 the [Office for Students](#) has prohibited universities from using NDAs in relation to student allegations of harassment and sexual misconduct.

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