

4.0. Academic Regulations

4.10. Bullying, Harassment & Sexual Misconduct Policy

Version Number 9

Reviewed by Head of Student Support Services



WIC[®]

Waltham International
College

Version Control Statement

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1	14/12/2017		New Policy	Academic Manager	December 2018
2	17/12/2018	Aligned policy to the new structure	Annual Review	Director of Studies HE	December 2019
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External Reference Points

This policy is developed based on the:

- Equality Act 2010
- Protection from Harassment Act 1997

Internal References

- Fitness to Practice Policy
- Fitness to Study Policy
- Complaints Policy
- Appeals Policy
- Non-Academic Misconduct Policy
- Privacy Policy
- Freedom of Speech Policy
- Academic Freedom Policy

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Bullying, Harassment & Sexual Misconduct Policy

1. Introduction

- 1.1. Waltham International College is dedicated to fostering an inclusive and respectful environment for both students and staff. Our goal is to cultivate a working and learning atmosphere free of any form of harassment, including misconduct, bullying and unjust discrimination.
- 1.2. Bullying or any forms of harassment or misconduct are not tolerated within the college or by its community.
- 1.3. The Bullying, Harassment and Sexual Misconduct Policy is committed to minimise the occurrence of harassment and ensuring that in cases where harassment or bullying (including sexual misconduct), appropriate procedures are promptly accessible to address the issue without the threat of ridicule or retaliation.
- 1.4. The College is dedicated to nurturing a supportive, secure, and positive environment that enhances students' learning and enriches their college journey. Any form of bullying, harassment or sexual misconduct is unacceptable within the College community. In the event of such occurrences, students are urged to voice their grievances in the secure knowledge that incidents will be taken seriously and dealt with sensitively.
- 1.5. The College is not directly responsible for bullying, harassment or sexual misconduct that takes place outside the learning environment and off-college premises. However, should such external activities impact an individual's safety, appropriate measures will be taken. Students, staff and guests can find a safe space within the campus and seek support or assistance from specific teams.

2. Definition and Examples of Bullying, Harassment and Sexual Misconduct

Bullying

- 2.1. Bullying is considered to be the “**repetitive, intentional hurting** of one person or group by another person or group, where the relationship involves an **imbalance of power**. Bullying can be physical, verbal or psychological. It can happen face-to-face or online” ([Anti-Bullying Alliance](#))
- 2.2. Bullying may happen in public or in private.

- 2.3. It may arise from the personal style of the bully, and attacks may be irrational, unpredictable, and unfair
- 2.4. The result of bullying is often the undermining of a person(s)'s confidence and their self-esteem/self-worth becoming weakened or destroyed.
- 2.5. Bullying may be characterised as offensive, intimidating, malicious or insulting behaviour, through means intended to undermine, humiliate, denigrate or injure the recipient.
- 2.6. Examples of bullying could be:
- abuse or misuse of power or authority
 - verbal, written and/or physical intimidation e.g., threats, derisory remarks
 - persistent unjustified criticism
 - public humiliation
 - the setting of impossible deadlines or intolerable workload burdens
 - having responsibilities or decision-making powers withdrawn without good reason or explanation
 - unwarranted exclusions
- 2.7. Vigorous speech and comment, academic debate and legitimate management of the performance or behaviour of students can be distinguished from bullying behaviour. However, care should be taken to ensure that students are not made to feel intimidated.

Harassment

- 2.8. The standard definition for 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 ... protected characteristics”*
- 2.9. In addition, Section 1 of the Protection from Harassment Act 1997 defines harassment as:
- "A course of conduct occurring on at least two occasions that harasses one other person, or a course of conduct that harasses two or more persons at least once each. References to harassing a person include alarming the person or causing the person distress."*

- 2.10. Harassment encompasses unwelcome behaviour that undermine the dignity of those experiencing them. In accordance with this Policy, harassment is unacceptable behaviour, which can range from violence and bullying to more subtle behaviour such as persistently ignoring an individual. It can expose individuals to unwelcome attention, intimidation, humiliation, ridicule, offense, or invasion of privacy, all of which are undesired by the affected party or parties.
- 2.11. An individual might experience harassment either through association, even if the behaviour is not directly aimed at them, or when they are targeted based on a perceived protected characteristic rather than possessing it.
- 2.12. The protected characteristics are:
- Age
 - disability (physical or mental)
 - gender reassignment
 - marriage or civil partnership (in employment only)
 - race
 - religion or belief (including lack of belief)
 - sex
 - sexual orientation

Please refer to Appendix 1 for further details of these forms of harassment.

Sexual Misconduct

- 2.13. Sexual Misconduct relates to all **unwanted conduct** of a sexual nature and ranges from pinching, embracing, groping and kissing, to rape and serious sexual assault which involves penetration **without consent**. 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.

2.14. Consent

- 2.14.1. A person consents to a sexual interaction taking place if they agree by choice and have the freedom and capacity to make that choice.
- 2.14.2. Consent cannot be assumed on the basis of a previous sexual experience or previously given consent, and it may be withdrawn at any time. Consent must be enthusiastic, ongoing, and clearly communicated.
- 2.14.3. **Sex with someone who doesn't consent is rape**, and a very serious crime under UK law. It does not make a difference whether the people know each other or not, or what relationship they have.

Please refer to Appendix 2 for further details of these forms of sexual misconduct.

3. Principles

- 3.1. Bullying or any forms of harassment or misconduct are not tolerated within the college or by its community.
- 3.2. The victim is to be supported and protected in confidence in all cases, with the provision of a "safe space" where appropriate.
- 3.3. The college's objective is to integrate inclusivity into its operations and ethos to enhance the student experience and establish itself as a preferred employer. To achieve this, Waltham International College will:
- offer training and educational programs for both staff and students to recognise and address incidents of bullying and harassment.
 - take necessary steps upon receiving reports of bullying or harassment, including formal investigations and disciplinary measures when warranted.
 - provide support services for individuals impacted by bullying or harassment, offering one-on-one talking sessions and directing them to appropriate external resources.
- 3.4. The College requires all WIC members to adhere to the guidelines outlined in this policy and the overarching [Equality, and Diversity Policy](#).
- 3.5. All members of the college community, including staff and students, bear a collective responsibility to take necessary measures to prevent any instances of harassment. Moreover, it is imperative to provide encouragement and support to individuals seeking to voice legitimate complaints.
- 3.6. Any allegations that are identified to be a malicious or vexatious will be noted and the individual may be considered within the scope of the Student Disciplinary policy or Staff Grievance policy.

4. Staff and Student Procedures

Addressing Bullying and Harassment

- 4.1. The college advocates for proactive measures from its staff, students, and visitors to address harassment, as outlined in the following guidelines. Individuals will not face discrimination or any form of disadvantage for reporting or endorsing an allegation made in good faith.
- 4.2. Any individual who has witnessed or experienced bullying or harassment in any form can take the following steps:

Informal Procedures

4.3. Early Intervention

- 4.3.1. Early intervention, while not mandatory, can often pave the way for resolving issues by fostering open and constructive dialogue. Such conversations provide a platform for individuals affected by bullying or harassment to articulate the impact of hurtful behaviour and offer the alleged perpetrator insight into the repercussions of their actions.
- 4.3.2. Should a member of WIC's community have experienced or witnessed bullying or harassment; they may opt to take the following actions:
- **Anyone** may initiate a discussion with the alleged bully or harasser to address their concerns, where this is appropriate;
 - **Students** who do not feel comfortable approaching the bully, may ask for support from Student Representative, Programme Leader or subject tutor/lecturer, if this is not deemed suitable, the Student Support Team is available for support.
 - **Staff** may initiate a discussion with their own, or alleged bully or harasser's line manager to facilitate a constructive dialogue aimed at resolving the situation;
 - **Staff** who do not feel at ease approaching their direct supervisor may seek assistance from the HR team;

4.4. Mediation

- 4.4.1. Mediation is an informal and voluntary process in which a neutral third party is designated to facilitate the resolution of disputes among the involved parties. The process promotes open communication regarding emotions and incidents, empowering individuals to address conflicts directly and establish resolutions.
- 4.4.2. Staff referrals for mediation should be made to HR, who will source a mediator.

4.4.3. Students who may wish to consider mediation as way forward should contact Student Support Services.

Addressing Sexual Misconduct

4.5. Sexual misconduct is not tolerated under any circumstances.

4.6. Anyone making a disclosure relating to sexual misconduct will be treated with sensitivity, and confidentiality will be maintained subject to the effective administration of any investigations and/or reporting to the police.

4.7. WIC assures all individuals that there will be no threat of retaliation following a report made in good faith.

4.8. Anyone making a disclosure will be provided a physical safe space within the college and any other (internal or external) support as required.

4.9. Individuals found to have committed an act of misconduct may be subject to relevant sanction including reporting to the police. This includes sharing relevant details with the awarding institution.

4.10. WIC recognises that students who disclose having experienced sexual misconduct have the right to determine what and how much they choose to share about their experience. WIC will not pressure any individual to make a formal disclosure if they do not wish to do so.

4.11. However, where a formal disclosure is made, it will be considered and progressed within the scope of a formal investigation within the current Complaints policy.

5. Formal Procedures

5.1. Reporting

5.1.1. If informal measures prove ineffective in addressing the matter sufficiently, especially in cases of severe harassment, it is recommended to file a formal complaint regarding the harassment to complaints@wic.ac.uk

5.1.2. Formal allegations of bullying and harassment should be submitted in writing and encompass the following details which will be captured securely as referenced by WICs Privacy Policy:

- complainant's personal details
- a comprehensive overview of the allegation (including specific dates, times, and locations);
- information regarding the alleged bully/harasser;
- information about any witnesses; and, where applicable,

- information about any prior informal efforts made to address the matter and their respective outcomes, if appropriate.

5.1.3. Sexual misconduct allegations/disclosures may be received verbally or through an accessible reporting tool, with appropriate action taken within the formal procedures

5.1.4. Students seeking to file a formal complaint against member of staff or students should be referred to the Head of Student Support Services or submit a complaint form to complaints@wic.ac.uk.

5.1.5. On receipt of the complaint the caseload officer will review the details and progress an investigation as appropriate using the current Complaints policy.

5.1.6. As a result of the investigation, parties may be offered appropriate support. In more serious cases of bullying, harassment or sexual misconduct the case and individual may be referred for non-academic misconduct disciplinary proceedings or the Police.

5.1.7. Staff members are encouraged to follow established guidelines when addressing complaints or grievances, whether concerning colleagues or students. Formal staff complaints should be submitted according to the designated staff grievance procedure, prompting a thorough investigation into the complaints.

5.2. Outcomes

5.2.1. Following the conclusion of any investigation, and on the balance of probability, the case may result in any of the following outcomes and/or consequences.

5.2.1.1. (Cases may be eligible for review subject to the conditions presented within the Complaints policy).

5.2.2. Outcomes

5.2.2.1. **No case** – This means that, based on the evidence reviewed, there is insufficient basis to support the complaint. No further action will be taken.

5.2.2.2. **Partially up-held** – Some elements of the complaint are supported by the evidence, while others are not. Appropriate actions may be taken to address the upheld aspects.

5.2.2.3. **Fully up-held** – The investigation confirms that the complaint is valid in its entirety. Full remedial or corrective actions will be considered.

5.2.3. Consequences

5.2.3.1. **Mediation** between parties – a facilitated process to help resolve conflict and rebuild working relationships through mutual understanding.

- 5.2.3.2. **Training or development** interventions – targeted learning activities aimed at addressing specific behaviours or gaps in understanding.
- 5.2.3.3. **Referral** to Fitness to study/Non-academic misconduct policies – where concerns arise about a student's wellbeing or conduct, the case may be referred for further review under relevant college policies.
- 5.2.3.4. **Temporary suspension** – a short-term removal from college activities or premises while further action or investigation is considered.
- 5.2.3.5. **Supervised access to college premises/infrastructure** – restricted access to college facilities under supervision, to ensure safety and compliance with agreed conditions.
- 5.2.3.6. **Withdrawal of registration** – Permanent withdrawal from the college register, typically following serious or repeated breaches of conduct.

6. Support

- 6.1. Bullying, harassment and misconduct results in humiliation, isolation, diminished confidence, and significant harm to mental health and overall well-being, impacting individuals both in the short and long term. Within WIC, students and staff who have encountered, observed, or been accused of bullying and harassment can access various support and advisory services.
- 6.2. Appendix 3 presents examples of external and independent support organisations.
- 6.3. Full details of the Act, Ask, Access resources are published on the WIC website
- 6.4. For urgent help or support, members of WIC community are urged to contact Wellbeing@wic.ac.uk

7. Appendix 1- Forms of Harassment

Sexual Harassment

Sexual harassment may be homosexual or heterosexual. It may be defined as any form of unwanted verbal, non-verbal or physical conduct of a sexual nature that creates an intimidating, hostile, degrading, humiliating or offensive environment.

It may include:

- physical contact
- invasion of personal space
- suggestive remarks or sounds
- unwanted comments on dress and appearance
- jokes of a sexual nature
- display of sexually offensive material
- inappropriate downloading of pornographic or sexually exploitive and degrading material by computer
- verbal threats

It is important to remember that sexual harassment can happen to women by men, men by women, and also between members of the same sex. It can also refer to unwanted conduct that is related to the sex of the other person.

Racial Harassment

Racial harassment is any behaviour, deliberate or otherwise about race, colour, nationality - including citizenship, or ethnic or national origins, which is directed at an individual or group and which is found to be offensive or objectionable to recipients and which creates an intimidating, hostile or offensive environment.

Such behaviour may include:

- Derogatory name-calling
- Insults and racist jokes
- Display of racially offensive material and abusive language
- Exclusion from normal workplace/ college conversation or activities
- Unfair allocation of work
- Verbal threats
- Physical attack
- Incitement of others to commit any such acts

Harassment on Grounds of Sexual Orientation

This act of harassment is any behaviour deliberate or otherwise, about sexual orientation. Homophobia is a term used to describe hatred and rejection of gays, lesbians and homosexuals. It may be directed against individuals or groups of people who are, or are thought to be lesbian, gay, bisexual or transgendered and is behaviour which can be defined as unwanted conduct violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment.

Examples may include:

- Offensive jokes
- Ridicule
- Verbal threats
- Derogatory comments
- Intrusive questioning about a person's domestic circumstances
- Innuendo
- Gossip
- Physical attack
- Unfair allocation of work
- Exclusion from class conversation or activities
- Incitement of others to commit any such acts

Harassment on Grounds of Religion Religious

Harassment is any behaviour deliberate or otherwise, about religion, religious belief or other similar philosophical belief and it is behaviour which can be defined as unwanted conduct violating a person's dignity, or creating an intimidating, hostile, degrading humiliating or offensive environment.

Examples can include:

- Offensive jokes
- Ridicule
- Display of offensive material

Political Harassment, or Harassment on the Grounds of Trade Union Membership

Political harassment, or harassment on the grounds of trade union membership, can include:

- Offensive jokes
- Ridicule
- Display of offensive material

Harassment on the Grounds of Disability

Harassment may be based on the fact that a person has a physical or mental impairment, learning difficulty or disfigurement.

This can include:

- Offensive or patronising language
- Offensive or patronising action or behaviour
- Jokes or inappropriate comments
- Questions which offend the individual or group of individuals concerned
- Display of offensive material

Harassment on the Grounds of Age

Ageism can affect anybody regardless of how old they are. Harassment on the grounds of age may include:

- Assumptions regarding the individual's inability to learn
- Offensive remarks
- Exclusion based on age

Harassment on the Grounds of Gender Re-assignment

Harassment on the grounds of gender re-assignment can include:

- Suggestive remarks or sounds
- Unwanted comments on dress and appearance
- Verbal threats

Harassment via social media including email

Online or cyber bullying involves using technology, include texting, instant messaging, and posting on social media and gaming websites. Making or posting offensive remarks and material could constitute bullying and harassment.

The College expects all students and staff to comply with the code of conduct and conditions relating to the use of information technology.

8. Appendix 2 – Sexual Misconduct

Sexual misconduct is any unwanted conduct of a sexual nature which occurred in person or by letter, telephone, text, email or other electronic and/or social media.

It includes, but is not limited to, the following behaviour:

- Pressuring or forcing someone to do something sexual;
- Engaging, or attempting to engage in a sexual act with another individual without consent or is who is too drunk, or too intoxicated, or is asleep/unconscious, to give consent;
- Recording and/or sharing intimate images or recordings of another person without their consent
- Touching inappropriately without their consent or permission
- Kissing without consent;
- Inappropriately showing sexual organs to another person
- Unwanted sexting – sending sexually explicit texts and images to someone without their consent;
- Unwanted sexual attention – for example ‘wolf-whistling’ and making sexualised comments about someone’s body;
- Making unwanted remarks of a sexual nature.
- Arranging or participating in events which may reasonably be assumed to cause degradation and humiliation to those who have experienced sexual violence, for example inappropriately themed social events or initiations
- Repeatedly following another person without good reason
- Conduct of a sexual nature which creates (or could create) an intimidating, hostile, degrading, humiliating, or offensive environment for others including making unwanted remarks of a sexual nature

9. Appendix 3 – Support Organisations

[The Samaritans](#) – general support line for anyone to talk to at any time.

[Police](#) – Practical information about reporting incidents and the police force in your area.

[NHS Sexual Health](#)

[Survivors UK](#) – national organisation focusing on male rape and sexual abuse.

[Citizens Advice](#) – Citizens Advice has more information about what you can do if you have experienced, or know someone who has experienced, a hate incident or crime.

[Galop](#) – LGBT+ sexual violence support

[Rape Crisis England and Wales](#) – Rape Crisis can help you find a Rape Crisis Centre, get online emotional support, or find information and self-help tools.

[NSPCC Abuse in Education Helpline](#) – Provides victims of abuse with the appropriate support, advice, and onward action, including on contacting professionals or the police if they wish.

[The Havens](#) – The Havens are specialist centre in London for people who have been raped or sexually assaulted.

[Stonewall](#) – Stonewall can help you find LGBT support services and community groups that are local to you.

[TellMama](#) – offers a secure service that allows people from across England to report any form of anti-Muslim abuse.

[The Survivors Trust](#)

[Disability Rights UK](#) – Disability Rights UK has a disabled students' helpline, providing advice to disabled students studying in England. They also campaign to improve disabled people's rights and to tackle hostility, bullying and hate crime.

[Victim Support](#) – Offer free and confidential support to help you move beyond the impact of crime.