



Version Control Statement

ID Number:	FW040	Document Name:	Student_Harassment_and_Sexual_Misconduct_Policy_V1.6.0	
Approving Committee:	Board of Directors			
Last Review:	August 2025		Next Review:	Jun-26 to Aug-26
Owner:	Vice Principal		Review Lead:	Vice Principal
Amendments Since Approval:	Detail of Revision:		Date of Revision:	Revision Approved by:
	Review of policy by management staff to include Sexual Misconduct		September 2021	Academic Board
	Oversight changed from BoD to Ops Team and reporting changed from annual to regular Addition of Procedure for Reporting and Responding to Incidents of Harassment, Sexual Misconduct and Domestic Abuse Addition of examples of sexual misconduct Expansion and rewording of Consent section		August 2025	Board of Directors

Student Harassment and Sexual Misconduct Policy

OVERVIEW

Futureworks values and respects all students and is committed to providing an inclusive and supportive student experience for all.

We aim to foster a culture which supports and encourages all under-represented groups, promotes inclusion and values diversity. Our vision and values are set out in our Equality & Diversity Policy alongside the rights and responsibilities we all have as members of the Futureworks community. It is expected that all members of the Futureworks community, alongside visitors and contractors, will treat each other with respect, courtesy and consideration.

Instances of bullying, harassment, victimisation, sexual misconduct, violence or abuse will not be tolerated, and allegations will be taken seriously, considered carefully and acted upon appropriately. This includes behaviour (both in-person and electronic) which occurs at Futureworks, or whilst participating in any Futureworks-related activity that results in a legal or police investigation, charge or conviction, or which – in the view of the institution – poses a serious risk to one or more members of the Futureworks community.

DEFINITIONS

Under The Equality Act (2010), Futureworks has a legal duty to take proactive steps to tackle victimisation and harassment. Protected groups are defined in the Equality Act as:

- Sex;
- Gender reassignment;
- Marriage or civil partnership;
- Pregnancy or maternity;
- Race (including ethnic or national origin, nationality or colour);
- Disability;
- Sexual orientation;
- Age; and
- Religion and belief.



Futureworks respects all religious and philosophical beliefs, as well as the lack of religion or belief, and the right of all students and staff to discuss and debate these issues freely. In addition to the defined protected groups, Futureworks follows the practice of Greater Manchester Police and includes alternative sub-cultures as a category to be protected. Futureworks recognises alternative sub-cultures as a broad term to define a strong sense of collective identity and a set of group-specific values and tastes. This typically centres on distinctive style, clothing, make up, body art and music preference. Any use of discriminatory language based on these factors will be treated in the same manner as those defined as protected groups.

Harassment

Harassment is unwanted conduct which violates a person's dignity or creates an intimidating, hostile, degrading, humiliating or offensive environment. Harassment includes behaviour that is offensive, frightening or in any way distressing. It may be intentional bullying which is obvious or violent, but it can also be unintentional or subtle and insidious. Harassment may involve repeated forms of unwanted and unwarranted behaviour, but a one-off incident can also amount to harassment, most certainly if the same behaviour continues after an objection has been made. Being under the influence of alcohol, drugs or otherwise intoxicated is not an excuse for harassment and will not be accepted as a defence. Harassment may consist of (but is not limited to):

- Offensive comments, body language, gestures, insults, language, gossip or jokes;
- Insulting, patronising or abusive behaviour or comments;
- Spreading malicious rumours;
- Unwanted physical contact, ranging from an invasion of personal space and/or inappropriate body language or touching to serious assault;
- Sexually explicit remarks or innuendos;
- Display of sexually suggestive, pornographic, racist or otherwise offensive pictures or other material or the transmitting of any such messages or images via electronic mail, mobile telephone or social media;
- Persistent, unwanted isolation or exclusion;
- Persistent unwanted attention;
- Humiliating or demeaning criticism;
- 'Outing' someone;
- Shouting or intimidation;
- Threats (shouting or physical);
- Constant criticism;
- Open hostility; and/or
- Deliberately using the wrong name or pronoun in relation to a transgender person, or persistently referring to their gender identity history.

Harassment can be undertaken in a variety forms, including but not limited to:

- Face to face (verbal or physical);
- Any form of communication, including but not limited to, written communications, social media, the internet and communications via any form of electronic media or mobile communications device;
- Directly to the person concerned or through a third party; and/or
- Through a prevailing workplace or study environment which creates a culture which tolerates harassment or bullying, for example the telling of homophobic or racist jokes.

An individual does not need to belong to a group themselves in order to disclose an incident if they feel someone's behaviour is inappropriate and violates the dignity of that group. For example, someone could disclose that a homophobic remark was used, irrespective of their own sexuality. Harassment can also take place on the basis of perception or association. An individual can disclose an incident if they experience harassment because they are perceived to have a protected characteristic that they do not actually have, or because they are associated with a person with a protected characteristic. For example, an individual



could disclose an incident if they are harassed because their partner has undergone gender reassignment, or because they need to take time out of study to care for an elderly or disabled relative.

It is not the intention of the alleged harasser which determines whether harassment has occurred, but whether it is considered unacceptable to the individual targeted by the behaviour. It may be deliberate or unintentional, and differences of attitude or culture and the misinterpretation of social signals can mean that what is perceived as harassment by one person may not seem so to another.

Sexual Misconduct

Sexual misconduct covers a broad range of inappropriate and unwanted behaviours of a sexual nature. It covers all forms of sexual violence, including sex without consent (rape), sexual abuse (including online and image-based abuse), non-consensual sexual touching (sexual assault), sexual harassment (unwanted behaviour of a sexual nature which violates a person's dignity, makes a person feel intimidated, degraded or humiliated, or creates a hostile and/or offensive environment), stalking, and abusive or degrading remarks of a sexual nature. Sexual misconduct may consist of (but is not limited to):

- Engaging or attempting to engage in a sexual act without consent
- Threatening or abusive behaviour of a sexual nature
- Kissing another person without consent
- Inappropriately showing sexual organs to another person
- Recording and/or sharing intimate images of another person without their consent
- Sending unsolicited messages or images of an explicit nature, often referred to as 'sexting'
- Sharing or threatening to share intimate images of another person with the intent to cause distress, often referred to as 'revenge porn'
- Taking a photograph under another person's clothing without their permission, often referred to as 'upskirting'
- Putting drugs and/or alcohol into someone's drink or body without their knowledge, often referred to as 'spiking'
- Inappropriate comments, jokes, wolf-whistling, banter or name-calling
- Intimidation or promising benefits in return for sexual favours
- Sexual harassment as defined by section 26 (2) of the Equality Act 2010 i.e. conduct of sexual nature, including making unwanted remarks of a sexual nature, which has the purpose or effect of violating a person's dignity or which creates an intimidating, hostile, degrading, humiliating or offensive environment, where it is reasonable in the circumstances for the conduct to have that effect
- Engaging in any event, business or other activity which may cause degradation and humiliation of a sexual nature e.g. social events or initiations
- Unwanted conduct of a sexual nature that is related to gender reassignment or sex, which if rejected by the student, results in them being treated less favourably by a member of Futureworks staff.

Consent

Consent is the agreement to participate in a sexual act where the individual has both the freedom and capacity to make that decision. Consent cannot be assumed on the basis of a previous sexual experience or previously given consent, and it may be withdrawn at any time. For consent to be present, the individual has to be able to freely engage in a sexual act. Consent is not present when submission by an unwilling participant results from exploitation of power, coercion or force, regardless of whether there is verbal or physical resistance. It can be considered in two stages:

- a. Where the individual has the capacity, specifically the age and the understanding to choose whether to take part in the activity at the time. An individual is incapacitated when asleep, unconscious, semiconscious or in any other state of unawareness that the sexual act may be occurring, which may be



the result of alcohol or drugs. Intoxication does not automatically imply lack of capacity, which is a matter of fact to be proven on the evidence provided in each case.

b. Where the individual has the freedom to engage in a sexual act and was not constrained in any way. Consent cannot be assumed based on a lack of verbal or physical resistance, and is not present where there is coercion, force, threat, intimidation or where there is the exploitation of a power imbalance. If the person has both the capacity and freedom to consent, the key question is whether they agreed to the activity by choice.

If the person has both the capacity and freedom to consent, the key question is whether they agreed to the activity by choice.

Other behaviours

The following behaviours are also captured under this Policy:

Coercion is any act or threat of physical or emotional harm which would reasonably place an individual in fear of immediate or future harm, with the result that the individual is compelled to engage in a sexual act.

Complicity is any act that knowingly helps, promotes, or encourages any form of sexual misconduct by another individual.

Retaliation includes any intimidating, threatening or coercive words or actions made in response to a report of sexual misconduct by anyone involved, including witnesses, friends and relatives.

Stalking

Stalking is also considered to be a form of harassment and may be characterised by any of the following repeated and unwanted behaviours:

- Following a person;
- Contacting, or attempting to contact, a person by any means, most certainly after an objection has been raised;
- Publishing any statement or other material relating or purporting to relate to a person, or purporting to originate from a person;
- Monitoring the use by a person of the Internet, e-mail or any other form of electronic communication;
- Loitering in any place (whether public or private);
- Interfering with any property in the possession of a person; and/or
- Watching or spying on a person including through the use of CCTV or electronic surveillance.

Bullying

Bullying may be characterised as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient. Bullying may consist of, but not be limited to:

- Spreading malicious rumours, or insulting someone (particularly on the grounds of age, disability, gender reassignment, race, religion or belief, sex and sexual orientation);
- Ridiculing or demeaning someone – picking on them or setting them up to fail;
- Exclusion or victimisation;
- Unfair treatment; and/or
- Overbearing supervision or other misuse of power or position.



Bullying can be undertaken in a variety of forms, including but not limited to:

- Face to face (verbal or physical);
- Any form of communication, including but not limited to, written communications and communications via any form of electronic media or mobile communications device;
- Directly to the person concerned or through a third party; and/or
- Through a prevailing workplace or study environment which creates a culture which tolerates harassment or bullying, for example the telling of homophobic or racist jokes.

Victimisation

Victimisation is defined as treating a person/group of people less favourably because of action they have taken under or in connection with equality legislation. Victimisation may take the following forms, including but not limited to:

- Excluding someone from social situations following a complaint or rumour; and/or
- Denying someone the opportunity to participate in a project or social event because they are perceived to be a 'troublemaker'.

Hate Crime

Hate crime is committed against someone because of their disability, gender-identity, race, religion or belief, or sexual orientation and is perceived by the victim, or any other person, as being motivated by prejudice or hate. Hate crime may take the following forms, including but not limited to:

- Threatening behaviour;
- Assault;
- Robbery;
- Damage to property;
- Inciting others to commit hate crimes; and/or
- Harassment.

DISCLOSURE

Disclosure means that an individual tells a member of the Futureworks community that they have experienced harassment and/or sexual misconduct. How a reported incident is actioned depends on the specific circumstances, the nature of the disclosure and the individuals involved (e.g. a member of staff, another student, an individual acting on behalf of Futureworks, a member of the public). Students are encouraged to disclose any unacceptable behaviour promptly and should not wait until a situation becomes intolerable, and should make clear (where this is possible) that what they are experiencing is unacceptable to them. Disclosures can be made in person, online and – where necessary – anonymously.

There are various ways in which a report of harassment and/or sexual misconduct may be dealt with depending on the severity of the reported incident; these range from asking an individual to stop, to making a formal police report. In some cases, an apology and assurance that previous behaviour will not be repeated may be all that is needed to resolve a situation. In other cases, it may be that a disciplinary investigation under the Regulations for the Conduct of Students is more appropriate, with the wide range of potential disciplinary outcomes which follow that process. In all cases, Futureworks is committed to supporting students in making any legitimate disclosure. Such instances will be dealt with sensitively, discreetly and as quickly as possible.

- In all cases, students are advised to make written notes of the details of any incidences of harassment or sexual misconduct (where this is possible), including dates, times, locations, others present, and the material details of the incident. Students can disclose an incident to any member of Futureworks staff or by following the Procedure for Reporting and Responding to Incidents of Harassment, Sexual Misconduct and Domestic Abuse



If information is to be kept confidential, this should be made clear to the person to whom a disclosure is made. All parties should understand that, in exceptional circumstances, it may be difficult for confidentiality to be respected, for instance, where a criminal offence has been disclosed. It should also be understood that, in some circumstances, the demand for confidentiality may make it difficult for Futureworks to investigate a disclosure. Consent will always be sought prior to disclosure where possible, except where there is a perceived risk to the individual, others or the Futureworks community.

SUPPORT

Futureworks will support any student who is subject to any form of harassment or sexual misconduct, and will ensure that anyone who discloses an incident is responded to in a safe, supportive and trusting environment, and that their voice is listened to when considering any planned action.

Futureworks will support staff and students to understand what harassment and sexual misconduct are and what consent is (and when it is, and is not, given), and will provide any necessary training to provide a safe and supportive learning environment for its students. We will make clear the means by which an incident can be disclosed and how such instances should be handled in an appropriately sensitive manner.

OVERSIGHT

Oversight of this process is provided by the Operations Team which receives regular reports.