



Bullying, Harassment and Sexual Misconduct Policy

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1. Introduction

- 1.1. Whilst the CAT site is normally considered as a safe and supportive location, the Centre for Alternative Technology (CAT) and its Graduate School of the Environment (GSE) recognises that incidents of bullying and harassment and sexual misconduct may occur within its community and acknowledges the significant increases in disclosure of such issues particularly by students, both nationally and locally. CAT also acknowledges that sexual misconduct can be experienced by any individual regardless of their sex, gender, sexual orientation, relationship status, age, disability, faith, ethnicity, nationality or economic status.
- 1.2. CAT is committed to promoting a culture in which incidents of sexual misconduct will not be tolerated and will be addressed to ensure the preservation of a safe work and study environment, and a culture of zero tolerance.
- 1.3. CAT recognises that all forms of bullying and harassment are unacceptable, and, in certain circumstances, unlawful and consequently operates a policy of zero tolerance towards any form of bullying and harassment.
- 1.4. CAT takes reports of harassment and sexual misconduct very seriously and this policy is intended to provide all parties - survivors, their supporters and those accused of harassment and sexual misconduct - with information about the next steps and support available.

2. Scope

- 2.1. In operating this policy, CAT has an overall intention that there should be fairness and consistency in the treatment of any individual. However, the policy can only be operated in a fair and consistent manner if all parties co-operate and behave responsibly.
- 2.2. Any incidents of bullying or harassment that do occur will be taken seriously and could provide grounds for disciplinary action that may lead to the dismissal of individuals who bully or harass others. They may also be subject to criminal and/or civil proceedings.
- 2.3. As part of their general responsibilities, all CAT staff have a professional as well as legal obligation to remain aware of where bullying and harassment may occur and to act to prevent it or deal with it where it arises. All individuals are personally accountable for their behaviour, actions and/or lack of actions, in cases of complaint of harassment or bullying.
- 2.4. Where this policy relates to all incidents of sexual misconduct. Under this policy, anyone who has experienced sexual violence or other form of sexual misconduct will have equality of access to both internal and external specialist support, regardless of when or where the incident occurred. CAT's consideration of incidents of sexual misconduct are not limited to events that occurred on its premises, accommodation or the immediate vicinity of CAT.
- 2.5. This policy should be read in conjunction with the CAT Safeguarding Policy, Bullying and Harassment Policy, CAT Staff Handbook, Student Complaints Procedure, Fitness to Practise Policy and the Student Code of Behaviour and Disciplinary Procedures.

- 2.6. For the purposes of this policy any student who is also a staff member will be considered as a member of staff.

3. Definitions

3.1. Bullying

- 3.2. Bullying is generally considered to be the abuse of power or position to, for example, threaten, abuse, intimidate, insult, ridicule or criticise; to humiliate and undermine a person so that their confidence and self-esteem is diminished or destroyed. Bullying may happen in public or in private and may range from overt forms, such as shouting, to more subtle forms such as marginalising and ignoring a person. It may arise from the personal style of the bully and attacks may be irrational, unpredictable and unfair.
- 3.3. It should be noted that one person's perception of bullying may be different from another person's, and that bullying can also be manifested upwards in an organisational structure, e.g. from a team member to a manager, or student towards an academic and this is just as unacceptable as the other way round. It can also occur between peers and/or other colleagues, students harassing academics or other members of staff and vice versa, or involve visitors and other users of CAT's premises.

3.4. Harassment

- 3.5. Harassment is unwanted conduct which takes place with the purpose or effect either of violating a person's dignity or of creating an intimidating, hostile, degrading, humiliating or offensive working environment. It may be related to a protected characteristic and may be persistent or an isolated incident.
- 3.6. Harassment often arises from the abuse of a power base and both individuals and groups may be harassed. The harasser does not have to intend to harass. The key is that the actions or comments are viewed as demeaning and unacceptable to the recipient. Whilst the perception of the recipient is very important, the test of reasonableness must also be applied, i.e. that a reasonable person in possession of the same information and in the same circumstances would regard it as harassment. Normally the unwanted/unwelcome behaviour must continue after an objection is made before action will be taken, although a single incident may be serious enough to constitute harassment and trigger action immediately.

3.7. Examples of behaviour which could constitute Bullying or Harassment

- 3.8. Bullying and harassment can range from extremes such as physical violence to less obvious forms such as excluding someone. It can occur in a variety of ways – with or without witnesses, be persistent behaviour over a period of time, or a one-off act. These behaviours may include the following, although this will depend on the perspective of the recipient.
- 3.9. This list is provided for illustrative purposes only and is not intended to be exhaustive:
 - Repeated, persistent and intrusive behaviour causing fear of violence or engenders alarm and distress in the victim.

- Psychological, physical, sexual, financial and/or emotional abuse.
- Physical contact which is unwanted
- Unwelcome remarks about protected characteristics of an individual, offensive language or gestures, posters, graffiti, inappropriate jokes, gossip
- Overbearing supervision or other misuse of power or position
- Isolation, non-cooperation or exclusion of individual/s
- Stalking and obsessive behaviour
- Coercion to engage in sexual activity
- Pressure to participate in political/religious groups
- Inappropriate use of e-mails
- Shouting at / humiliating people
- Setting unreasonable deadlines
- Persistent criticism
- Personal insults.

3.10. Detrimental behaviour because of an association with a protected characteristic

Bullying and harassment may not be based on the fact that a colleague belongs to a particular group, but simply because the individual has been singled out for such treatment or associates with someone of a protected characteristic. For example, this would include claiming someone is gay when they are not or making fun of someone who has a disabled relative. The bullying and harassment may take the following forms, though again this is not intended as an exhaustive list:

- Limiting or withdrawing verbal communication
- Isolating a colleague by unfriendly behaviour
- Behaviour designed to belittle or produce anxiety in a colleague
- Unreasonable scrutiny of work
- Unreasonable criticism of work and adopting double standards in expectations of work performance
- Unreasonable denial of leave and/or special leave requests
- Unreasonable denial of requests for flexible working
- Work or staff social activities that deliberately exclude a colleague
- Jokes or inappropriate humour at the expense of a colleague

3.11. Special care should be taken by individuals to behave appropriately on social networking sites, and not to participate in behaviour that may be construed as harassment or “cyber bullying” (or any other inappropriate behaviour). This includes activities using: SMS, WhatsApp messages or comments / images on external websites, including social networking sites.

3.12. Positive Behaviours – personal responsibilities

All students and staff are responsible for ensuring that their own behaviour is appropriate, and that they comply with this policy. Below are examples of positive behaviours that can help prevent bullying and harassment, such as:

- Be aware of this policy and comply with it
- Set a positive example by treating others with respect and tolerance
- Work collaboratively with each other
- Clear and open communication
- Communicate with people privately, in a professional manner, as soon as a problem occurs.
- Be mindful of body language – e.g. what an individual finds acceptable in terms of personal space
- Take care that jokes, banter, sarcasm are not potentially hurtful to others
- Do not make personal comments, and take care not to make casual remarks which could be insensitive to issues individuals may be facing in private
- Treat any complaint seriously and deal with it promptly and confidentially, giving all those involved full support as appropriate during the entire process
- Do not accept behaviour that may be offensive or prejudicial when directed against you or others, and take positive action to ensure that it is challenged and/or reported
- Try to find the right balance between appearing uninterested and appearing intrusive
- Do not act on assumptions which may make others feel excluded for example consider the diverse needs of individuals when planning events
- Be supportive of colleagues who may be subject to bullying and/or harassment

3.13. Sexual Harassment

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

3.14. The Worker Protection (Amendment of Equality Act 2010) Act 2023 , protects the following people against sexual harassment at work:

- Employees and workers
- Contractors and self-employed people hired to personally do the work
- Job applicants

CAT will take the same duty of care for its students and volunteers as it does for its staff.

3.15. To be sexual harassment, the unwanted behaviour must have either:

- Violated someone's dignity
- Created an intimidating, hostile, degrading, humiliating or offensive environment for someone

3.16. It can be sexual harassment if the behaviour has one of these effects even if it was not intended, or was intended to have one of these effects, even if it did not have that effect.

3.17. Who can experience sexual harassment?

Sexual harassment can happen to men, women and people of any sexual orientation. It can be carried out by anyone of the same sex, another sex or anyone of any sexual orientation.

You could experience sexual harassment from anyone you come into contact with because of your environment, including:

- Someone you work with
- A manager, supervisor or someone else in a position of authority
- A fellow student or member of academic or support staff
- Third parties – for example customers, clients and members of the public

3.18. Examples of sexual harassment

Sexual harassment or misconduct can be a one-off incident or an ongoing pattern of behaviour.

It can happen in person. It can also happen online, for example in meetings, email, social media or messaging tools.

Examples include but is not limited to, the following types of behaviour:

- Engaging or attempting to engage in sexual intercourse or sexual acts with another without consent
- touching someone against their will (including through clothes), for example hugging or kissing them without consent
- Inappropriately showing sexual organs to another person
- Sharing private sexual materials of another person without consent
- Displaying sexually graphic pictures, posters or photos
- Distributing pornographic or sexual images, or other sexual content via the internet or CAT intranet
- Stalking or Cyberstalking
- 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, such as sexual remarks about someone's body, clothing or appearance
- Arranging or participating in events aimed at degrading or humiliating those who have experienced sexual misconduct, for example inappropriately themed social events or initiations
- Asking questions about someone's sex life
- Telling sexually offensive jokes
- Sexual gestures
- Making sexual comments or jokes about someone's sexual orientation or gender reassignment
- What some people might consider as joking, 'banter' or part of their workplace culture can still be sexual harassment.
- An Individual treated less favourably because they submitted to, or rejected unwanted conduct

Sexual harassment is usually directed at an individual, but it's not always the case. Sometimes there can be a culture of behaviour that's not specifically aimed at one person – such as sharing sexual images. Someone could still make a complaint of sexual harassment in this situation.

3.19. 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, or from the absence of complaint, and each new sexual act requires a re-confirmation of consent as the foundation of a healthy and respectful sexual relationship. Consent may be withdrawn at any time

3.20. Reporting Party

The Reporting Party is, for the purpose of this policy, the person(s) who has been the subject of the alleged incident of sexual misconduct.

3.21. Responding Party

The Responding Party is, for the purpose of this policy, the person(s) whose behaviour it is alleged amounted to an incident of sexual misconduct.

3.22. Cases of Assault

Physical and Sexual assault are criminal offences and for your own protection and the safety of others you should report immediately any assault to the police as well as report the matter within CAT. In such cases Human Resources or student support will be able to offer appropriate support and advice.

4. Duty of Care

- 4.1. CAT and the GSE take seriously their duty of care to the wellbeing of members of its community; staff, students and volunteers, and will take steps to prevent sexual harassment happening in the first place.
- 4.2. Anyone who harasses, either sexually, or through bullying, someone at CAT is also responsible for their own actions. Discrimination complaints and employment tribunal claims can be made against individuals as well as employers.
- 4.3. If a member of CAT is a survivor of sexual misconduct, steps will be taken to ensure their safety and facilitate their access to appropriate specialist support, whilst also respecting feelings and decision making. CAT also has a responsibility to encourage and support individuals affected by sexual misconduct to come forward, disclose with confidence and seek help.
- 4.4. If a student, volunteer or staff member is accused of sexual misconduct, steps will be taken to provide access to appropriate support should the individual wish to access it. Disclosure of the allegation will only be made to relevant CAT staff involved in the decision making process.
- 4.5. CAT acknowledges the moral, ethical and legal obligations required to fulfil this duty of care.

4.6. Third-party harassment

Third-party harassment occurs when one a member of CAT staff is subjected to harassment by someone who is not a member of the staff community but who is encountered in connection with work. This includes our customers, suppliers, or members of the public. Third-party harassment of our staff will not be tolerated.

4.6.1. Should staff be subjected to third-party harassment, they are encouraged to report this as soon as possible to your line manager in the first instance.

4.6.2. Should a visitor harass a member of CAT staff, they will be warned that continued provision of our service to them will cease if they are to act in a similar way again. Should their behaviour recur, they will be informed that our service to them will cease. Any criminal acts will be reported to the police.

4.7. Student harassment of staff is covered by the student charter and equally, will not be tolerated.

4.8. Third-party sexual harassment

Where the third party harassment is sexual, this is unlawful and will not be tolerated. As mentioned in section 4.6 ,staff should inform their line manager and any criminal acts will be reported to the police.

5. General Principles

5.1. This Policy applies to:

- All members of staff, volunteers or students, (including whilst working away from CAT)
- All persons working or acting on CATs behalf.

5.2. CAT is committed to providing a safe environment in which the rights and dignity of all members of the CAT community are valued and respected.

5.3. No individual will be victimised for bringing an allegation of personal harassment

5.4. CAT recognises the significant impact that sexual misconduct can have on individuals, and acknowledges the potential detriment to studies and employment, regardless of when the incident occurred.

5.5. CAT strives to maintain equality, diversity and inclusivity within CATs community and will work to sustain a safe environment in which a culture of prevention will be promoted through appropriate education and awareness raising. CATs Equality, Diversity and Inclusivity Working Group will have oversight of this.

5.6. Bullying, harassment and discrimination are disciplinary offences, and such incidents will be dealt with under the CAT and/or GSE disciplinary procedures, at which point this policy will cease to apply and any investigation which has already taken place will be carried forward into the disciplinary procedure

5.7. CAT will actively respond to all reports of sexual misconduct and will respect the rights of the individual disclosing an incident to choose how to take the matter forward. Please note, in the case of a member of staff being the accused, CAT will be required to follow procedures as detailed in the CATs Disciplinary Procedures details of which can be found in the [Staff Employee Handbook](#)).

5.8. All disclosures of sexual misconduct will be treated with confidentiality and sensitivity, and where appropriate will be considered in accordance with the [Student Code of Behaviour and Disciplinary Procedures](#). Where a student makes a formal complaint of sexual misconduct, this will be considered following the

principles of the [Student Complaint Procedure](#), and shown in more detail in [section 9](#) of this document. If following a formal complaint, any investigation determines that there is *prima facie* evidence of sexual misconduct, the responding student will then be subject to disciplinary procedures.

- 5.9. CAT will work to ensure that no person suffers the effects of sexual misconduct alone and will ensure that there is support available within CAT and through external specialist agencies.
- 5.10. CAT will work with local agencies to support its work in this area and develop positive relationships. Further information is available in the [appendices](#).
- 5.11. CAT will also consider the most appropriate course of action in cases involving individuals who are not staff or students. For example, contract work may be suspended or terminated.

6. Responsibilities

- 6.1. The CEO, Trustees, and SMT have responsibility for the delivery of the provisions laid out in this policy.
- 6.2. The co-operation of all CAT staff and students is essential to ensure the success of this policy, and to create and maintain a positive working and learning environment. In general, managers staff and students should be able to discharge their responsibilities under this policy, and the relevant Acts of Parliament, by behaving towards others in a manner which is acceptable by normal standards and is not disadvantageous or prejudicial to others.
- 6.3. For students who are subject to a harassment disclosure, Student Support will support students as detailed in [section 9](#).
- 6.4. The Head of the Graduate School and the Academic Council will maintain responsibility for the Applicant and Student Criminal Convictions Database and relevant policies, Student Complaints Procedure and Student Code of Behaviour and Disciplinary Procedures, and associated guidance notes.
- 6.5. Relevant staff from the above named departments will be responsible for involvement in the formal Sexual Misconduct Review Meeting process (including the associated risk assessment), and others will be invited as appropriate. See [Appendix 4](#) for further details.
- 6.6. All other staff within CAT will be made aware of this policy and offered training appropriate to their job role. Information for the referral of student cases will be provided as a minimum.
- 6.7. Where possible CAT will offer the opportunity to participate in bystander training.
- 6.8. In partnership with Brightsafe, CAT can offer certificated e-learning training to support individuals with awareness of their surroundings and potentially dangerous environments and how to handle violence and aggression. This includes:
 - [Lone Working](#)
 - [Handling violence and aggression](#)
 - [Safeguarding adults awareness](#)
- 6.9. Additional sources of online training can be found below.
 - [Positive Behaviour in the Workplace](#)
 - [Cultural Awareness](#)
 - [Bullying and Harassment](#)

- [Personal Safety & Lone Working](#)

6.9.1. Note that CAT has no responsibility for external training and courses. Some external sites may require registration.

6.10. All staff involved in the process will act with impartiality and discretion at all times.

7. Confidentiality

7.1. Confidentiality will be maintained, where possible, throughout any disclosure of personal or sexual harassment.

7.2. In implementing good practice and complying with legislation all staff and/or students who may be involved as an alleged victim of bullying, discrimination or harassment or as the alleged perpetrator of bullying/harassment will have the right to be accompanied at any meeting under these provisions. All parties must keep all discussions and meetings confidential until the matter has been resolved.

7.3. In recognition of the sensitive nature of sexual misconduct matters, reporting and investigative processes will be kept strictly confidential. The purpose being to protect the confidentiality of the person making the complaint and the reputation of the person being complained about until the matter has been resolved. Everyone involved in the operation of this policy, whether making a complaint or involved in the investigation, is responsible for observing the high level of confidentiality that is required. Details of the investigation and the names of the person making the complaint and the person accused should only be disclosed on a “need to know” basis. Breach of confidentiality may give rise to disciplinary action. As such, information will usually only be shared with relevant individuals/entities (who may be internal or external to CAT e.g. witnesses, external experts or counsellors, or the Police) on a need to know basis.

7.4. However, CAT reserves the right, and may be under obligation, to share information in exceptional circumstances where such disclosure is necessary where the safety of students or staff is at risk or to protect any individual or the wider community from harm or to prevent a crime from taking place.

7.5. Due to the sensitive nature of such complaints, they will be investigated with particular care and will remain, where possible, confidential.

7.6. All individuals involved in any process detailed in connection with this policy, must keep information that is disclosed to them as part of that process confidential. Any unauthorised disclosure of confidential information will be considered a policy violation and will be addressed accordingly. Throughout all proceedings CAT will work in accordance with the Data Protection Act 1998 and the General Data Protection Regulations 2018.

7.7. It should be understood, however, that should the investigation of such a complaint result in the instigation of the disciplinary procedure, those involved will be called to the ensuing hearing to give evidence. Steps will be taken in such cases to provide support for individuals during the hearing.

8. CAT policies and procedures for Allegations of Bullying, Harassment or Discrimination

8.1. Some people feel that incidents perceived by others to be bullying and harassment are trivial and nothing more than a bit of fun, however, CAT regards bullying & harassment as serious and is committed to challenging and eradicating such behaviour. If you feel you are being subjected to bullying or harassment in any form do not feel that it is your fault or that you have to tolerate it. There are practical steps that can be taken by an individual experiencing bullying, harassment and/or discrimination:

- Speak or write to the person concerned asking them to stop the behaviour that is distressing you
- Speak to an Academic or Senior person such as a line manager or designated safeguarding officer at CAT, who will suggest options open to you
- Where you witness bullying, harassment or discriminatory behaviour if you feel able, you should intervene to prevent the matter continuing if not you should offer support to the individual who is being treated badly. You should also consider challenging the offending person since by remaining silent you would simply be encouraging the perpetuation of such behaviour. *You should not take any action that may put you at risk of sexual harassment or other harm.*
- Bring this matter to the attention of CAT Safeguarding Lead / Human Resources at CAT / Head of Graduate School, an academic member of staff
- You may wish to initiate the bullying/harassment procedure.

8.2. Individuals should be aware that if they report an alleged incident of bullying or harassment to either their line manager or an academic staff member, then the person they have reported it to has a duty take the matter seriously and to take appropriate action.

8.3. CAT is committed to dealing with complaints from staff and students in a fair, just, timely and transparent manner.

8.4. Stage 1 - Informal route

8.5. The individual should always try to resolve the matter with the person concerned in the first instance. Alternatively, individuals may want to talk to CAT Safeguarding Lead / Human Resources at CAT / Head of Graduate School, an academic member of staff.

8.6. Individuals are reminded of the benefit of using mediation as a process to resolve difficulties prior to embarking on any formal process. If mediation has been attempted but the matter is not resolved and it is not appropriate to consider the matter via the informal route then the matter should then be considered under the Formal Route.

8.7. While the informal route is being progressed, all complaints of bullying and harassment will be dealt with at a local level, with the support of the relevant academic staff. At this stage the individual concerned may choose not to submit the complaint in writing.

8.8. If it is not possible to resolve the matter informally, individuals should consider making a complaint via the Formal Route.

- 8.9. All complaints will be handled in a sensitive and confidential manner; however, it should be noted that if the person handling the complaint feels that there is an unacceptable risk to the individual concerned, another person or to the institution itself, they have a responsibility to seek further advice from either HR or a member of SMT.
- 8.10. **Stage 2 - Formal Route**
- 8.11. If the matter is not resolved informally, or through mediation, or the informal route is deemed to be inappropriate under the circumstances, then a formal investigation will be held. The individual should submit a formal complaint.
- 8.12. In such cases full and specific grounds for the complaint must be presented in writing to Human Resources or the Head of the Graduate School. Responsibility will be assigned to a senior member of CAT staff to conduct an investigation into the complaint to ascertain whether any action is required. This may take the form of a fact gathering investigatory meeting with the employee or student in question and with any other relevant individuals. Any employee involved in the investigatory stage is expected to co-operate fully and promptly and provide assistance to the Investigating Officer.
- 8.13. The extent of any investigation will depend on the nature of the complaint and will vary from case to case.
- 8.14. The person against whom the allegations are made is entitled to make a reasonable request to be accompanied to investigatory interviews by a companion, who may be either a fellow student or a member of CAT staff. The individual must tell Human Resources or the Head of the Graduate School who their chosen companion is, in good time before the meeting. A companion is not permitted to act in the meeting in a legal capacity. The accompanying person cannot be a professional legal representative who has been employed to act on an individual's behalf nor can they act in the capacity of a legal advisor.
- 8.15. At the investigatory meeting, the companion may make representations and ask questions but should not answer questions on the individual's behalf. The individual may talk privately with the companion at any time during the meeting (by requesting a short adjournment).
- 8.16. Acting as a companion is voluntary and individuals are under no obligation to do so.
- 8.17. Where the individual has made a reasonable request to be accompanied to an investigatory meeting or hearing under this procedure but their chosen companion is unavailable at the time proposed for the meeting or hearing by CAT, the meeting or hearing will be postponed if the individual proposes an alternative time for the hearing which is within five working days of the original meeting or hearing date.
- 8.18. Where the Investigating Officer decides that disciplinary action may be warranted, the matter should proceed under the process set out in the Staff Disciplinary Procedure.
- 8.19. The Investigating Officer may make any other recommendations he/she considers appropriate in the light of his findings when disciplinary action is not warranted.

- 8.20. In circumstances where the balance of probabilities is not satisfied or insufficient evidence has been provided, CAT may decide to take no further action in relation to the allegations.
- 8.21. The employee or student will be informed in writing of the Investigation Officer's decision.
- 8.22. If the individual is not satisfied with the outcome of the investigation their grievance will be heard under the appeal stage of the CAT's Grievance / Complaints Procedure. In such cases the individual must notify, in writing, the Head of the Graduate School or Human Resources, within 5 working of the receipt of the investigation outcome.

9. CAT procedures for Allegations of sexual misconduct

- 9.1. This policy covers behaviour which occurs in the following situations:
- On site at CAT
 - A situation occurring outside of CAT or normal working hours which is related to study or work relating to CAT, for example; a business trip or social functions in WISE
 - Outside of a CAT situation but involving a colleague or other person connected to CAT or the GSE, including on social media
 - Against anyone outside of CAT where the incident is relevant to your suitability to carry out the role or the good standing of CAT and/or the GSE.
- 9.2. CAT may investigate allegations of sexual misconduct against a student or staff member and undertake disciplinary proceedings when it is appropriate to do so. Investigations and/or disciplinary proceedings may be initiated following a formal student complaint or where circumstances provide CAT with the cause to do so.
- 9.2.1. Students who make a complaint of sexual misconduct against a member of CAT staff or another student may later decide that they no longer wish to pursue their complaint.
- 9.2.2. Volunteers and staff who make a complaint of sexual misconduct against a member of staff or another student may also later decide that they no longer wish to pursue their complaint
- 9.2.3. CAT will not automatically assume that a disclosure means an individual wishes to initiate a disciplinary investigation.
- 9.3. In addition a report of sexual violence or misconduct can be submitted by an individual who is neither a member of staff nor student (subject to suitability and processed on a case-by-case basis). For example, a witness to an incident of sexual violence or misconduct can provide an incident report to either Human Resources, the Head of the Graduate School or the Designated Safeguarding Officer. Dependant on the amount of information and evidence relayed by a witness CAT may either initiate disciplinary action or put the case on hold until further information is gathered.
- 9.3.1. If a report of sexual violence or misconduct has been received by those who are neither members of staff nor students, they would not be advised on whether their allegation is processed under any CAT policy, as CAT has a duty to protect the information and data pertaining to any student.

- 9.4. Where disciplinary procedures are invoked, these will follow the processes laid out in the Student Code of Behaviour and Disciplinary Procedures, Volunteer Policy/Handbook and Staff Handbook.
- 9.5. Once CAT receives a disclosure it will conduct the Sexual Misconduct Review process in a timely manner, aiming to complete the process within 60 working days from the start of the investigation. This timescale will depend upon the unique circumstances of each case e.g. the process may be paused if a criminal investigation is ongoing.
- 9.6. Students studying professional programmes in which fitness to practise is assessed should note that the Fitness to Practise Policy may be invoked when an individual faces an allegation of sexual misconduct.
- 9.7. Applicants and students with criminal convictions are considered within CAT's admissions and recruitment processes.
- 9.8. CAT will conduct its investigation into alleged misconduct in a fair and impartial way
- 9.9. CAT recognises that it is not placed to undertake a criminal investigation and will not assume the responsibilities allocated to the criminal justice system. However it is under an obligation to investigate complaints and incidents of sexual misconduct. In particular, the Office for Students statement of expectations for preventing and addressing harassment and sexual misconduct affecting students in higher education anticipates that educational providers will investigate complaints of sexual misconduct made in relation to any of its registered students.
- 9.10. CAT will cooperate fully with any Police investigation and subsequent legal proceedings. CAT will not undertake any investigations or actions which may confound any Police investigations or legal proceedings. CAT investigations and / or disciplinary proceedings will normally be placed on hold once the Police are involved. CAT proceedings recommence following the conclusion of any Police involvement and any criminal proceedings.
- 9.11. Sexual Misconduct Review Meeting**
- 9.12. In all cases of reported sexual misconduct, a relevant member of the SMT or Safeguarding Team with the support of either Human Resources and/or Student Support will conduct an initial assessment of the circumstances outlined by the reporting party to ascertain if immediate action is required to minimise the risk to any member of CAT's community. Relevant staff will act accordingly.
- 9.13. The initial assessment will also determine whether there is a requirement for a Sexual Misconduct Review Meeting – see [appendix 4](#)
- 9.14. A Sexual Misconduct Review Meeting involves CAT discharging its duty of care by establishing the extent of any initial support and/or actions required to be taken to protect the individuals involved in a reported case. A risk assessment process will be followed to reduce the risk of future harm.
- 9.14.1. This meeting will consider the potential risks to individuals, their peers and the CAT community and take action to mitigate risks where sexual misconduct may be involved.
- 9.14.2. This process is separate from and in addition to any investigation or proceedings completed under the auspices of the Student Complaint Procedure, Fitness to Practise Policy or Student Code of Behaviour and Staff Disciplinary Procedures.

9.14.3. See [Appendix 4](#) for further details of process and responsibility.

9.15. At any point during the review or outcomes, there must be no restrictions provisions in any contract formed or varied on or after the date this condition takes effect such as a Non-Disclosure Agreement which could perpetuate an abuse of power.

10. Appeals against the decision of a Sexual Violence and Misconduct Panel

10.1. An appeal is not a re-hearing of the case previously presented under the relevant procedure. It is solely a review of that process, or procedure, which is intended to establish whether the conduct of that process under the relevant procedure, prior to the appeal, was fair and had been conducted properly, and that the decisions made were not the result of a perversity of judgement in the face of the evidence presented.

10.2. There shall be no appeal against the decision of the Sexual Violence and Misconduct Panel except on the grounds that:

10.2.1. There is new and material evidence that the student was for exceptional reasons unable to present to the Sexual Violence and Misconduct Panel.

10.2.2. The procedures were not complied with to the extent that it was questionable whether the outcome would have been different had the new evidence been complied with.

10.2.3. There is documented evidence of bias on the part of the members of the Sexual Violence and Misconduct Panel.

10.3. No new evidence may be given at an appeal hearing, except where it can be shown that there were justifiable reasons why it had not been presented previously and, if it had been presented previously, would have been likely to have been material to the decision(s) made. Such justification is to be provided as part of the application to appeal.

10.4. Appeal must be submitted to the CEO (or nominee), a written notice stating the ground(s) of appeal within 10 working days of the date upon which they were informed of the Sexual Violence and Misconduct Panel's decision.

10.5. If the CEO (or nominee) believes the appeal meets the criteria outlined above. Then an Appeal Panel shall be convened by the CEO (or nominee), and shall be constituted of a minimum of two staff members one of whom will be a member of the SMT plus a selection from:

- Designated Safeguarding Officer.
- A senior member of the Managers Forum.
- Human Resources Manager
- Student Support Manager

10.6. The Chair of an Appeal Panel will usually be the most senior member of staff sitting on the panel. The panel shall, where practicable, have had no prior involvement with the Staff or Student(s) involved.

10.7. The Appeal Panel may:

- Adjourn the hearing to a future date
- Confirm the penalty imposed

- Moderate the penalty imposed to a lesser penalty as stipulated above. The Panel may not impose a greater penalty
 - Uphold the appeal
 - Require a rehearing at the disciplinary stage.
- 10.8. Individual(s) will be informed in writing of the Investigation Officer's decision.

11. Support for sexual misconduct survivors

- 11.1. Students who have experienced sexual misconduct are encouraged to make contact with the CAT's Student Support team (students) or Human Resources (staff and volunteers) for support and guidance.
- 11.2. Staff who have experienced sexual misconduct are encouraged to make contact with the Human Resources for support and guidance.
- 11.3. Human Resources or Student Support, as appropriate will provide:
- Safeguarding Contacts to ensure that students are aware of what constitutes an act of sexual misconduct; and to raise awareness of reporting mechanisms including online, face to face, telephone. Details of the Designated Safeguarding contacts across CAT are found within the Safeguarding policy .
 - Wherever possible appropriate ongoing advice, including referrals to counselling and medical services, safety planning, academic adjustments, self-care resources, advocacy, navigating resources, and referral to specialist services such as SAFE Place and the Rape and Sexual Assault centre (RASA). Students requiring assistance from outside the immediate CAT location will be directed to national support organisations, or support closer to their location.
 - Assistance in making an informed decision about next steps, should an individual choose to make a formal complaint to CAT or to the Police.
- 11.4. Support for those accused of sexual misconduct
- 11.4.1. Students or staff who are accused of sexual misconduct are entitled to receive appropriate support and guidance throughout the process. Students should contact Student Support, and Staff or volunteers should contact Human Resources.
- 11.4.2. This may include referrals for counselling and medical services, personal safety planning, academic adjustments, self-care resources and navigating resources.
- 11.4.3. Assistance in making appropriate responses to allegations will be provided by Student Support, Human Resources or the [Employee Assistance Programme](#).
- 11.4.4. CAT does not give legal advice, nor does it become involved in the settlement of legal disputes. If you are in doubt as to how to act in a particular situation, you should seek independent professional or legal advice.

12. Personal Relationships between Staff and Students

The GSE and CAT recognise that its students are mature and are free to make their own decisions. However there are situations where some students may be considered as vulnerable or there is an imbalance of power between the relevant staff member and student.

This may lead to an 'abuse of power' where a relevant staff member could exploit a position of power in relation to a student so as to apply pressure in a way which:

- May result in the student doing something, or refraining from doing something, that they may not have otherwise done; and
- That action or inaction could reasonably result in something that falls within the scope of an intimate personal relationship.

Therefore to avoid any perception of doubt and to protect both staff and students from any actual or potential conflict of interest and/or abuse of power.

- 12.1. With the exception of excluded relationships, any relevant staff member is prohibited from having an intimate personal relationship with one or more students; and
- 12.2. Any breach of such prohibition by a relevant staff member would result in the provider taking appropriate steps in line with its usual staff disciplinary process, including the possibility of the breach resulting in dismissal of the relevant staff member.
- 12.3. This prohibition applies to students who may also be members of staff or volunteers
- 12.4. 'Excluded relationships' means any ongoing intimate personal relationship that:
 - Existed before the date this condition comes into force and that remains in existence; or
 - Existed before the date that the staff member became a relevant staff member in relation to that student.

Full details can be found in CAT's Personal Relationships Policy.

13. Domestic Violence

- 13.1. Victims/survivors and perpetrators of domestic violence may also fall under the auspices of this policy. CAT will support all individuals reporting domestic violence through appropriate channels including ensuring that any safeguarding cases are discussed at the Multi-Agency Risk Assessment Conference, MARAC.
- 13.2. The MARAC is a duty placed on local authorities, police forces and agency representatives to ensure the safety of vulnerable individuals (Ref: [Safe lives](#)). There are around 270 MARACs across the UK. The local MARAC can be contacted through Email: MARAC@dyfed-powys.police.uk or Tel: 01267 226094. Details of how to find a local MARAC for individuals who have been affected at a location other than CAT can be found [here](#).
- 13.3. Human Resources or Student Support will work to ensure appropriate and effective support is in place for any students referred to the MARAC.

14. Vexatious Complaints

- 14.1. CAT treats complaints of sexual misconduct seriously. It should be noted, therefore, that following investigation anyone making mischievous or malicious complaints will be dealt with under the relevant disciplinary procedures for staff, volunteers or students as appropriate.

15. Monitoring and Review of This Policy

15.1. This Policy will be monitored and reviewed by the Trustees, CEO Head of the Graduate School and Human Resources. The outcome of such monitoring and review will be published on an annual basis to relevant committees.

15.2. The policy will be reviewed:

- Every three years, or
- When major statutory change takes place, or
- When the procedures are drawn into question in a particular case

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By: Trustees Board / Academic Board

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Appendices

1. Immediate Sources of Help at CAT

- Human Resources
- Academic Tutor
- Student Support
- Designated Safeguarding Officer
- Staff Line manager
- Chaplaincy (The Chaplaincy can also provide contact to representatives of other faiths and persons who could support those without religious beliefs)
- Employee Assistance Program
- Health and Safety Officer

2. External Sources of Support Information

This is not an exhaustive list but includes contact details for a range of sources that may be helpful to either you directly or if you are looking to support a friend or family member. If there is an immediate risk of danger we recommend calling 999 emergency.

- Dyfed Powys Police 999 emergency or for non-urgent calls 101
- Rape Crisis England & Wales – 0808 500 2222 <https://rapecrisis.org.uk/>
- Refuge 24-hour National Domestic Abuse Helpline 0808 2000 247 <https://www.nationaldahelpline.org.uk/>
- Powys First Assist Advice & Counselling 0345 602 7050 (within office hours) <https://en.powys.gov.uk/article/7144/Adult-Social-Services-Information-Support-Team-ASSIST>
- Citizens Advice <https://www.citizensadvice.org.uk/work/discrimination-at-work/dealing-with-discrimination-at-work/checking-if-its-discrimination/if-youre-being-harassed-or-bullied-at-work/>
- Galop anti-violence charity for LGBT+ Victims and Survivors of Abuse and Violence 0800 999 5428 Email help@galop.org.uk <https://galop.org.uk/>
- The National Stalking Helpline available 0808 802 0300 or <https://www.suzylamplugh.org/>.
- National Society for the Prevention of Cruelty to Children <https://www.nspcc.org.uk/>
- Safe Places National Network <https://www.safeplaces.org.uk/>
- The Survivors Trust <https://thesurvivorstrust.org/>
- Survivors UK (for male and non-binary victim survivors of sexual assault) text or webchat 12-8PM daily on 020 3322 1860 <https://www.survivorsuk.org/>
- Victim Support 0808 1689111 <https://www.victimsupport.org.uk/crime-info/types-crime/rape-and-sexual-assault/>
- Samaritans (24 Hour Service) 0330 094 5717 or 116 123 <https://www.samaritans.org/> <https://www.samaritans.org/samaritans-cymru/>
- UK National Workplace Bullying Advice Line www.bullyonline.org or <https://www.nationalbullyinghelpline.co.uk/>

- Equality and Human Rights Commission: <http://www.equalityhumanrights.com/>
- Equality Advisory Support Service 0808 800 0082
<https://www.equalityadvisoryservice.com/>

All information correct as of January 2025

3. Reporting an incidence of sexual violence

- **Believe, Report, Support**
- CAT is committed to ensuring the safety and wellbeing of all members of our community, and to responding appropriately to any incidents affecting our students and staff. These notes provide information for students who have been sexually assaulted or raped. They give information on the things you might want to consider enabling you to make an informed choice about what to do.
- You may have very mixed feelings about what happened, and whether to tell anyone. People can react very differently and there is no easy answer on whether to report or not.
- There is a wide range of support available to you – see [appendix 1](#) and CAT aims to provide appropriate and timely support to you.
- You can report an incidence of sexual violence in a number of ways. Whether you choose to report immediately or take some time to consider your options, staff at CAT are available to provide information, advice and support.
- **Reporting the assault to a colleague, friend, Academic, or Line Manager is not the equivalent to contacting an emergency service. If there is an immediate risk of serious harm, please call the emergency services on 999. You can also contact the Student Support Office or CAT reception for immediate assistance.**

3.1. Some steps to consider

3.2. Are you in a safe environment?

If the assault has just occurred, you might want to consider whether you feel safe where you are.

If you or others feel at risk or consider the situation to be an emergency, you can call the Police or an ambulance on 999. For incidents on CAT premises you can call WISE reception on 01654 705950 or Student Support on 01654 705974 who will be able to offer assistance.

3.3. Do you want to take some time to talk things through?

If the situation is not an emergency, you may want to take some time to think things through or to talk to someone you trust. You might want to contact a friend or a member of staff for support. Staff within CATs Human Resources or Student Support can advise you on your options and assist with any referrals you might wish to make.

Each person's reaction to sexual assault or rape can differ as will the effect that it has on you. You might well be in shock so trying to be somewhere that feels safe and comfortable might help.

3.4. Time limits to be aware of

If you:

- Suspect you were given any type of drug, it is best to be tested within 24 hours.
- Want emergency contraception, the medication should be started within 72 hours.
- Would like HIV prophylaxis, (PEPSE - a combination of drugs that can prevent HIV infection) the medication should ideally be started within 12 hours. It must be taken within 72 hours.
- Have any forensic evidence collected, it can be stored whilst you decide what to do next.
- It is up to you to choose what kind of support you want to access, but you might want to consider getting medical attention even if you do not want to report the assault to the Police.

3.5. Police procedures

- For more information on reporting see your local Police website. For example [Dyfed Powys Police](#). Police forces offer a common supportive approach to reporting sexual assault and have an online form that takes around 20-30 minutes to complete
- Reporting at a police station or attending a Sexual Assault Referral Centre (SARC) can be a lengthy process that can take a few hours. So, bringing a supportive friend or relative along might be helpful. It might be worth bringing a set of spare clothes if you have not changed since the assault, as the Police might need to keep your clothing as forensic evidence.
- Sexual assault referral centres can be found across England and Wales. The following links will help you find the nearest one to you.
 - <https://www.nhs.uk/service-search/sexual-health-services/find-a-rape-and-sexual-assault-referral-centre/>
 - <https://executive.nhs.wales/functions/networks-and-planning/wsas/access-a-sarc/>

4. Sexual Misconduct Review Meeting – Terms of Reference

- 4.1. The SMRM will be chaired by the CEO, Head of the Graduate School or their delegate. The purpose of the meeting is to assess support needs; consider how to protect the interests of all parties and members of the CAT community who may be affected by the case; and to agree next steps.
- 4.2. Please note: the alleged incident will not be investigated by the Sexual Misconduct Review Meeting.
- 4.3. Attendance at the Sexual Misconduct Review Meeting will depend on the nature of the incident and will be determined by chair of the meeting, and should include an appropriate gender mix. Inclusion of relevant staff from within CAT will be considered on a case by case basis, and attendance may include:
 - Members of the Student Support Team
 - Human Resources
 - Police Officer
 - Head of Estates
 - Representative from the EDI team
- 4.4. In addition, consideration will be given to including external stakeholders who are actively involved in supporting the affected student(s). This may include, but is not limited to, representatives from Rape & Sexual Abuse Support Centre (RASA) and SAFE Places.
- 4.5. During the Sexual Misconduct Review Meeting, the attendees will:
 - Consider the academic, welfare and support needs of the reporting party and any responding party and of any other members of the CAT community directly involved in the alleged incident and will identify any actions required to ensure that those needs are met.
 - Undertake a risk assessment in order to determine whether any precautionary measures need to be put in place in order to:
 - Ensure that a full and proper investigation can be carried out (either by the Police or CAT).
 - Ensure both parties are being appropriately supported.
 - Protect the reporting party or others whilst the allegation is being dealt with as part of criminal proceedings or proceedings under Student Complaints Procedure, Fitness to Practise Policy or Student Code of Behaviour and Disciplinary Procedures.
- 4.5.1. Precautionary measures may include:
 - Imposing conditions on a responding party (e.g. requiring the responding party not to contact certain witnesses or requiring the responding to move into different accommodation or prohibiting the responding Party from going to certain places within CAT at certain times of the day); or
 - Identifying the members of staff within CAT with responsibility for supporting the reporting party and any responding party, and, where appropriate, inform them of the outcome of the Sexual Misconduct Review Meeting;
 - Ensuring that arrangements are in place to maintain confidentiality as appropriate;
 - Reviewing the involvement of external agencies; and

- Considering any other actions required related to the alleged incident.
- 4.6. Action arising from the Sexual Misconduct Review Meeting may include (but are not limited to):
- The provision of further or different support to the individuals involved. The support measures may relate to academic, housing, finance, health and wellbeing matters.
 - The imposition of precautionary conditions on any responding student pending the outcome of the criminal and/or disciplinary process.
 - Appropriate communications with the parties involved.
 - Collection of further information necessary to inform future management of the situation.