

ITALIA CONTI

Harassment, Sexual Misconduct and Sexual Violence Policy

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Reviewed by:	Head of Quality Assurance	Date: 7 th June 2023
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Monitoring Arrangements: This policy will be reviewed by the Quality Assurance Team and Policy Steering Committee and approved by the Senior Leadership Team.

Harassment, Sexual Misconduct and Sexual Violence Policy

This Policy has been drafted in accordance with the UUK's Guidance¹ for Higher Education Institutions on How to Handle Alleged Student Misconduct Which May Also Constitute a Criminal Offence, and the OIA's Good Practice Frameworks for Handling Student Complaints and Academic Appeals², and for Disciplinary Procedures³, and has been informed by good practice from across the sector. It has also been drafted in line with OfS guidance and requirements for conditions of registration. Resources and information⁴ from Rape Crisis England and Wales have also informed the content of this Policy and its procedures.

1 Purpose and Scope of the Policy

1.1 Purpose

1.1.1 Italia Conti takes seriously reports of harassment, sexual misconduct and sexual violence and recognises the mental and physical wellbeing impact of these offences upon those who have experienced such conduct. This Policy is to be used when Italia Conti receives an allegation that a student or member of staff may have perpetrated harassment, sexual misconduct or sexual violence.

1.1.2 Italia Conti recognises the significant impact of all experiences of harassment, sexual misconduct and sexual violence, and acknowledges the potential detriment to studies and employment, regardless of when the experience occurred. Harassment, sexual misconduct and sexual violence can be experienced by any individual, with females, members of the LGBTQQIP2SAA (lesbian, gay, bisexual, transgender, questioning, queer, intersex, pansexual, two-spirit (2S), androgynous and asexual) community and individuals with disabilities being disproportionately affected by experiences of sexual violence.

1.1.3 Italia Conti is committed to promoting a culture of mutual respect and support in which any incidents of harassment, sexual misconduct or sexual violence will not be tolerated and will be thoroughly addressed to ensure the preservation of a safe work and study environment. All members of Italia Conti have a responsibility for creating a community that is based on dignity and respect.

1.1.4 In the operation of the processes under this Policy, Italia Conti will remain mindful of its legal obligations, including its obligations under the Equality Act 2010 which include amongst others, the duty to make reasonable adjustments.

1.2 Scope

1.2.1 This Policy applies to all students registered on any Italia Conti course, members of staff, and those who are neither members of staff nor students (who are reporting an Italia Conti student or member of staff for harassment, sexual misconduct or sexual violence). The Policy shall apply at all times during the student's registration with Italia Conti and will not be restricted to conduct or other issues arising during term time or on the college premises, or in respect of Italia Conti itself or Italia Conti-related activities.

1.2.2 A student or member of staff may disclose an incident(s) of harassment, sexual misconduct or sexual violence to any staff member. Disclosure involves an individual choosing to tell a member of the Italia Conti community about their experience of harassment, sexual misconduct or sexual violence. A disclosure is not a formal report under this Policy and will not lead to action being taken unless a formal report is made in accordance with paragraph 3.1.

1.2.3 All reports of sexual harassment, sexual misconduct and sexual violence will go through

the initial stage (see Appendix A: Initial Stage - Initial Support Meeting and Early Investigation), which provides a consistent approach to supporting individuals, including the Reporting Party/Parties and the Responding Student, and Italia Conti staff, in handling allegations/disclosures of sexual harassment, sexual misconduct or sexual violence. This stage is used for providing support to a Reporting Party, identifying what they would like to happen and any additional support needs, beginning an investigation where relevant into allegations raised, and determining next steps.

- 1.2.4 The Initial Stage applies to all allegations raised; please see Appendix A for the applicable procedures. It provides mechanisms for students that are designed as an alternative to pursuing allegations under the Non-Academic Misconduct (Disciplinary) Policy, to specifically support Reporting Parties and address student behaviours that are in breach of this Policy. The officers of Italia Conti will ultimately decide if another policy should be followed.
- 1.2.5 A report of harassment, sexual misconduct or sexual violence can be submitted by a student or a staff member as well as those who are neither a member of staff nor student. Additionally, a witness to an incident of harassment, sexual misconduct or sexual violence can provide an incident report to the Wellbeing and Safeguarding Team. Dependant on the amount of information and evidence relayed by a witness the Wellbeing and Safeguarding Team may either initiate an investigation or put the case on hold until further information is gathered.
- 1.2.6 Whilst it is non-contractual, this Policy also applies to staff of Italia Conti; allegations regarding behaviour on the part of staff that may be considered to constitute a potential breach of this Policy may be raised by any individual under these procedures and will be referred to the relevant HR process as necessary.
- 1.2.7 Italia Conti expects all students and staff to read and be familiar with this Policy and maintain good conduct at all times whilst on Italia Conti premises, or engaged in any course-related activities, including in external environments and outside performances. Italia Conti's jurisdiction under this Policy and procedures is not limited to acts which took place on its own premises.

2 Policy Statement and Principles

2.1 Statement

- 2.1.1 All Italia Conti students are expected to adhere to the standards of behaviour required of them as a member of the college community. Italia Conti has a range of policies and procedures in place to manage breaches of the student Code of Conduct, student contract or other codes of practice. These policies or codes of conduct may take precedence over or supersede the Harassment, Sexual Misconduct and Sexual Violence Policy.
- 2.1.2 All students at Italia Conti should be protected from harassment, sexual misconduct and sexual violence by other students, staff and visitors.

2.2 Definitions

- 2.2.1 This section sets out definitions of harassment, sexual misconduct, and sexual violence, and

gives examples of behaviours that would breach this Policy.

2.2.2 Definitions of harassment under this Policy:

“Harassment” (as defined by section 26 of the Equality Act 2010) includes *unwanted behaviour or conduct, which has the purpose of affecting or 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 following protected characteristics:*¹

- Age
- Disability
- Gender reassignment
- Race
- Religion or belief
- Sex
- Sexual orientation

2.2.3 **“Harassment** (as defined by the Protection from Harassment Act 1997) is a course of conduct carried out on at least two occasions that harasses one other person, or a course of conduct that harasses two or more people at least once each. This includes alarming the person or causing them distress.”

2.2.4 Harassment may include domestic violence and abuse (which can also involve control, coercion, threats), and stalking.

2.2.5 A single incident can amount to harassment.

2.2.6 Unlawful harassment may involve conduct of a sexual nature (sexual harassment), or it may be related to a protected characteristic under the Equality Act 2010.

2.2.7 Harassment may still occur even where there is no motive or intention on the part of an individual to harass another. It also includes treating someone less favourably because they have submitted or refused to submit to such behaviour in the past.

2.2.8 Italia Conti would also consider harassment to include hate crimes, which are perceived by the victim, or any other person, to be motivated by hostility or prejudice based on a person’s disability, or perceived disability; race, or perceived race; religion or perceived religion; sexual orientation or perceived sexual orientation; or transgender identity or perceived transgender identity.

2.2.9 This includes, but is not limited to:

- Sexual harassment (as defined by section 26 (2) of the Equality Act, 2010)
- Unwanted contact which creates an intimidating, hostile, degrading, humiliating or offensive environment (as defined by the Equality Act 2010)

¹ OFS statement of expectations for preventing and addressing harassment and sexual misconduct affecting students in higher education

- 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.

2.2.10 Examples may include:

- Verbal harassment such as whistling, catcalling, or sexual innuendo.
- Making unwanted or inappropriate remarks of a sexual nature.
- Spreading rumours about a person's sex life.
- Nonverbal harassment, such as looking someone up and down or displaying pictures of a sexual nature.
- Sending emails or messages containing sexual content and/or asking for sexual favours.
- Sharing private sexual materials of another person without consent, including online/via social media;
- Inappropriately showing sexual organs to another person.
- Sexual intercourse or engaging in a sexual act (including kissing) without consent.
- Attempting to engage in a sexual act without consent.
- Creating, disclosing or threatening to disclose nude, sexual or sexually explicit photos, films or messages without consent and with intent to cause distress.
- Touching inappropriately through clothes without consent.
- Coercive demands for favours (including sexual favours).
- Gaslighting (i.e. manipulating someone by psychological means, or seeking to sow seeds of doubt in a targeted individual or in members of a targeted group, making them question their own memory, perception, and/or sanity, using persistent denial, misdirection, contradiction, and lying).
- Grooming behaviours (e.g., isolating someone so they are dependent academically and emotionally; buying someone presents or repeatedly insisting on paying for them to create a power imbalance).

2.2.11 Italia Conti recognises that harassment, sexual misconduct and sexual violence encompass a broad spectrum of behaviours that often cannot be divorced from other types of gender-based violence including intimate partner violence or domestic abuse, coercive and/or controlling behaviour, and stalking.

2.2.12 Further examples of unacceptable behaviour might be:

- Domestic abuse and coercive or controlling behaviour.
- Psychological, physical, sexual, financial and/or emotional abuse.
- Stalking and obsessive behaviour.
- Repeated, persistent and intrusive behaviour causing fear of violence or engenders alarm and distress in the victim.

These examples are intended to be illustrative and not exhaustive.

- 2.2.13 Any reported allegations concerning behaviour that does not fall into one or more of the above definitions, but which might reasonably fall within the broader definitions of harassment, sexual misconduct or sexual violence may be dealt with under this Policy and/or the Non-Academic Misconduct (Disciplinary) Policy, as deemed appropriate by officers of Italia Conti.
- 2.2.14 Our definitions include harassment, sexual misconduct and sexual violence which takes place at any meeting, including, for example, online.
- 2.2.15 In considering what amounts to harassment, Italia Conti takes into account our statutory duties as well as external bodies' regulatory requirements relating to academic freedom and free speech.
- 2.2.16 As outlined in the EHRC guidance on freedom of expression, published in February 2019, exposure to course materials that students might find offensive or unacceptable is unlikely to constitute harassment.
- 2.2.17 Under this Policy, Italia Conti defines **consent** as:

“The agreement by choice to participate in an act (including, but not limited to, a sexual act) where the individual has both the freedom and capacity to make that decision.”

Consent is further defined as “if [a person] agrees by choice and has the freedom and capacity to make that choice.” This can be considered in two stages:

- whether a Reporting Party had the capacity (i.e., the age and understanding) to make a choice about whether to take part in the sexual activity at the time in question; and
 - whether they were in a position to make that choice freely and were not constrained in any way. The question of capacity to consent is particularly relevant when a complainant is intoxicated by alcohol or affected by drugs, or is asleep, unconscious, semiconscious, in a state of intermittent consciousness or any other state of unawareness that a sexual act may be occurring.
- 2.2.18 Consent cannot be assumed on the basis of any previous sexual or other encounter (including in a previous or ongoing relationship), or previously given consent, or from the absence of complaint. Each new encounter requires a reconfirmation of consent as the foundation of a healthy and respectful sexual relationship. Consent may be given to one form of sexual or other activity but not to another. Consent may be withdrawn at any time during sexual or other activity and each time activity occurs.
- 2.2.19 Terminology
- **The Reporting Student** is an Italia Conti student reporting themselves to have experienced harassment, sexual misconduct or sexual violence by an Italia Conti student or member of staff.
 - **Reporting Staff** is an Italia Conti staff member reporting themselves to have experienced sexual harassment, sexual misconduct or sexual violence by an Italia Conti student.
 - **Neither a member of staff nor a student** is a person reporting themselves to have

experienced harassment, sexual misconduct or sexual violence by an Italia Conti student.

- **Reporting Witness** is a person reporting someone else to have experienced harassment, sexual misconduct or sexual violence by an Italia Conti student or member of staff.
- **Reporting Party** is used to identify the applicable reporting person, either the Reporting Student, Reporting Staff, neither a member of staff nor a student or Reporting Witness.
- **Responding Student** is an Italia Conti student who has been reported to have perpetrated harassment, sexual misconduct or sexual violence against another student or member of staff.

2.4 Principles

- 2.5.1 The core principles of this Policy and procedure are that the process is accessible, clear, proportional, timely, fair, and of benefit to the wider student experience.
- 2.5.2 The disciplinary process will operate in a fair and transparent manner in accordance with the principles of natural justice. It does not seek to reproduce elements of the criminal law and is not a formal legal process.
- 2.5.3 Italia Conti reserves the right to carry out any of its internal disciplinary processes notwithstanding that the alleged misconduct has been reported to the police. This includes but is not limited to circumstances where the police decide not to proceed with criminal proceedings or where following criminal proceedings, the defendant was acquitted.
- 2.5.4 Italia Conti approaches the storing and sharing of any party's data with utmost care, consideration and proportionality to ensure fair processing for all parties under Italia Conti's data protection procedures.
- 2.5.5 In determining an outcome to the disciplinary process, at the Harassment and Sexual Misconduct Panel hearing the case will be assessed whether the incident(s), on the balance of probabilities, contravened Italia Conti's Code of Conduct and this Policy.
- 2.5.6 In circumstances where insufficient evidence has been provided, Italia Conti may decide to take no further action in relation to the allegations.
- 2.5.7 Individuals raising allegations of harassment, sexual misconduct or sexual violence will normally be asked to report their allegations in writing and identify themselves and provide contact details. Italia Conti will not normally act in response to anonymous allegations of harassment, sexual misconduct or sexual violence, but these will be considered on a case-by-case basis. A Reporting Party who has made a report to Italia Conti that they have experienced harassment, sexual misconduct or sexual violence will be provided with information about their options in taking forward the case (e.g. investigation under this procedure, report to the police, seek informal or alternative resolution). Italia Conti will respect the Reporting Party's wishes and support them whether they wish to report to the police or not.

- 2.5.8 A student who is alleged to have perpetrated an act of harassment, sexual misconduct or sexual violence (the Responding Student) will be informed of the nature of the allegation and will be given an opportunity to respond to the allegation. They will also be informed of the disciplinary process and made aware of support options available.
- 2.5.9 All reports of allegations which may fall within the scope of this Policy and its procedures will normally be first considered under the Initial Support Meeting and Early Investigation Stage of this Policy, including situations where the Reporting Party chooses not to report the matter to the police. This is to ensure a consistent approach and support for individuals involved in the procedure.
- 2.5.10 Once Italia Conti receives a report it will conduct the disciplinary process in a timely manner, aiming to complete the process within 90 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.
- 2.5.11 Italia Conti will conduct its investigation into alleged harassment, sexual misconduct or sexual violence in a fair and impartial way.
- 2.5.12 The Reporting Parties and the Responding Student are entitled to be accompanied at any investigation meeting by a friend, relative or student representative. The accompanying person cannot be a professional legal representative who has been employed to act on the person's behalf, nor can they act in the capacity of a legal advisor.
- 2.5.13 An accompanying person can request permission from the Chair of the Harassment and Sexual Misconduct Panel to present questions through the Panel. The accompanying person is not allowed to question any attending Reporting Party other than via the Chair of the Panel.
- 2.5.14 The Reporting Student and the Responding Student are encouraged to seek advice and representation from the Italia Conti Student Reps.
- 2.5.15 The Responding Student has the right to appeal against any disciplinary finding or sanction. A Reporting Party can make a complaint about how the case was dealt with under this Policy in accordance with the Student Complaints Procedure.
- 2.5.16 All Italia Conti staff involved in the process will act with impartiality and with discretion.
- 2.5.17 Confidentiality will be maintained throughout the process in recognition of the sensitive nature of harassment, sexual misconduct and sexual violence matters. As such, information about alleged misconduct will usually only be shared with relevant individuals/entities (who may be internal or external to Italia Conti e.g., internal counsellors, witnesses, external experts from specialist agencies like Rape Crisis, Sexual Assault Referral Centres or the police) with the agreement of the Reporting Party.
- 2.5.18 All individuals involved in any process under this Policy must keep information that is disclosed to them as part of the process confidential, unless otherwise discussed or communicated with/by the Wellbeing and Safeguarding Team. Any unauthorised

disclosure of confidential information will be considered a Policy violation and will be addressed accordingly.

2.5.19 Italia Conti reserves the right, and may be under an obligation, to share information in exceptional circumstances where such disclosure is necessary to protect any individual or the wider college community from harm, or to prevent a crime from taking place.

2.5.20 All parties will be offered support throughout the process and kept informed of the progress of the investigation where applicable. Italia Conti believes that the purpose of a disciplinary process is to help raise the standard of behaviour in its community which is for the benefit of the wider student experience.

3. Procedure

3.1 Reporting of an Incident

- 3.1.1 Any incidents of harassment, sexual misconduct or sexual violence can be reported in person to the Wellbeing and Safeguarding Team, with the team registering a Promonitor level 4 confidential comment. Alternatively, incidents can be reported by completing an Initial Stage report form (Appendix A1) and emailing it to the Wellbeing and Safeguarding Team directly at safeguarding@italiaconti.co.uk, or by reporting an incident to a staff member who can then get in contact with the Wellbeing and Safeguarding Team. Students can request guidance from Italia Conti's Wellbeing and Safeguarding Officers on how to report incidents and get emotional support.
- 3.1.2 Italia Conti recognises that incidents concerning harassment, sexual misconduct or sexual violence are frequently nuanced and complex and can be very sensitive for all parties concerned. Wherever possible and where it is deemed appropriate, this Policy and procedures shall be used to handle such cases, as the provisions of these procedures are specifically designed to provide a flexible approach to managing and resolving such cases. However, there may be instances when officers of the Italia Conti determine that a case might most appropriately be handled under the Non-Academic Misconduct (Disciplinary) Procedure. Where a case has been dealt with under the initial support stage of the procedures under this Policy and then referred into another internal procedure, the subsequent procedure will take precedence and all parties will be kept informed in accordance with that procedure.
- 3.1.3 Raising a complaint/allegation under this Policy or another Italia Conti policy does not prevent a Reporting Party from reporting the matter to the police at any time (even where Italia Conti's internal procedures have been concluded).
- 3.1.4 Because Italia Conti seeks to support Reporting Parties, complaints/allegations raised by third parties on behalf of a Reporting Party will not normally be considered, except where Italia Conti is satisfied that just cause and/or reasonable grounds exist to do so.
- 3.1.5 Where anonymous allegations (i.e. allegations that either do not identify the alleged Reporting Party and/or alleged Responding Student) are made, the Early Investigation Officer will complete an Initial Report. In consultation with officers of Italia Conti as appropriate, the Early Investigation Officer will determine whether there are any matters arising from the allegations that Italia Conti should endeavour to follow up, though there may be limitations to possible

actions that could be taken.

3.1.6 On receipt of allegations that may fall within the scope of this Policy, it is for officers of Italia Conti to determine what procedural action(s) should be taken, in consultation with the Reporting Party where appropriate. Where a Reporting Party raises allegations which may fall within the scope of this Policy, they have the right to express their wishes about whether they want any action to be taken. In determining this, officers of Italia Conti may afford a reasonable period of time to allow the Reporting Party to reach a decision about whether they are seeking any action to be taken (including the nature of any action), though the circumstances and any relative urgency of the case may affect the length of the period, if any, that can be offered.

3.2 Initial Support Meeting and Early Investigation

3.2.1 On receipt of a report under paragraph 3.1.1, the Wellbeing and Safeguarding Team will refer the matter to the Initial Stage of this procedure as detailed in Appendix A to establish whether there are prima facie grounds to institute the formal disciplinary process.

3.2.2 Following completion of the Initial Stage, the Early Investigation Officer will prepare an Initial Stage Report which will set out their recommendation as follows:

- that there is no case to answer and no further action should be taken;
- that the case should be referred for formal investigation under this Policy (paragraph 3.4);
- that the case should be referred to be dealt with under another relevant student policy e.g., the Non-Academic Misconduct (Disciplinary) Policy;
- that the case should be referred to Italia Conti's HR procedures (where the allegation relates to a member of staff).

3.2.3 The CEO or nominee will review the Initial Stage Report and will decide on the next steps.

3.2.4 Details of the CEO, or their nominee's decision and a copy of the Initial Stage Report will be sent to the Responding Student and Reporting Parties within five [5] days of the decision.

3.2.5 Where a case is referred to be subsequently managed under another student policy, those procedures will take precedence and Responding Students will be informed of their rights and opportunities to make representations in accordance with the procedures under those other policies.

3.3 Precautionary Measures Prior to Disciplinary Action

3.3.1 At times it may be necessary to mitigate risk and protect the Italia Conti community by applying precautionary measures prior to the commencement of, or during, the disciplinary process.

3.3.2 Any such action is a precautionary measure only; it is neither a penalty nor sanction and does not indicate that Italia Conti has decided that the Responding Student has committed any misconduct. Its aim is to protect all members of the Italia Conti community. Precautionary measures can be imposed prior to an investigation starting or at any time during the process.

3.3.3 The CEO or nominee makes the decision on whether to apply precautionary measures. The

CEO, or nominee, together with another appropriate officer of Italia Conti (e.g., the Designated Safeguarding Lead, Duty Manager or senior member of staff) will undertake a risk assessment and complete the a risk assessment form (Appendix B) and precautionary measures request form (Appendix C) before a decision is made. If the CEO or nominee reasonably believes that a student against whom an allegation of harassment, sexual misconduct or sexual violence has been made does pose a risk, s/he may:

- Restrict the student's access to certain parts of campus, e.g. particular buildings or residential halls.
- Restrict the student's participation in specified academic and/or non-curricula activities.
- Restrict who the student can contact (e.g., a no-contact order may be issued).
- Suspend the student. Suspension means that the student is prohibited from participating in the academic activity of Italia Conti and the student's registration on their programme of study is put on hold. A suspension is usually applied together with an order of exclusion.
- Exclude the student. Exclusion means that the student is prohibited from taking part in college activities, using Italia Conti facilities and/or entering Italia Conti premises. A full or partial exclusion may be put in place where appropriate.

3.3.4 As part of their determination, the CEO or their nominee will consider whether specific arrangements can reasonably be put in place for any student subject to precautionary action in order to minimise the impact on their studies and will liaise with the student's Course Leader and the Designated Safeguarding Lead, and another senior of Italia Conti as appropriate.

3.3.5 The Responding Student will be informed in writing when a precautionary measure has been applied in their case, and the reasons for this, normally within two working days of the decision.

3.3.6 The Responding Student has the right to appeal against the precautionary measures applied to them. The Responding Student can appeal against the precautionary measures at any point by writing to the CEO or their nominee expressing their reasons for the appeal. The CEO or nominee will respond to the appeal within five working days.

3.3.7 Any precautionary measures will be reviewed at regular intervals (and a minimum of every three months) to consider whether they should be revoked, extended or the terms amended. In the case of Italia Conti awaiting the outcome of any criminal proceedings or investigations the precautionary measures are likely to remain in place for the duration.

3.3.8 If a Responding Student breaches the precautionary measures applied to them, then they may be subject to further disciplinary action and/or any breach will be considered and addressed during the Harassment and Sexual Misconduct Panel hearing.

3.4 Formal Disciplinary Process: Investigation

3.4.1 Allegations of harassment, sexual misconduct and sexual violence will be investigated through a formal disciplinary process.

3.4.2 An Investigating Officer will be appointed by the CEO or their nominee. The Investigating Officer should not know or be aware of any party involved in the formal disciplinary process.

3.4.3 The role of the Investigating Officer is to gather the facts of the alleged incident(s). The

Investigating Officer will:

- review the allegation and the evidence and/or witness statements provided at the Early Investigation stage.
- contact the Reporting Party/Parties and invite them to discuss the case.
- contact the Responding Student inviting them to discuss the case, so they have the opportunity to respond to the allegation.
- collect further evidence from relevant parties e.g., witnesses
- make any further enquiries that they deem necessary for the investigation.

3.4.4 The Responding Student will be given a fair opportunity to respond to any allegations raised against them, which will normally necessitate the disclosure of the identity of the Reporting Party/Parties. If the Responding Student does not take up the opportunity to speak to the Investigating Officer the disciplinary process will still proceed, and a Harassment and Sexual Misconduct Panel will still sit to hear the evidence collected. It is strongly recommended that the Responding Student engages with the Investigating Officer and the disciplinary hearing.

3.4.5 On conclusion of the investigation the Investigating Officer will produce a report which will include the allegations and a summary of the evidence gathered in the course of the investigation, including copies of relevant documents and witness statements.

3.4.6 The Investigating Officer will report to SLT or the CEO (or their nominee) who make the decision based on their findings. They may:

- decide that no further action should be taken;
- decide that the matter should be dealt with informally or in accordance with another Italia Conti procedure;
- decide that there is a case to answer, and the matter should be referred for consideration by a Harassment and Sexual Misconduct Panel (paragraph 3.3).

3.5 Formal Disciplinary Process: Harassment and Sexual Misconduct Panel

3.5.1 A Harassment and Sexual Misconduct Panel will be arranged for the case to be heard. This Panel will be convened with administrative support provided by the Wellbeing and Safeguarding Team. The Harassment and Sexual Misconduct Panel members will be appointed by the CEO or nominee.

3.5.2 The Chair of the Harassment and Sexual Misconduct Panel will usually be a senior member of staff, such as a member of the Senior Leadership or Senior Management Teams. Panel members will be impartial and have had no prior involvement with any party involved in the case. Where possible Italia Conti will seek to ensure the composition of the Panel reflects the diversity of the institution.

3.5.3 The Responding Student

- will be notified in writing that they are requested to attend a Harassment and Sexual Misconduct Panel where their case will be heard.
- will be provided with at least seven working days' notice of the hearing date.

3.5.4 The Reporting Party/Parties

- will be notified in writing that a Harassment and Sexual Misconduct Panel has been convened to hear the case.
- will be provided with at least seven working days' notice of the hearing date.
- is likely to be called as a witness at the hearing, but otherwise has no right to attend.

3.5.5 The Harassment and Sexual Misconduct Panel hearing will be organised and carried out through Microsoft Teams or in person, to be decided on a case-by-case basis, unless otherwise requested or deemed necessary by the Chair of the Panel or the Wellbeing and Safeguarding Team. All relevant documentation available from the Investigating Officer's report will be shared with the Responding Student and the Panel at least three working days before the hearing. The Investigating Officer will verbally present the evidence collected through their investigation to the Harassment and Sexual Misconduct Panel. The names of any witnesses must be provided to the Wellbeing and Safeguarding Team in writing at least 5 days before the hearing date so logistical arrangements can be put in place unless otherwise communicated by the Wellbeing and Safeguarding Team. If any of the witnesses are new to the case, i.e. they were not called as witnesses during the investigation, the Chair of the Harassment and Sexual Misconduct Panel will decide whether or not to admit them.

3.5.6 The Responding Student has the right to respond in writing to the allegations and may also invite witnesses to the hearing. If any of the witnesses are new to the case, for example they were not called as witnesses during the investigation, the Chair of the Harassment and Sexual Misconduct Panel will decide whether or not to admit them.

3.5.7 The Reporting Party/Parties and the Responding Student have the right to be accompanied at the hearing. The accompanying person's name must be submitted in writing to the Wellbeing and Safeguarding Team at least five working days before the date of the hearing unless otherwise communicated by the Wellbeing and Safeguarding Team. If details of the accompanying person are not provided by the stipulated date, the Chair of the Harassment and Sexual Misconduct Panel can reserve the right to refuse admission to the accompanying person.

3.5.8 If the accompanying person's behaviour at the hearing is deemed inappropriate, the Chair has the right to remove the accompanying person or convene the hearing to be held at a later date.

3.5.9 It is in the best interest of the Responding Student to attend the Harassment and Sexual Misconduct Panel hearing. If the student chooses not to appear before the Panel, the Panel has the right to hear the case in their absence.

3.5.10 Italia Conti strongly advises that a student attending a Harassment and Sexual Misconduct Panel hearing seeks the advice and support of the Wellbeing and Safeguarding Team.

3.5.11 At the Harassment and Sexual Misconduct Panel hearing the Investigating Officer and the Responding Student will have the opportunity to address the Panel. The hearing will follow the order of proceedings set out in Appendix D. The Panel will ask questions of the Investigating Officer, Responding Student and any witnesses, including, if appropriate, the Reporting Party/Parties. The Responding Student will have the right to ask questions of the Investigating Officer, Reporting Party/Parties and any witnesses, although may at the discretion of the Chair be required to put those questions through the Chair.

3.5.12 At the conclusion of the hearing, the Harassment and Sexual Misconduct Panel will discuss the case in private and will reach a decision based on the available evidence.

3.5.13 The Panel will endeavour to make a decision on the same day as the hearing, but this may not always be possible. The Harassment and Sexual Misconduct Panel may make one of the following decisions:

- Dismiss the allegation as on the balance of probabilities misconduct was not found
- Conclude that on the balance of probabilities the harassment, sexual misconduct or sexual violence took place.

3.5.14 If the Panel concludes that misconduct has occurred, it may:

- Take no further action
- Apply one or more of the following sanction(s):
 - formal written warning;
 - requirement to issue a written apology;
 - requirement to attend relevant training;
 - Action Plan (ILP)
 - suspension for a specified period;
 - recommendation that the student should be expelled from Italia Conti.

Precautionary measures cannot be continued if the student has not been found to have committed misconduct.

3.5.15 Should the Harassment and Sexual Misconduct Panel be unable to reach a consensus the Chair will have the determining vote.

3.5.16 The Chair of the Panel, through the Wellbeing and Safeguarding Team, will write to the Responding Student conveying the Panel's decision, together with reasons and any associated conditions, in writing and normally within three working days of the date of the decision. The Wellbeing and Safeguarding Team will also notify the Reporting Party/Parties of the outcome of the disciplinary process.

3.5.17 If the decision involves the suspension or exclusion of the Responding Student, the Vice Principals will work with the Course Leader and Wellbeing and Safeguarding Team to devise and implement a plan to support the student's study where that is possible and appropriate.

3.5.18 In the event that the Panel decides the Responding Student should be expelled, a full report should be submitted to the CEO, or their nominee, by the Wellbeing and Safeguarding Team, with the recommendation that any student concerned be expelled under the general disciplinary powers of the CEO. This information will be communicated to the Non-Executive Director of the Italia Conti Board. For students on UEL programmes this information will also be communicated to the UEL Provost and shared with the Collaborative Partnership manager. Should the CEO be conflicted through involvement in the matter or be unavailable the report should be submitted to the Chief Operating Officer/Senior Leadership Team by the Wellbeing and Safeguarding Team, with the recommendation that any student concerned be expelled under the general disciplinary powers of the Senior Leadership Team.

3.6 Appeal

- 3.6.1 The Responding Student can appeal against the decision of the Harassment and Sexual Misconduct Panel within ten working days of either the date of the outcome letter detailing the Panel's decision or the date of the endorsement letter confirming endorsement of expulsion by the CEO.
- 3.6.2 The Responding Student can appeal by contacting the Complaints and Appeals Team (speakup@italiaconti.co.uk) and detailing the reasons for their appeal. An appeal can only be made because of one or more of the following grounds:
- Italia Conti has failed to follow the procedure set out in this Policy
 - the decision was unreasonable and/or a disproportionate outcome has been imposed
 - the student has material new information/evidence which was not reasonably available before.
- 3.6.3 Pending the outcome of any appeal the decision and sanction of the Harassment and Sexual Misconduct Panel will remain in force.
- 3.6.4 The Complaints and Appeals Team will consider the appeal submission and determine whether there are valid grounds to proceed.
- 3.6.5 The Responding Student will be notified by the Complaints and Appeals Team within 7 working days of their appeal being received whether there are valid grounds to proceed, or not.
- 3.6.6 In cases not involving expulsion, where valid grounds have been determined for an appeal, a nominated member of the Senior Leadership or Senior Management Team not previously involved in the case will determine the appeal solely by review of the documentary evidence available, and will either:
- Dismiss the appeal (in whole or part) or
 - Uphold the appeal (in whole or part), and:
 - Refer the matter back to the same or a differently constituted Harassment and Sexual Misconduct Panel for reconsideration, e.g. if the procedure had not been followed or if material new information or evidence was made available; or
 - Impose an alternative sanction.
- 3.6.7 In cases involving expulsion, where valid grounds have been determined for an appeal, the Italia Conti Secretary will invite the Responding Student to submit additional evidence for further consideration and may also invite the student to attend a meeting, if this is deemed appropriate based on the evidence presented. The CEO, or their nominated senior alternate, will determine the appeal, and will make one of the following decisions:
- Dismiss the appeal (in whole or part) or
 - Uphold the appeal (in whole or part), and:
 - Refer the matter back to the same or a differently-constituted Harassment and Sexual Misconduct Panel for reconsideration, e.g., if the procedure had not been followed or if material new information or evidence was made

- available; or
- Impose an alternative sanction.

3.6.8 The Responding Student will be notified of the appeal outcome by the Complaints and Appeals Team within ten working days of the date of the letter informing them that the appeal was being considered, if applicable.

3.6.9 Any decision made regarding an appeal outcome will be final and will conclude Italia Conti's procedures.

3.7 Completion of Disciplinary Procedure

3.7.1 If the Responding Student appeals, a Completion of Procedures letter will be issued to the student by the Complaints and Appeals Team within 28 days of the conclusion of the appeal.

3.7.2 If the Responding Student does not appeal by the end of the appeal window, the disciplinary procedure will be considered complete. The student may request a Completion of Procedures letter from the Wellbeing and Safeguarding Team.

3.7.3 If a Reporting Party is dissatisfied with the way Italia Conti have handled the disciplinary process they can raise a complaint through the Student Complaints Procedure.

3.7.4 Italia Conti recommends that any student wishing to raise a complaint seeks support from the Student Reps.

3.7.5 If any student is not satisfied with the way Italia Conti have handled their appeal/complaint, they can raise a complaint to the Office of the Independent Adjudicator (OIA). Complaints must normally be received by the OIA within 12 months of the date of the Completion of Procedures Letter; otherwise, the OIA may consider the complaint to be out of time.

4 Links to other Policies & Procedures

- 4.1 This Policy relates to the following policies or procedures:
- Student Code of Conduct
 - Italia Conti Non-Academic Misconduct (Disciplinary) Policy
 - Italia Conti Complaints Policy
 - Equality & Diversity Policy
 - Appropriate Physical Contact and Safe Touch Policy
 - Safeguarding Policy
- For procedural guidance, refer to the [Appendices](#).

5 Links to Support Organisations and Networks

5.1 Community Support Available and Reporting

[Student Union Advice Team \(UEL\)](#)
[Sexual Assault Referral Centres](#)
[NSPCC](#)

5.2 National Support Available and Reporting

[The Havens Victim Support](#)

[The Survivors Trust](#)

[Survivors UK](#) (for male victim survivors of sexual assault)

[Galop](#) (LGBT+ anti-violence charity)

[Respect](#)

[Women and Girls' Network](#) [Women](#)

[Against Rape](#)

[The Survivors Trust](#) [One](#)

[in Four](#)

[Revenge Porn Helpline](#)

[Respond](#)

[Woman's Trust](#)

[National Stalking Helpline](#)

Helplines

The 24-hour freephone [National Domestic Abuse Helpline](#), run by Refuge, on 0808 2000 247

The [Rape Crisis](#) national freephone helpline on 0808 802 9999 (12 - 2.30pm and 7 - 9.30pm every day of the year).

Are you in immediate danger? If you are in immediate danger or seriously injured, you can call 999 or 101 to connect directly with the police.

Appendices

- Appendix A : Initial Stage Procedure (add links)
- Appendix A1: Initial Stage Procedure Report Form
- Appendix B: Risk Assessment
- Appendix C: Precautionary Measures Request