

The Courtauld

Prevention of Harassment, Bullying and Sexual Misconduct Policy

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1. Purpose and Scope

1. This policy is designed to ensure a safe, welcoming and inclusive working and learning environment for all members of The Courtauld community, where all staff and students are equally valued and respected.
2. This Policy applies to bullying, harassment and sexual misconduct that is committed or is alleged to have been committed by students, staff, appointees, or third parties. An appointee is someone engaged by The Courtauld such as a volunteer, honorary staff member, agency worker or contractor.
3. Students, staff and appointees may (and are encouraged to) raise concerns of bullying, harassment or sexual misconduct (including sexual harassment) under this Policy.
4. This policy is intended to cover all activities of The Courtauld including any overseas visits, subject to applicable local laws.
5. The alleged misconduct may have occurred:
 - On Courtauld property;
 - Via Courtauld IT systems;
 - Away from Courtauld property;
 - Online, whether via email, the internet or social media.

2. Policy Statement

6. Bullying, harassment and sexual misconduct (which includes sexual harassment) are unacceptable behaviour and will not be tolerated.
7. These behaviours are contrary to the Equality Act 2010; the Protection from Harassment Act 1997 and the Workers Protection Act 2024, and to The Courtauld's values.
8. The Courtauld is legally obliged to take reasonable steps to prevent sexual harassment of its workers. Throughout this policy the terms "staff" and "appointees" refers to employees and other workers.
9. No member of The Courtauld community is expected to tolerate unacceptable behaviour, whether by a member of The Courtauld community, or by a third party such as a supplier or visitor; or a member of the public. This policy seeks to ensure that Courtauld students, staff and the wider Courtauld community are protected from bullying, harassment and sexual misconduct. Staff and students have the right to disclose experiences of unacceptable

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behaviour experienced while studying or working; to be listened to, and to seek support.

10. The Courtauld also has obligations to ensure that, as far as reasonably practicable, free speech within the law is secured for its students, staff and visiting speakers and that academic freedom within the law is secured for our academic staff. These obligations must be considered alongside this Policy on the Prevention of Harassment, Bullying and Sexual Misconduct. Further information is set out in the Code of Practice on Free Speech.
11. For the avoidance of doubt, students being exposed to any of the following is unlikely to amount to harassment:
 - The content of higher education course materials, including but not limited to books, videos, sound recordings, and pictures;
 - Statements made and views expressed by a person as part of teaching, research or discussions about any subject matter which is connected with the content of a higher education course.¹
12. Courtauld staff and appointees are in a position of trust. Due consideration should always be given to what constitutes appropriate and professional conduct in relation to the activities being undertaken.
13. Breaches of this policy by staff or students will be investigated under the relevant disciplinary procedure which may result in dismissal or expulsion and/or referral to the police. Breaches by appointees or third parties will be dealt with appropriately and may be referred to security and/or the police.

3. Definitions

14. Relevant definitions are provided in Appendix 1.

4. Legislative Context

15. This policy is set within the following legislative framework:
 - Equality Act 2010
 - Rehabilitation of Offenders Act 1974
 - Section 146 of the Trade Union and Labour Relations (Consolidation) Act 1992
 - Protection from Harassment Act 1997
 - Human Rights Act 1998

¹ See E6.11 j (ii) of the [Office for Students guidance](#) on the ongoing condition of registration E6

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- Section 43 of the Education (No 2) Act 1986, as updated by the Higher Education and Research Act 2017, in relation to free speech
- Higher Education (Freedom of Speech) Act 2023
- Workers Protection Act 2024

5. General Principles

16. Non-Disclosure Agreements are never used in matters relating to harassment, bullying and/or sexual misconduct.
17. The Courtauld will make reasonable adjustments to procedures under this Policy where a disability is disclosed by a reporting or responding party.
18. The Courtauld will seek to support all staff and students affected by incidents reported under this Policy and to investigate allegations seriously and fairly.
19. Where an allegation of misconduct is reported under this Policy, the responding party will be made aware of the allegations against them and given an opportunity to respond, in adherence with the principles of natural justice.
20. There is no time limit for reporting incidents, although a delay in reporting may limit opportunities for investigation.
21. Anonymous reports can be made and will inform The Courtauld's general approach to prevention.
22. Any investigations conducted and determinations made under this Policy are distinct from criminal determinations and are limited by the contractual relationship between The Courtauld and its staff, students, contractors and appointees.
23. Incident records are anonymised and reviewed periodically for trends.
24. The Courtauld is mindful of its obligations under free speech legislation alongside its obligations to prevent bullying, harassment and sexual misconduct and its support and actions will take account of the breadth of these obligations.

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6. Roles and Responsibilities

25. **All staff and students** have a responsibility to ensure a working and study environment where everyone is treated with equal respect and dignity. Each member of staff and each student is expected to contribute to preventing unacceptable behaviours, including harassment, bullying or sexual misconduct (including sexual harassment) through:
- Participation in training and self-awareness;
 - modelling positive behaviour, aligned with The Courtauld's values;
 - raising any concerns in a timely way through the most appropriate route.
26. **Line managers** are responsible for:
- Overseeing the timely completion of training by those they line manage;
 - Supporting staff awareness and understanding of relevant policies and behavioural expectations;
 - Supporting a positive culture which seeks to prevent harassment, bullying and sexual misconduct within The Courtauld.
27. The **Head of People Services** is responsible for:
- Oversight of policy and procedures that support this Policy, in so far as they relate to staff;
 - Being the lead contact for staff wishing to report a matter under this Policy.
28. The **Academic Registrar** is responsible for:
- Oversight of policy and procedures that support this Policy, in so are as they relate to students;
 - Being the lead contact for students wishing to report a matter under this Policy.
29. **The Senior Management Team (SMT) and Academic Board:**
- Will receive an annual report on use of this Policy.

7. Disclosure and support

30. A disclosure (as distinct from a report) occurs when a student or staff member communicates with a staff member of The Courtauld about an experience of harassment, bullying or sexual misconduct. A disclosure may be made in a variety of ways, including through The Courtauld's **online form system**.

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31. Disclosures through the online form system can also be made anonymously. Information disclosed anonymously cannot be directly investigated but will be used to inform The Courtauld's understanding of issues and will help shape our prevention and support activities.

Support

32. *Staff* experiencing behaviour covered by this Policy are encouraged to speak to their line manager or supervisor; the Head of People Services or a member of the team; or a trade union representative. For staff, additional support is available through the Employee Assistance Programme.
33. *Students* are encouraged to speak to their Personal Tutor, Programme Convenor, Wellbeing Service, Academic Registrar or the Students' Union. For students, specially trained staff are available through the Wellbeing Service.
34. All other members of the Courtauld Community are encouraged to speak with the Head of People, Academic Registrar, or the Commercial and Visitor Experience Team Leader as appropriate to their role.
35. Further information on support, including links to external resources and advice are available **on the website**.

8. Formal report/complaint

36. A formal report or complaint can be made by a student or staff member through a variety of routes, including the online form system or in person or via email.
37. *For students*, formal reports or complaints will be routed to the Academic Registrar or nominee. Depending on the nature of the matter, it will then be routed in a relevant procedure for investigation.
38. *For staff*, formal reports or complaints will be routed to the Head of People Services or nominee. Depending on the nature of the matter, it will then be routed in a relevant procedure for investigation.
39. *Third parties, visitors or members of the public* may make a formal complaint directly to the Commercial and Visitor Experience team via: feedback@courtauld.ac.uk, or the Head of People Services or a member of their team via: peopleservices@courtauld.ac.uk as appropriate.

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40. A list of current key contacts is provided as appendix 2.

41. Where the student, member of staff, visitor or member of the public is under the age of 18 or is deemed to be an “adult at risk”, our obligations under the **Safeguarding Policy** will be taken into account in responding to the report.

9. Investigation processes and referral

42. Following receipt of a report a formal investigation will take place aligned with the appropriate procedure; depending on the nature of the report, an Investigation Manager will be appointed by the Academic Registrar or Head of People Services.

43. Consideration will be given to any action required to protect all those involved, pending the outcome of the investigation and taking account of the reasonable needs of the business and the rights of both the reporting party and the reported party.

44. Serious consideration will also be given to requests for changes to work or study arrangements during the investigation.

45. It may be necessary to interview witnesses to incidents referenced in formal reports or complaints. If so, the importance of confidentiality will be emphasised to them.

46. Following completion of the investigation process, the Investigation Manager will complete an investigation report, concluding whether or not there is a case to answer.

47. The resulting report will then be considered under the relevant disciplinary or conduct process, along with any potential sanctions to be applied as permitted under the relevant process.

48. All parties must respect the confidentiality of the process outcome.

49. Rights of appeal for students and for staff will be as set out in the relevant procedure. This includes any rights to take the matter to external bodies where internal processes have been exhausted.

50. Gallery visitors may seek a review of their complaint outcome by the Director of Commercial and Visitor Experience.

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10. Police Investigations and Judicial Proceedings

51. Where criminal investigations and/or judicial proceedings are ongoing, or are likely to commence in respect of a disclosure or report, The Courtauld will usually continue its own investigation and any disciplinary action, subject to the circumstances of the case and police advice.
52. Where, following police advice or otherwise, a decision is taken to delay investigation until the legal case has concluded, The Courtauld reserves the right to review this decision and to initiate its own investigation and/or disciplinary action at a later stage in, or on completion of, the criminal investigation and/or judicial proceedings.
53. A decision by the Police or Crown Prosecution Service (or other law enforcement agency) to take no further action in relation to a criminal matter, or an acquittal at a trial, does not preclude or negate the outcome of The Courtauld's investigation and/or disciplinary action. The outcome of a criminal investigation may nevertheless inform, or require the review of, an internal investigation.
54. An internal investigation is focused exclusively on whether a breach of the Prevention of Harassment and Sexual Misconduct Policy and/or other applicable obligations or policies has occurred. The internal process may therefore consider different issues from a Police investigation or criminal prosecution and will apply a different standard regarding burden of proof.
55. Where a student or staff member is convicted of a criminal offence or accepts a Police caution in relation to behaviour that falls within the scope of this Policy, they must declare this immediately. The conviction/caution will be taken as conclusive evidence that the behaviour took place.

11. False, Bad faith and Misleading complaints

56. Misuse of this procedure is a serious matter. If a complaint is believed to be false, misleading or to have been made in bad faith, the matter will be referred for consideration of potential action under the relevant policy and procedure (e.g., Staff Disciplinary Procedure; Student Code of Conduct).

12. Confidentiality

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57. In handling disclosures of harassment, bullying or sexual misconduct, The Courtauld will seek to protect the privacy and dignity of those involved, as well as meeting the expectations of data protection legislation.
58. Information related to disclosures will only be disclosed to individuals or organisations directly involved in the case management, other than where there is a further legal basis to share such information.
59. All involved parties must maintain confidentiality. Any unauthorised disclosure of information will be considered a violation of this policy and may result in disciplinary action.

13. Related Policies

60. For staff, please see the Human Resources Hub for full details including:
- Personal Relationships Policy
 - Disciplinary Policies and procedures
 - Grievance procedures
 - Code of Practice on Free Speech
61. For students, please see the Student Policies webpage for full details including:
- Student Code of Conduct
 - Student Complaints Policy and procedure
 - Code of Practice on Free Speech
 - Personal Relationships Policy
 - Safeguarding Policy
62. For the Gallery:
- Feedback and complaints
 - Safeguarding Policy

14. Communication and Dissemination

63. This Policy will be brought to the attention of all students on enrolment and all new staff on commencing in role. It will also be drawn to the attention of other individuals that fall within its scope on appointment (e.g., governors; contractors; agency workers and volunteers).
64. To support implementation of this Policy, training is provided to staff and students as a mandatory part of induction.

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15. Review

65. This Policy will be reviewed at least every three years by SMT. The framework for consultation on any changes is set out on page one.

66. This Policy is next due for review on or before July 2028.

Abuse of power

An abuse of power is where someone uses their position of power or authority in an abusive and unacceptable manner. Abuse of power can take various forms and may include, but is not limited to manipulation, coercion, pressuring staff to engage in workplace or research misconduct, bullying and harassment. Abuse of power may also occur in the context of a close personal or intimate relationship.

Please read more about this in the **Personal Relationships Policy**.

The above behaviours may be expressed in person, in writing and/or by electronic means.

Bullying

According to ACAS guidance, bullying is intimidating, hostile, degrading, humiliating or offensive behaviour, through means which have the purpose or effect of violating a person's dignity or creating an intimidating, hostile, degrading, or humiliating environment. Bullying usually involves a repeated course of conduct.

Consent

Consent is agreeing by choice and having the freedom and capacity to make that choice. The person seeking consent should always take steps to ensure that consent is freely given, that it is informed and must recognise that it can be withdrawn at any time.

Freedom to consent: a person is free to make a choice if nothing negative would happen to them if they said no. For example, a person may not feel free to make a choice if:

- they are being threatened with violence (by the perpetrator and/or by someone else);
- there is a significant power imbalance;
- they are being threatened with humiliation;
- they believe that the continuation or assessment of their studies, or progression or advancement of their career, will be at risk if they refuse;
- they are being blackmailed.

Capacity to consent: Capacity is about whether someone is physically and/or mentally able to make a choice and to understand the consequences of that choice. For example, a person does not have capacity to give consent if:

- they are drunk or under the influence of drugs;
- they are asleep or unconscious;
- a person may also not have capacity to give consent if they have, for example, a cognitive or learning difficulty, a disability which impairs their speech, or are experiencing a mental health crisis.

Disclosure

Disclosure, for the purposes of this Policy and procedure, involves an individual choosing to tell anyone who is part of The Courtauld, about their experience of bullying, harassment or sexual misconduct. Unlike Reporting (see definition below), disclosure does not trigger an investigation or action (unless there is a safeguarding

obligation), but it may lead to support being offered.

Discrimination

The Equality Act 2010 states that it is against the law to treat any person unfairly or less favourably based on a protected characteristic. The protected characteristics are: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race (including ethnic origin, nationality and colour), religion or belief, sex and sexual orientation.

Free Speech

Free Speech is any lawfully expressed views and opinions and includes the spoken word, written materials and other forms of expression, including images, symbols and works of art.

Grooming

Grooming is a process that someone in a position of power uses to manipulate someone to do things they may not be comfortable with and to make them less likely to reject or report abusive behaviour. Grooming will initially start as befriending someone and making them feel special and may result in sexual abuse and/or exploitation.

Harassment under the [Equality Act 2010](#)

Harassment is unwanted conduct related to a relevant protected characteristic that has the purpose or effect of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that person. The unwanted conduct can be physical, verbal or non-verbal. The Act also applies a test of reasonableness, i.e., whether the person receiving the behaviour is reasonable to view it as they do.

Reporting

Reporting is the sharing of information with a staff member of The Courtauld regarding an incident of bullying, harassment or sexual misconduct experienced by that individual for the purposes of initiating the investigation process set out in this Policy and the accompanying procedure (different from *Disclosure*).

Reported Party

The Reported Party is the person(s) whose behaviour it is alleged amounted to an incident of bullying, harassment or sexual misconduct.

Reporting Party

The Reporting Party is the person(s) who witnessed or is the subject of the alleged incident of bullying, harassment or sexual misconduct.

Sexual misconduct

Sexual misconduct is a form of harassment and is unacceptable behaviour of a sexual nature. It can include sexual harassment (as defined below); sexual violence; intimate partner violence; sexual assault; grooming; coercion or bullying with sexual elements; sexual invitations and demands; sexual comments; sexual non-verbal communication; creation of atmospheres of discomfort; and promised resources or advancement in exchange for sexual access.

Sexual Harassment

Sexual harassment occurs when someone is subjected to unwanted conduct of a sexual nature which has the purpose or effect of either violating that person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for them. A person can be sexually harassed by someone of the same or different sex. Sexual harassment can include, for example:

(a) unwanted physical conduct of a sexual nature, including touching, pinching, pushing and grabbing, invading personal space, groping, tugging or lifting someone's clothing, and more serious forms of sexual assault.

(b) continued suggestions for sexual activity after it has been made clear that such suggestions are unwelcome.

(c) sending or displaying material that is pornographic or that some people may reasonably find offensive (including emails, text messages, social media content, video clips and images sent by mobile phone or posted on the internet);

(d) unwelcome sexual advances or suggestive behaviour (which the harasser may perceive as harmless); sexual jokes; remarks or comments about someone's body or appearance; sexual derogatory comments about women or men; innuendos; wolf whistling; or stalking.

This list of examples is not exhaustive.

A person can be sexually harassed even if they are not the intended target.

Third-party harassment

This occurs where a person is harassed or sexually harassed by someone who does not work for, and who is not an appointee of The Courtauld but with whom that person has come into contact during their employment or studies. Third-party harassment could include, for example, unwelcome sexual advances from a supplier visiting The Courtauld's premises, or where a person is visiting a supplier's premises or other location in the course of their employment.

Stalking

Following a person, watching or spying on them or forcing unwanted contact with the victim through any means, including social media. The effect of such behaviour is to curtail a victim's freedom, leaving them feeling that they constantly have to be careful. In many cases, the conduct might appear innocent (if it were to be taken in isolation), but when carried out repeatedly to amount to a course of conduct, it may then cause significant alarm, harassment or distress to the victim.

Victimisation

Treating someone less favourably because they have made a claim or complaint of discrimination, or helped someone else to make a complaint (under the Equality Act), or made a disclosure (whistleblowing) under the Public Interest Disclosure Act 1998, or in either case the affected person is believed to have made or helped make, or is believed that they may make or help make, a complaint or disclosure. Where The Courtauld becomes aware of victimisation taking place, this may lead to disciplinary action including dismissal.

Key contacts under the Prevention of Harassment, Bullying and Sexual Misconduct Policy

For students		
Luke Dillon, Academic Registrar	For making a formal report or complaint under this Policy	luke.dillon@courtauld.ac.uk
Mark Davidson, Head of Student Wellbeing	For student support needs	mark.davidson@courtauld.ac.uk wellbeing@courtauld.ac.uk
For staff		
Nuala Conway, Head of People Services	For making a formal report or complaint under this Policy	nuala.conway@courtauld.ac.uk
Tbc, People Partner	(Alternate)	peoplequeries@courtauld.ac.uk
Employee Assistance Programme: helpline 0800 028 0199.	For support needs	Health Assured information
Other useful contacts		
Alison Kennell, Director of Governance and Student Services	Designated Safeguarding Lead	Alison.kennell@courtauld.ac.uk governance@courtauld.ac.uk
Hannah Snyder, SU President	Students' Union Advice	hannah.snyder@courtauld.ac.uk