

LAINE

THEATRE ARTS

Policies

Sexual Misconduct Policy

SEXUAL MISCONDUCT POLICY

1. INTRODUCTION

- 1.1 Laine Theatre Arts is committed to providing a safe and secure environment that promotes equality, diversity and inclusion for all students, employees and visitors. We strive to maintain a culture of prevention through appropriate and consistent education and training.
- 1.2 The College takes reports of sexual misconduct very seriously and considers it to be part of the wider its broader safeguarding responsibilities. This policy is intended to provide all parties - survivors, their supporters, and alleged perpetrators of sexual misconduct - with information about support available, reporting options, and the College's response procedures.
- 1.3 This policy encompasses all aspects of Sexual Misconduct including misuse of institutional power or issues of unequal relationships between students and staff.
- 1.4 If you are unsure about any aspect of this policy, you should contact harryhughes@laine-theatre-arts.co.uk
- 1.5 This policy should be read in conjunction with the *Staff and Student Code of Conduct*, the *Sexual Misconduct Procedure*, the *Non-Academic Misconduct Policy*, the *Staff and Student Professional Relationships Policy*, and the *Safeguarding Policy*.

2. INTERSECTIONALITY AND DIVERSE STUDENT NEEDS

- 2.1 The College recognises that experiences of sexual misconduct can be influenced by various intersecting factors, including but not limited to race, ethnicity, gender identity, sexual orientation, disability, religion, and socioeconomic background. We are committed to ensuring that our

prevention, reporting, and support mechanisms are accessible and appropriate for all students, acknowledging the unique challenges faced by different groups.

- 2.2 Our approach to addressing sexual misconduct will be continuously reviewed and adapted to meet the diverse needs of our student body. This includes providing tailored support services, culturally sensitive training for staff, and inclusive awareness campaigns that reflect the experiences of all students. We will actively seek input from diverse student groups to inform our policies and practices, ensuring that our response to sexual misconduct is equitable and effective for all members of our community.

3. WHAT IS SEXUAL MISCONDUCT?

- 3.1 For the purposes of this policy, sexual misconduct is defined as any unwanted conduct of a sexual nature. This includes, but is not limited to:
- Sexual harassment, as defined by Section 26 (2) of the *Equality Act 2010*.
 - Unwanted behaviour or advances that create an environment where a person feels intimidated, threatened, degraded, humiliated, or offended. This can include, but is not limited to:
 - o Inappropriate or unwelcome touching, groping, or physical contact.
 - o Sexually suggestive comments, jokes, or innuendos.
 - o Displaying sexually explicit materials.
 - o Persistent unwanted sexual attention or propositions.
 - o Sexual gestures or leering.
 - o Intimidation, or promising resources or benefits in return for sexual favours.
 - Sexual Assault, as defined by the Sexual Offences Act 2003.
 - Rape, as defined by the Sexual Offences Act 2003.

- Distributing (or threatening to distribute) private and personal explicit images or video footage of an individual without their consent, as defined by the Criminal Justice and Courts Act 2015.

3.2 Sexual misconduct can occur:

- In person, by letter, telephone, text, email or other electronic means and/or social media.
- Between individuals of any gender identity or sexual orientation.
- By someone known to the victim or by a stranger.
- In any location on or off the College campus.

4. DEFINITIONS

4.1 For the purposes of this policy the College applies the following definitions:

- **Disclosure:** When someone tells a staff member or peer about an incident but may not wish to report it formally.
- **Report:** A formal account of an incident made to a College staff member, which may lead to investigation and potential disciplinary action.
- **Reporting Party:** The person disclosing or reporting the incident.
- **Responding Party:** The person accused of the misconduct.
- **The Head of Student Services or the Safeguarding Lead:** A specially trained staff member who provides support to students experiencing sexual misconduct.
- **College Campus:** The buildings where College-led teaching, rehearsals and other course-related activities take place – East Street Studios, the Performance Centre, the High Street Studios, St Martin's Church Hall, and Epsom Baptist Church.

5. GENERAL PRINCIPLES

- 5.1 The College is committed to creating a safe environment in which the rights and dignity of all members of the College community are valued and respected, in line with the OfS Condition of Registration.
- 5.2 We recognise the significant impact that sexual misconduct can have on individuals, their supporters and the community. We acknowledge the potential harmful effects on studies and employment, regardless of when the experience occurred.
- 5.3 We will promote a culture in which any incident of sexual misconduct will not be tolerated and will be actively challenged.
- 5.4 All disclosures of sexual misconduct will be treated confidentially and with sensitivity. They will be considered through our internal disciplinary procedures as outlined in the Sexual Misconduct Procedure, the Staff and Student Code of Conduct, and the Non-Academic Misconduct Policy.
- 5.5 We 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.
- 5.6 We believe that no person should suffer the effects of sexual misconduct alone, and we will ensure that there is dedicated specialist support for all individuals involved.
- 5.7 All College staff and visiting teachers and artists will be made aware of this policy and supporting Sexual Misconduct Procedure. They will be offered training appropriate to their role, in line with the OfS Condition of Registration.
- 5.8 We will work with our awarding bodies, and local partners and organisations to support our work in this area. In working with external experts, we seek to

continuously improve our policies and practices according to sector guidance and our own experiences of cases.

6. INSTITUTIONAL DUTIES

- 6.1 The Laine Theatre Arts Board of Directors has overall responsibility for safeguarding, which includes sexual misconduct, and will appoint a member of the Board as its Safeguarding Lead who will work closely with the Executive Safeguarding Lead and represent the Board of Directors on the College's Safeguarding Committee.
- 6.2 The Academic Director (Executive Safeguarding Lead) will oversee policy development and implementation as part of their broader safeguarding responsibilities.
- 6.3 Laine Theatre Arts, at an executive leadership level, will actively engage with other partners including the police, Epsom and Ewell Council, the University of Portsmouth, Trinity College London, and other external agencies as appropriate.
- 6.4 The College will make use of internal mechanisms to share information about sexual misconduct across the institution including but not limited to the Virtual Learning Environment, the Student Guide and Staff Handbooks, notice boards and the website.
- 6.5 The College will ensure that directors and staff will be provided with appropriate and regular training on sexual misconduct and consent, specific to their needs in accordance with statutory requirements.
- 6.6 The College will ensure that staff and students are made aware of the process for reporting sexual misconduct incidents.

- 6.7 The College will ensure that all students receive sexual misconduct and consent awareness training during the annual induction process.
- 6.8 The College will work closely with elected student representatives on the Safeguarding Committee to develop, review and approve its *Sexual Misconduct Policy* and *Sexual Misconduct Procedure* and other related policies and processes.
- 6.9 The College will establish a safeguarding structure to ensure robust oversight and case monitoring:
- **Safeguarding Committee:** Oversees the development, review and implementation of policies and practices, reviews annual reports and advises the Senior Management Committee on safeguarding matters. Meets quarterly.
 - **Students of Concern Meeting:** Coordination of support to students of concern. Ongoing response / monitoring of specific concerns.
- 6.10 The College will ensure that processes and procedures are in place for relevant recruitment checks and that these are conducted for relevant roles including but not limited to: DBS checks where lawfully permitted, Certificates of Good Conduct, Teacher Prohibition Orders, safeguarding aspects of Fitness to Practice procedures, and that any issues arising from these checks are resolved before engagement with students or pupils commences.
- 6.11 If a member of the College community is a survivor of sexual misconduct, the College will take all reasonable steps to ensure their physical safety and facilitate their access to appropriate specialist support. We will show regard to their feelings and respect their decisions. We actively encourage and support individuals affected to come forward, to disclose with confidence and seek help.

- 6.12 Where the Reporting Party or Responding Party is on a placement as part of their studies, the relevant Head of Student Services, as first point of contact, will liaise with the placement provider to assess whether the student can safely continue on placement during the investigation. The College will conduct its own risk assessment, taking into account the placement provider's decision. Responsibilities and information sharing between the College and placement provider will be agreed upon in advance.
- 6.13 The College will manage expectations and possible outcomes for all parties involved in sexual misconduct cases.
- 6.14 The College will ensure all students who have experienced sexual misconduct have equitable access and support to both external and internal specialist support services.
- 6.15 The College will ensure there is a clearly defined discipline procedure for handling sexual misconduct cases for staff and students, set out in the *Staff and Student Code of Conduct* and the *Non-Academic Misconduct Policy* in line with OfS guidance.

7. CONSENT

- 7.1 Consent represents the cornerstone of respectful and healthy intimate relationships. We strongly encourage members of our community to communicate openly, honestly and clearly about their actions, wishes and intentions, and to do so before engaging in intimate conduct.
- 7.2 Consent is defined as where a person has the freedom and capacity to make the choice whether or not to agree to the sexual activity free from any pressure. This can be considered in two stages:

Stage 1: Whether a person had the capacity (i.e. the age and understanding) to make a choice about whether or not to take part in the sexual activity at the time in question.

Stage 2: Whether they were in a position to make that choice freely and were not constrained in any way. This is particularly relevant when an individual is intoxicated by alcohol or affected by drugs.

7.3 Assuming that the person had both the freedom and capacity to consent, the crucial question is whether they agreed to the activity by choice. Consent can be withdrawn at any point.

7.4 Consent must be voluntarily given and may not be valid if a person is being subjected to actions or behaviours that elicit emotional or psychological pressure, intimidation, or fear.

8. STAFF AND STUDENT PERSONAL RELATIONSHIPS

8.1 Laine Theatre Arts prohibits intimate or close personal relationships between staff (including freelance teaching staff and visiting artists) and students and comprehensive guidance can be found in the *Staff and Student Personal Relationship Policy*.

8.2 Any breach of the *Staff and Student Personal Relationship Policy* by a staff member (including freelance teaching staff and visiting artists) will be treated as a serious disciplinary matter and may result in sanctions up to and including dismissal or termination of a contract for services.

9. SUPPORT FOR REPORTING AND REPORTED STUDENTS

9.1 Laine Theatre arts is committed to supporting both sexual misconduct survivors (reporting students) and those accused of sexual misconduct

(reported students) and in all cases they will be able to access support from a trained Independent Sexual Violence Advisor (ISVA).

- 9.2 Support will be available to reporting students regardless of whether they chose to make a formal report under the *Staff and Student Code of Conduct*.
- 9.3 Appropriate support will be targeted at the individual needs of the students and will be provided from the initial report and throughout any resulting processes including during an investigation and/or decision-making process.
- 9.4 When dealing with incidents of alleged misconduct, the process laid out in the *Sexual Misconduct Procedure* should be followed and students referred to the Student Support Team.
- 9.5 The Student Support Team will provide appropriate support to students including but not limited to:
 - Appropriate ongoing advice, including referrals to wellbeing, medical services and local Sexual Assault Referral Centres (SARC) as appropriate (reporting student).
 - Assistance in making an informed decision about next steps should an individual choose to report to authorities within the College or to the police (reporting student).
 - Assistance in navigating resources and making appropriate responses to allegations (reporting student).
 - Self-care resources, safety planning and wellbeing support (reporting and reported students).
 - Advocacy (reporting and reported students)

10. COLLEGE DISCIPLINARY ACTION

- 10.1 Where a formal report results in disciplinary procedures, we will follow the process laid out in the College's *Staff and Student Code of Conduct* if the reported party is a student; or *Staff and Student Code of Conduct* and *Student Complaints Procedure* if the reported party is a member of staff, ensuring a fair and unbiased process as per the OfS Conditions of Registration.
- 10.2 We will follow the process laid out in the *Sexual Misconduct Procedure* to ensure appropriate support is offered and a clear process for Disclosure and Reporting is followed.
- 10.3 The College recognises that it is not in a position to undertake a criminal investigation. It will, however, cooperate fully with any associated police investigation and subsequent legal proceedings.
- 10.4 The College may also undertake separate disciplinary proceedings where such measures are indicated by the behaviours and circumstances. The College will not undertake any investigations or actions which may hamper any police investigation; therefore, College disciplinary proceedings will normally be placed on hold once the police are involved.
- 10.5 Where formal disciplinary proceedings are placed on hold due to an ongoing police investigation, appropriate risk assessments and safeguarding considerations will continue to take place to ensure the safety and wellbeing of all involved parties. Precautionary measures as outlined in the *Staff and Student Code of Conduct* will be considered to ensure the safety of students.

- 10.6 The accompanying discipline procedure for this policy, the *Sexual Misconduct Procedure*, applies only to those experiences which have occurred during the course of study at Laine Theatre Arts, where the accused party is a current student at Laine Theatre Arts. Disclosures and reports made under this policy are not limited to the College campus or the immediate geography of the College.

11. STUDENT ACCOMMODATION

- 11.1 Reports of sexual misconduct taking place in privately owned student accommodation where the Reporting Party and/or the Responding Party are students will be dealt with initially under this policy in conjunction with the *Sexual Misconduct Policy* and the *Staff and Student Conduct Policy*.
- 11.2 Reports made to third party student halls of residence providers will be dealt with under their disciplinary procedures unless formally reported to the College. Providers will ensure signposting to the relevant Student Support Services and reporting channels.

12. TRAINING AND PREVENTION

- 12.1 The College will implement a clear training strategy to support staff in responding effectively to different types of sexual misconduct incidents. This strategy will be reviewed and evaluated regularly by the Senior Management Committee to ensure it remains fit for purpose.
- 12.2 The College will require all students to engage in training to ensure they are appropriately informed of the policies and procedures relating to sexual misconduct and behaviour that may constitute harassment or sexual misconduct.
- 12.3 Training will be made available on an ongoing basis for all staff, freelance teaching staff and visiting artists, and students to raise awareness of sexual

misconduct with the purpose of preventing incidents and encouraging reporting. This may include areas such as bystander initiatives, consent, and receiving and responding to disclosures.

13. REPORTING AND DISCLOSURE

- 13.1 The College will provide easy to understand information for all students and staff on how they can report, disclose or seek support and advice if they experience or witness any incident of sexual misconduct. This will include information on anonymous reporting and third-party reporting options. Information will be published on the Virtual Learning Environment, the College website, and will be signposted in the Student Guide, and on College noticeboards.
- 13.2 The College is committed to removing barriers to reporting and will regularly review its processes to ensure accessibility for all students.
- 13.3 Anonymous and third-party reports will be considered and acted upon where possible, though the College's ability to investigate will be limited in these cases.

14. INVESTIGATION AND DECISION MAKING

- 14.1 The College will ensure that investigations undertaken, and decisions made in respect of sexual misconduct incidents are credible, reasonable, and reflect established principles of natural justice.
- 14.2 All parties involved in an investigatory process will have access to appropriate and effective support prior to the decision to launch a formal investigation, for the duration of any investigation, and following its outcome.

- 14.3 The College will communicate clearly with relevant parties about the investigatory process, decision-making process, associated timescales, and factors which may impact on timescales. This is detailed within the *Staff and Student Code of Conduct* and *Non-Academic Misconduct Policy*.
- 14.4 Disciplinary hearings will be conducted by a panel that is free from any reasonable perception of bias. All panel members will be appropriately trained in handling complaints of this nature.

15. RECORD KEEPING AND DATA PROTECTION

- 15.1 All disclosures of sexual misconduct will be treated confidentially and with sensitivity. They will be considered through our internal disciplinary procedures as outlined in the *Sexual Misconduct Procedure* and the *Staff and Student Code of Conduct*.
- 15.2 Records of proceedings will be kept in accordance with the College's data retention policies and relevant data protection legislation.
- 15.3 The College will maintain anonymised data on conduct cases for monitoring and reporting purposes.
- 15.4 Laine Theatre Arts expressly prohibits the use of non-disclosure agreements (NDAs) in cases involving harassment, sexual misconduct, or any other form of student misconduct. This prohibition applies to all stages of the reporting, investigation, and resolution process. The College recognises that NDAs can have a silencing effect on individuals who have experienced misconduct and may hinder the pursuit of justice and institutional improvement.
- 15.5 The College will maintain non-identifying annual data on disclosures and reports of any incidents of sexual misconduct on campus, which will be included in reports to the Safeguarding Committee, Senior Management Committee and the Board of Directors as appropriate.

- 15.6 The College is committed to understanding the full scope of sexual misconduct affecting the College community. To this end, we will implement a robust system for collecting and analysing prevalence data. We will also monitor engagement with support services and training programmes. Findings will be reported annually to the Safeguarding Committee and the Senior Management Committee and used to inform policy development and resource allocation.
- 15.7 The effectiveness of our data collection methods will be regularly reviewed by the Safeguarding Committee to ensure they remain fit for purpose and responsive to emerging trends. Through these measures, we aim to build a comprehensive understanding of sexual misconduct issues on campus, enabling us to tailor our prevention and response strategies effectively.

16. FREEDOM OF SPEECH AND ACADEMIC FREEDOM

- 16.1 Laine Theatre Arts is committed to addressing sexual misconduct while simultaneously upholding the principles of freedom of speech and academic freedom as defined in its Freedom of Speech Policy and Statement on Academic Freedom. We recognise that in an educational and training context, students may encounter ideas, materials, or discussions that they find challenging or uncomfortable, but which do not constitute harassment or sexual misconduct.
- 16.2 The content of academic discourse, including lectures, seminars, studio-based classes and rehearsals, and course materials, is protected under the principles of academic freedom and is unlikely to be considered sexual misconduct unless it is targeted at or delivered in a way that harasses a specific individual. However, this protection does not extend to personal conduct or behaviour that crosses the line into harassment or sexual

misconduct. In implementing this policy, the College will carefully consider the context of any allegation, ensuring that legitimate academic discourse is protected while still taking appropriate action against genuine instances of sexual misconduct.

- 16.3 Any training, policies, or procedures related to sexual misconduct will be developed and implemented in a manner consistent with the College's obligations to protect freedom of speech and academic freedom.

17. MONITORING COMPLIANCE

17.1 The Laine Theatre Arts Board of Directors has overall responsibility for the Safeguarding, including sexual misconduct, and delegates day-to-day implementation of the Sexual Misconduct Policy to the Senior Management Committee which in turn is supported by the Safeguarding Committee.

17.2 The Board of Directors monitors compliance with the Sexual Misconduct Policy through consideration of the minutes of the Senior Management Committee and through consideration of an annual Safeguarding and Prevent Report on the recommendation of the Senior Management Committee.

17.3 The Academic Director (Executive Safeguarding Lead) is responsible for reporting any significant sexual misconduct incidents to the Board of Directors.

18. POLICY REVIEW

18.1 The *Sexual Misconduct Policy* is reviewed annually by the Senior Management Committee and is approved by the Board of Directors. The policy will also be subject to approval by the University of Portsmouth, the College's awarding body for its degree-level provision.

18.2 This policy is effective from 1st September 2025 and will be next reviewed in July 2026.

DOCUMENT CONTROL

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