



N.B. Policies for Faculty and Staff are in the Employee Handbook

Student Policy on Sexual Misconduct ¹

Scope and purpose

Nazarene Theological College (NTC) is a Christian college aspiring to be a learning community reflecting the love of God as Father, Son and Holy Spirit. The College intentionally fosters character formation within contexts that are both practical and reflective.

This policy relates to all students of NTC: NTC has a firm commitment to equality and diversity and will not tolerate sexual misconduct within its community. The purpose of this policy is to promote the development of a working environment in which sexual misconduct is known to be unacceptable and where individuals have the confidence to complain about sexual misconduct should it arise, in the knowledge that their concerns will be dealt with appropriately and fairly. The policy outlines procedures to be followed if a student feels they are being subjected to sexual misconduct during their period of study at NTC.

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1. NTC's commitment

1.1 NTC, as part of its commitment to equality and diversity, believes that every student has a right to work and study in an environment which encourages harmonious relationships. NTC is committed to equal opportunities and preventing sexual misconduct.

1.2 Every student is also personally liable under the Equality Act 2010, the Protection from Harassment Act 1997, the Sexual Offences Act 2003, and the Criminal Justice and Courts Act 2015. Allegations of sexual misconduct will be treated very seriously by NTC and could result in disciplinary action being taken against the perpetrator.

¹ This policy has sections which are adapted from The University of Manchester Sexual Misconduct and Gender-Based Violence Procedure Version 4 (January 2025)

1.3 NTC will ensure that any student raising a genuine concern under this policy is not victimised as a result.

2. Definitions

Sexual misconduct means any unwanted or attempted unwanted conduct of a sexual nature and includes, but is not limited to, sexual harassment, sexual assault and rape. It can be either in the online and/or offline world. This includes, but is not limited to:

- Whistling / catcalling
- Sexual comments / sexual innuendo
- Telling sexual jokes and stories
- Displaying pictures of a sexual nature
- Sending unsolicited communication concerning sexual content
- Spreading rumours about a person's sex life
- Making sexual gestures
- Asking for sexual favours
- Physical unwanted sexual advances such as kissing, touching, hugging, stroking, patting of someone's clothes, body, hair and rubbing up against someone, where the touching is sexual
- Stalking
- Revenge porn
- Sexual assault
- Rape ²

It has the purpose or effect of violating the dignity of a person, or creating an intimidating, hostile, degrading, humiliating or offensive environment for them.

Something can still be considered sexual harassment even if the alleged harasser didn't mean for it to be. It also doesn't have to be intentionally directed at a specific person.

(as defined by Section 26 and Section 26(2) of the Equality Act 2010, the Sexual Offences Act 2003, the Criminal Justice and Courts Act 2015 and as set out by the Equality and Human Rights Commission: Sexual harassment and the law, 2017)

3. Sexual misconduct – general principles

3.1 The overriding principles in dealing with disclosures or concerns of sexual misconduct are that they must be taken seriously, considered carefully and addressed speedily and, where possible, in confidence. Appropriate support should be provided to all parties throughout the process.

3.2 Any student who feels that they are the subject of sexual misconduct, either by a fellow student, a member of staff, faculty or anyone else with whom they come into contact in the course of their period of study at NTC, may wish to make a note of incidents, dates, times and any witnesses, for future reference. Any student who considers themselves to have been the subject of sexual misconduct has the right to be listened to and to be given informed advice on how the matter may be resolved.

3.3 Should sexual misconduct occur in a group situation, the person in authority within the group has the responsibility to recognise sexual misconduct when it occurs and to take speedy action to stop it (such as verbally closing the conversation; request cessation; and, a 1:1 follow up after a situation has emerged to be clear that

² Universities UK 2016

the perpetrator understands the impact of their actions/words). It is important that it is made clear to the perpetrator that such behaviour is unacceptable to NTC and will not be tolerated. Silence or inaction can be seen as collusion and endorsement of such behaviour. If the person in authority within the group is the perpetrator, others within the group should support the individual being subjected to sexual misconduct in taking action to report the sexual misconduct.

3.4 The College does not act as the police or a court of law. As such, forensic analysis and medical examinations are not available at the College. The College will also reach any conclusions on the “balance of probabilities” and not the criminal standard of “beyond reasonable doubt”.

3.5 In some circumstances it may be appropriate to remove an employee or student from the situation causing conflict. This may include, but is not limited to, a reassignment of tasks or ensuring that any direct contact during a hearing is limited where possible. Where there is a serious disclosure, an employee may be suspended during an investigation (see Section 6.2 below) or a student may be suspended from their studies or excluded from access to all or certain parts of the NTC campus (see Conduct and Discipline of Students Policy).

3.6 When informing the complainant of the outcome of any investigation, the College will state the final decision and what, if any, penalties are being applied (e.g. for there to be no contact from the perpetrator). The College is unlikely to be able to provide detailed information in connection with the disciplinary process.

3.7 The College reserves the right to prevent a student from graduating or receiving an award or certification whilst a case is proceeding through the disciplinary process. This principle does not prevent the withdrawal of an individual from the College.

3.8 Making false or unsubstantiated allegations with malicious intent, could, if proven, lead to disciplinary action being taken, up to and including dismissal or expulsion.

3.9 There is a rebuttable presumption that it is unlikely to amount to sexual harassment when students are exposed to course materials, and statements made and views expressed by a person as part of teaching, research or discussions about any subject matter that is connected with the content of a higher education course.

4. How will disclosures of sexual misconduct be dealt with?

4.1 A student can raise a concern about, or disclose an experience of, sexual misconduct either via an informal or formal manner. Appropriate support will be offered throughout the process.

4.2 All concerns will be conducted on a confidential and need-to-know basis.

5. Informal approach to dealing with a disclosure of sexual misconduct

This section applies to student-on-student allegations.

5.1 Normally where the disclosure is peer to peer sexual misconduct, the student will contact the Chaplaincy team or the College helpline via the QR code or link available on the College website and Moodle. If the disclosure relates to Faculty or Staff, the student will contact the Vice Principal or the Director of Operations via the QR code or link available on the College website and Moodle.

5.2 Informally a student can speak to a member of faculty/staff whom they trust (e.g. member of Chaplaincy team, Pastoral Care Group leader). The faculty/staff member

will provide a safe space for this conversation and, following the discussion, may signpost the student to appropriate internal or external support. This support could include, but is not limited to, internal and external reporting options, safety planning or help in the referral to a specialist service.

5.3 Any informal approach and disclosure will be treated as a support matter and will normally not progress to a formal approach without the student's agreement. The College, however, reserves the right in exceptional circumstances to take further action where the safety of the wider College community could be affected. .

6. Formal approach to dealing with a disclosure of sexual misconduct

This section applies to student-on-student allegations.

6.1 Formally a student can complete the Allegation of Sexual Misconduct form in Appendix 1 (also available on Moodle and via the College website). On receipt of the completed form, a member of the Sexual Misconduct Committee will contact the student to discuss their disclosure, explain what will happen next and to ensure that there is appropriate support for the student throughout the process.

If the student requests that the disclosures are investigated, the student will be asked to submit a formal written statement. A formal disclosure should include:

- the identity of the alleged perpetrator(s) and the student's association to them
- the nature of the allegation, with reference to dates, times and places (where possible) in relation to a specific incident(s)
- the names of any witness(es) to the incident(s) should also be included
- whether or not the incident was reported to the Police or another official Body.
- summary of the impact of the sexual misconduct which, where possible, is supported by evidence

6.2 The Sexual Misconduct Committee will conduct a risk assessment of the allegation and consider if it is necessary to take any precautionary measures e.g. actions to prevent any direct or indirect contact between the student and alleged perpetrator(s) in accommodation areas, study spaces, campus facilities and also online via social media. If any actions are implemented it should be made clear to all parties that any actions taken do not imply guilt but are safeguarding mitigations. Both the student and the alleged perpetrator(s) will be informed in writing, and offered a face to face meeting to discuss any procedural concerns. All parties involved will be signposted to the appropriate support systems.

6.3 Where there are active criminal proceedings relating to the allegation, the College will normally be limited to taking precautionary steps only, rather than being able to conduct its own investigation or make a disciplinary decision on an allegation.

6.4 If there are no active criminal proceedings relating to the allegation, the Sexual Misconduct Committee will appoint an independent investigator(s) to lead the investigation.

6.5 The person dealing with the formal disclosure (hereafter referred to as the "Investigator") will undertake an investigation into the substance of the allegation using whatever means he/she feels appropriate. If a meeting with the student takes place, the student may be accompanied by a fellow student, a Students' Union officer or a member of staff. If a meeting takes place with the alleged perpetrator(s), they will receive a summary of the allegation and may be accompanied by a fellow student/colleague, a Students' Union/Trades Union officer or a member of staff. To remain compliant with Data Protection legislation, there may be occasions when those supporting either party may be requested to remain outside the room but be available

for support if necessary. Meetings will allow for breaks as necessary. Consideration will also be given to reasonable adjustments if these are requested by an interviewee.

6.6 The Investigator may need to contact witnesses identified by either party. In contacting the witnesses, the Investigator will need to summarise the allegation but will request that this information is kept confidential. Witnesses will usually need to agree to be identifiable (unless an exceptional allowance of anonymity is agreed) and provide their input to be relied upon and disclosed during any disciplinary considerations. It will be for each witness to decide whether they input to a decision.

6.7 Where a party does not engage with the investigation, the Investigator will consider the allegation on the information that they have available.

6.8 The Investigator will review the information collected and produce a report setting out their conclusions against the applicable definition of sexual misconduct as stated in Section 2 of this Policy. The report may need to consider issues such as consent (did the alleged perpetrator have a genuine belief in consent and, if so, was this a reasonable belief to hold), credibility, capacity, recollection and trauma. Conclusions will identify whether there has been sexual misconduct, based upon the standard of the balance of probabilities, and if so, what the recommended action should be:

- to take no further action where, based on the information available, it is unlikely there is a case to answer. This may include continued recommendations around non-contact and support for either party
- to support the allegation being addressed through less formal actions (e.g. look into restorative justice, discuss voluntary undertakings etc) but to not refer the allegation further to a disciplinary decision
- to refer the allegation to the Principal for a disciplinary decision

6.9 This report will be sent to the Sexual Misconduct Committee for their review. They can either accept the report or request that further work is done. Once the Investigator's report is accepted, the Sexual Misconduct Committee shall either:

- if the recommendation is to take no further action, the Sexual Misconduct Committee shall advise both parties of the overall outcome and arrange any continuing support that is necessary; or
- if the recommendation is to implement less formal actions, the Sexual Misconduct Committee shall advise both parties and facilitate any necessary actions; or
- refer the allegation to the Principal for a disciplinary decision

6.10 It is expected that the formal procedure should normally be completed by the Investigator and a written report submitted to the Principal within twenty (20) working days of the appointment as Investigator. Where, for reasons of complexity or for other good reason, it is not possible to complete the formal procedure within this time scale the parties will be kept informed.

6.11 On receipt of the Investigator's report, the Principal will have five (5) working days to provide a written response to the parties involved. The Principal is not tied to the recommendation of the Sexual Misconduct Committee but where the Principal accepts the recommendation, then a decision regarding what action should be taken will be based on the College's Conduct and Discipline of Students Policy.

- The student who lodged the allegation will receive a letter advising them of the outcome and any key information that they need to be aware of.
- The student who was found to have committed an act of sexual misconduct will receive a more detailed letter, explaining the outcome and shall be given the opportunity to state his or her case prior to any penalty/penalties being imposed.

6.12 If either student is not satisfied with the outcome of the formal disclosure and believes that his or her allegation has not been handled properly or fairly according to these procedures, or if the student has new evidence which they were unable (for credible and compelling reasons) to provide with the formal allegation, the student may appeal the decision. The student must appeal by writing to the Chair of Governors, c/o Nazarene Theological College within ten (10) days of receipt of the formal response.

The appeal should include details of why the student remains dissatisfied and what resolution the student is seeking, and should include copies of correspondence exchanged during the preceding stages and any other relevant evidence.

Following the review of the appeal by the Chair of Governors, the student will be informed of the decision and the reasons for it plus the right to appeal to the University of Manchester, in writing. The Chair of Governor's decision will be final. If the student still remains dissatisfied, he/she may appeal to the University of Manchester (details will be on the University of Manchester website).

7. Disclosure of sexual misconduct by an NTC employee

7.1 Where a student makes an allegation against an NTC employee, this will follow the procedure as stated in the Disciplinary Procedure of the Employee Handbook. If the employee is not suspended pending investigation, the Sexual Misconduct Committee shall consider whether any appropriate actions are required to mitigate any risk of harm to either party whilst the investigation is taking place.

7.2 The student shall continue to have access to any necessary specialist support and shall be kept informed throughout the process by the Sexual Misconduct Committee.

7.3 On completion of the Disciplinary Process, the student will receive a written response from the Principal with the outcome of the investigation and any further actions which may be necessary.

7.4 If the student is not satisfied with the outcome of the formal allegation and believes that his or her allegation has not been handled properly or fairly according to these procedures, or if the student has new evidence which they were unable (for credible and compelling reasons) to provide with the formal allegation, the student may appeal the decision. The student must appeal by writing to the Chair of Governors, c/o Nazarene Theological College within ten (10) days of receipt of the formal response.

The appeal should include details of why the student remains dissatisfied and what resolution the student is seeking, and should include copies of correspondence exchanged during the preceding stages and any other relevant evidence.

Following the review of the appeal by the Chair of Governors, the student will be informed of the decision and the reasons for it plus the right to appeal to the University of Manchester, in writing. The Chair of Governor's decision will be final. If the student still remains dissatisfied, he/she may appeal to the University of Manchester (details will be on the University of Manchester website).

8. Disclosure of sexual misconduct by a student against an NTC employee

8.1 Where an NTC employee makes an allegation against a student, the Sexual Misconduct Committee shall follow the procedure as stated in the Grievance Procedure of the Employee Handbook.

8.2 The student shall have access to any necessary specialist support and shall be kept informed throughout the process by the Sexual Misconduct Committee.

8.3 The student will receive a written response from either the Sexual Misconduct Committee or the Principal with the outcome of the investigation and any further actions which may be necessary.

8.4 If the student is not satisfied with the outcome of the investigation and believes that his or her investigation has not been handled properly or fairly according to these procedures, or if the student has new evidence which they were unable (for credible and compelling reasons) to provide with the formal allegation, the student may appeal the decision. The student must appeal by writing to the Chair of Governors, c/o Nazarene Theological College within ten (10) days of receipt of the formal response.

The appeal should include details of why the student remains dissatisfied and what resolution the student is seeking, and should include copies of correspondence exchanged during the preceding stages and any other relevant evidence.

Following the review of the appeal by the Chair of Governors, the student will be informed of the decision and the reasons for it plus the right to appeal to the University of Manchester, in writing. The Chair of Governor's decision will be final. If the student still remains dissatisfied, he/she may appeal to the University of Manchester (details will be on the University of Manchester website).

9. Online activity

9.1 Bullying, harassment and sexual misconduct may occur online. This includes potentially discriminatory or offensive material posted on public access websites or social networking sites. Online harassment, bullying and sexual misconduct will be dealt with under the procedures outlined above. Such behaviour may also be considered a breach of the Student Acceptable Use of IT Policy.

10. Monitoring of the Policy

10.1 The Senior Leadership Team will keep the implementation of this policy under review and will monitor its use.

Policy title:	Student Policy on Sexual Misconduct (formerly Policy on Harassment and Bullying for Students)
Policy Date approved:	October 2014
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Next review date:	September 2026
Related policies:	Safeguarding Policy; Student Policy on Harassment; Policy on Conduct and Discipline of Students
Lead contact:	Director of Operations

APPENDIX 1**Allegation of Sexual Misconduct Form**

Your full name	
Student ID number	
Date	
Please contact me via (either put phone number or email address)	
Date of incident	
Location of incident	
Brief summary of incident including persons involved (and witnesses, if any)	

Please email completed form to either the Director of Operations (pmckendrick@nazarene.ac.uk) or the Vice Principal/Dean (jlett@nazarene.ac.uk)