Sexual Misconduct Policy

Version	2.1
Effective date	On approval
Date for review	November 2027
Policy owner	Chief Executive
Reference points	Office for Students (OfS) Condition E6: Harassment and Sexual Misconduct (2024) OfS regulatory guidance: prohibition of Non-Disclosure Agreements (NDAs), prevention of staff–student abuse of power, mandatory training requirements BIMM University Sexual Misconduct Policy framework and investigative procedures
Audience/handling notes	Institutional, Staff, Students, External Stakeholders, Public (externally facing)
Dissemination and implementation plan	This is a public statement, published prominently on NHAM's website and reviewed annually as part of safeguarding compliance. Academy staff receive training on this statement during induction and via annual refreshers. It is referenced in the Staff Handbook and made available to students through the Student Handbook and induction sessions. The Chief Executive is responsible for its dissemination and implementation, as part of NHAM's institution-wide safeguarding framework overseen by the Governance Committee.
Linked Policies, Procedures and Forms	Safeguarding Policy; Bullying and Harassment Policy; Equity, Diversity and Inclusion Policy; Student Disciplinary Policy; Staff Disciplinary Policy; Applicant Criminal Convictions Policy; Disclosure of Criminal Convictions Policy; Student Code of Conduct; Staff Code of Conduct; Staff Handbook; Student Handbook
Date approved	Pending approval

1 Introduction

NHAM is committed to fostering a learning and working environment that is safe, respectful, and free from sexual misconduct and harassment. This policy outlines definitions, behaviours that are prohibited, responsibilities of all members of the Academy, reporting and support systems, and clear investigative processes. Our approach supports freedom of expression, equity, and personal dignity.

2 Purpose

This policy applies to all students, staff, contractors, visitors, and partners while using NHAM facilities, attending any Academy-related activity, or acting in an NHAM context. It covers behaviour on- and off-campus, in-person or digital, during academic and social activities. Allegations of sexual misconduct will be assessed and may invoke disciplinary action, even if criminal processes are underway.

3 Definitions

Sexual misconduct includes but is not limited to the following:

- Non-consensual sexual acts: Any sexual activity without clear consent, including situations involving incapacitation, coercion, or manipulation.
- Sexual harassment: Unwelcome behaviour of a sexual nature that is offensive, intimidating, or creates a hostile environment.
- Abuse of power in staff–student relationships: Any sexual relationship where there is a power imbalance, or where consent may not be freely given, whether or not the student is in the staff member's programme.

- Discriminatory or sexually motivated behaviour: Conduct targeting protected characteristics under the Equality Act.
- Retaliation: Any negative treatment of someone who reports misconduct or participates in resolution processes.

4 Prevention and training

- NHAM will, with the support of BIMM University where applicable, aim to provide trauma-informed training for all staff and students covering consent, bystander intervention, power dynamics, reporting procedures, and support pathways
- NHAM does not use NDAs or any clauses intended to silence survivors.
- NHAM will maintain a single, comprehensive policy hub, prominently placed on its website and communicated annually in student and staff handbooks, induction, and publications.

5 Reporting and immediate support

Confidential Support: Trained staff members including Designated Safeguarding Leads (DSLs) can offer support, impartial advice, and help with making reports.

Formal reporting: Contact the DSL using NHAM's published harassment and sexual misconduct page. It explains the NHAM and BIMM reporting and support routes.

6 Investigation

6.1 Initial Assessment
The DSL assesses immediate safety and support needs and agrees case ownership with BIMM where relevant. Explain reporting options and any precautionary measures. A report can be made directly without informal resolution.

6.2 Formal Investigation

- A trained, impartial Investigator is appointed. Both Reporting and Responding parties receive full, fair opportunity to provide evidence and response.
- The process adheres to fair procedure principles, ensuring transparency, support, and avoidance of retraumatization.

6.3 Disciplinary Panel

- An impartial panel under the applicable procedure determines findings and any sanctions. NHAM will explain who investigates, decides and hears any appeal, and what support is available to each party.

6.4 Appeals
Both parties retain the right to appeal within specified timeframes. Appeals are reviewed by a panel independent of the original decision-makers.

7 Confidentiality

All reports and investigations will be managed with the highest regard for privacy and dignity. Information is shared only with those who need to know, in compliance with UK GDPR and safeguarding legislation.

8 Enforcement, Monitoring and Review

The Governance Committee will receive annual reports (aggregated and anonymised) on policy use, incident numbers, outcomes, and identified improvements.The policy will be reviewed annually, or sooner if required by new legislation or regulatory developments, and updated accordingly.

NHAM's harassment and sexual misconduct page brings together reporting, support, bullying and harassment, sexual misconduct, staff–student intimate relationship rules and the applicable BIMM information. It explains where to find previous versions.

9 Staff and student relationships

For approval, NHAM adopts the BIMM approach prohibiting staff from beginning an intimate personal relationship with a current student. This includes romantic or emotional intimacy and isolated or repeated sexual activity. It applies to employed, freelance and visiting staff working in an NHAM role, irrespective of teaching responsibility.

A pre-existing relationship must be disclosed confidentially to an unconflicted senior manager before either person enters the relevant NHAM role or immediately once a conflict becomes apparent. Remove teaching, assessment, supervision, admissions, pastoral and opportunity-allocation responsibilities and document protection against disadvantage. A pre-existing relationship does not excuse abuse of power. Seek safeguarding advice where either person is under 18.

Students are not responsible for enforcing the staff rule. Staff must not offer marks, access, placements, mentoring, references or career opportunities in exchange for intimacy. Publish the approved relationship rule in the comprehensive information source and staff terms, and communicate how concerns can be raised outside line management.

10 Reporting support and investigation

The public harassment and sexual misconduct page must give a tested NHAM reporting route, an alternative for concerns about the lead or Chief Executive, support for both parties, emergency advice and the applicable BIMM routes. A disclosure can request support without a formal complaint. Explain any action needed without agreement because of safeguarding or serious risk.

Accept reports about current, historical, on-site, off-site and online conduct affecting an NHAM student. Anonymous information is assessed for safety and patterns, with clear limits on investigation and feedback. A report made in good faith is protected even where evidence does not establish misconduct. Deliberate fabrication requires evidence and a separate fair process.

Offer separate support contacts for the reporting and responding parties and reasonable academic adjustments without prejudging the case. Explain options to report to police, obtain medical assistance or preserve evidence. A police report is not a condition of receiving support or using this process. Do not require mediation for sexual violence or serious coercion.

The DSL triages safety and the case lead agrees the applicable student or staff process and partner responsibilities. An appropriately trained impartial investigator gathers evidence. Decision-makers are separate from investigators wherever possible and the appeal is independent. Use the balance of probabilities for internal student findings. State allegations clearly, provide relevant evidence and hear both parties.

Precautionary measures must address identified risk and be reviewed. Confirm contact arrangements, timetable or venue adjustments, assessment access, timescales and an opportunity to challenge. Do not impose an academic disadvantage merely because someone reports misconduct.

11 Outcomes publication and accountability

Apply the Student Disciplinary or Staff Disciplinary procedure for sanctions and appeal. For student respondents, the local disciplinary appeal period is ten working days. A reporting person can raise concerns about procedural handling through Student Complaints. Explain which outcome and safety information can lawfully be shared with each person.

NHAM must not use an agreement to prevent a student discussing harassment, sexual misconduct or abuse. Explain proportionate handling of evidence, privacy and protection from retaliation without silencing a reporting person, witness or respondent.

The Governance Committee must resource training for students and staff and specialist training for case handlers. Evaluate understanding and the effectiveness of action, with de-identified information and student feedback. Publish and communicate the single information source at least annually, link it in principal handbooks and prospectuses, and keep previous versions and a change record accessible.

Before release, complete the contact and responsibility schedule, confirm the BIMM interface, resource support and test links and reporting arrangements. A policy PDF alone does not implement these arrangements.