

## Sexual Misconduct Prevention and Response Procedure - Students

### Document

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Brief Description of Policy	This procedure has been prepared to support students who may be the victim of an incident of sexual misconduct.

### Version Control

Date	Version Number	Summary of Changes	Reviewer Name and Department / Office
July	25_01	New procedures	Academic Registry Regulation and Risk Management

### Related Documents

Name	Student Location	Staff Location
Sexual Misconduct Prevention and Response Policy	College Website	Policy Hub
Staff-Student Relationships Policy	College Website	Policy Hub
QS13a Harassment Policy	College Website	Policy Hub
Harassment and Sexual Misconduct Information Hub	College Website	College Website

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### Key Contacts:

The College Student Services team members who are available for students that wish to speak to a trained member of the College, in confidence, are:

- **Leanne Tennison** | College Welfare and Safeguarding Officer | Harassment and Sexual Misconduct Responder (HSM-R)  
Leanne.Tennison@kuic.keele.ac.uk
- **Gemma Smith** | College Designated Safeguarding Lead (DSL) | Harassment and Sexual Misconduct Investigation Officer (HSM-IO)  
Gemma.Smith@navitas.com

Our College Student Services staff members undertake regular training and have experience of managing safeguarding concerns / incidents and providing wellbeing and welfare support.

Where there has been a concern, disclosure or formal report of Sexual Misconduct the College Director / Principal, the Navitas Safeguarding Lead and HR Representative (where a staff member is involved in an incident) will be informed and may be invited to support in the actions and outcomes of any formal investigation.

## 1. Purpose and Scope

This procedure applies to every student, employee, service provider, client, customer, contractor and visitor when they are engaged in Navitas related activities or at a facility operated by Navitas.

It has been prepared to support students who may be the victim of an incident of sexual misconduct.

Please note, where an employee, service provider, client, customer, contractor or visitor may be the victim of an incident of sexual misconduct or further requirements relating to organisational processes to mitigate the risks of sexual misconduct please refer to the *Sexual Misconduct Prevention and Response Procedure for Employees*.

The procedure sets out how Navitas complies with relevant legal standards and regulations regarding sexual misconduct.

## 2. Awareness of sexual violence and its effects on individuals

Evidence has shown that gender-based violence – specifically sexual violence – occurs in higher education communities at significant rates. Many students, employees and other affected persons

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do not know where to seek support or make a formal report to their higher education provider, and those who do are often dissatisfied with the process.

Victims, survivors, advocates and academics have long been calling for better, safer responses to sexual violence. Advocates and institutions have been developing and implementing policies and practices to address sexual violence in these settings, and Navitas is committed to eliminating sexual misconduct.

### **3. Behavioural Expectations**

#### **3.1. Examples of sexual misconduct**

Sexual misconduct means any unwanted or attempts at unwanted conduct of a sexual nature. This includes sexual harassment which is unwelcome conduct of a sexual nature towards another person which could reasonably be expected to make that other person feel offended, embarrassed, humiliated or intimidated.

Sexual misconduct includes, but is not limited to, the following behaviours:

- Comments about a person's sex life or physical build and/or appearance
- Comments of a sexual nature
- Staring or leering at a person in a sexual manner
- Unwanted touching such as brushing up against a person, kissing, fondling or hugging
- Indecent exposure or 'flashing'
- Sexual gestures or imitating a sexual act
- Unwanted requests for sex, sexual propositions or repeated unwanted requests for dates
- Making promises or threats in return for sexual favours
- Comments, insults or jokes of a sexually suggestive or explicit nature, or which are sexist
- Deliberately misgendering someone, including using incorrect pronouns to belittle them
- Offensive telephone calls, text messages or sexually explicit communications on social media platforms
- Sending jokes or graphics of a sexual nature by email, internet, mobile phone or other electronic carriage service
- Inappropriate advances on social networking sites, sending sexually explicit website content/links, accessing sexually explicit internet websites in the presence of others without consent, and/or distributing

- Distributing sexually explicit images or videos of individuals without their consent (commonly referred to as ‘revenge porn’)
- Displays of offensive photographs, reading matter or objects
- Sexually explicit/offensive pictures, screen savers or posters
- Unwelcome questioning about a person’s private life
- Insults or taunts of a sexual nature
- Pursuing or flirting with another person persistently without the other person’s willing participation
- Flirting with someone at an inappropriate time (e.g. in a team meeting) is considered sexual harassment, even when these advances would have been welcome in a different setting. Actions such as this can harm a person’s professional reputation and expose them to further harassment from others
- Comment on a person’s dress, sexuality or gender in a derogatory or objectifying manner or a manner that makes them uncomfortable
- Stalking, sexual assault or rape (which are also criminal offences)

### 3.2. Sexual assault

Example scenarios of sexual assault are:

- Two people in a relationship start engaging in sexual activity. One person changes their mind and asks to stop, but the other person refuses to stop and forces sexual activity.
- A research supervisor or teacher manipulates a student to engage in sexual acts in exchange for better marks.
- An employee who has been continually making advances towards another employee proceeds to force themselves onto that person while they are alone in a meeting room, attempting to kiss and touch them on or under their clothing.

### 3.3. Inadvertent sexual harassment

Sometimes, people who harass others do not realise that their behaviour is wrong. Navitas understands that this is possible, but that does not make the respondent any less responsible for their actions. If a student suspects this is the case, they must report this to their College Harassment and Sexual Misconduct Responder (HSM-R) as soon as possible.

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### 3.4. Consent

Importantly, all sexual activity must be underpinned by affirmative consent between the participants involved in the activity.

Affirmative consent is a knowing, voluntary, and mutual decision among all participants to engage in sexual activity. Consent must be given by words and language, as long as those words create clear permission regarding willingness to engage in the sexual activity. Consent is an ongoing and shared process. It is the responsibility of everyone involved to make sure there is consent at all times, and anyone can withdraw consent at any time during the sexual activity.

Silence or lack of resistance, in and of itself, does not demonstrate consent, and the concept of consent does not vary based upon a participant's sex, sexual orientation, gender identity, or gender expression.

## 4. Rules on sexual misconduct

### **No one has the right to sexually harass our employees and/or students**

- Any kind of harassment can cause harm and create a hostile study place, and sexual harassment is never too minor for action
- Navitas will hear every claim and will sanction offenders appropriately
- Any person in Navitas who has an accusation of serious harassment upheld may be subject to having their employment terminated, or excluded from Navitas campuses or facilities, regardless of role or student status
- If representatives of our contractors, vendors or host employers sexually harass our students, we will demand that the company they work for takes disciplinary action and address the employer contract appropriately

### **Sexual misconduct is about how we make others feel**

- Many do not consider behaviours like flirting or sexual comments to be sexual misconduct. But, if something a student does makes other students or other person/s uncomfortable or unsafe, they must stop

### **We assume every sexual misconduct claim is legitimate unless proven otherwise**

- We listen to victims of sexual misconduct and always conduct our investigations properly in line with the principle of justice and fairness. Occasional false reports do not undermine this principle

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### **We will not allow ongoing victimisation of harassed students**

- We will fully support students who experience sexual misconduct and will not take any adverse action against them
- Where appropriate, a student's study programme will be adjusted to accommodate the impact of sexual misconduct

### **Reporting is everybody's responsibility**

- Navitas Managers and Academic Leaders especially, are obliged to prevent sexual misconduct and act when they have suspicions or receive reports.
- Allowing negative behaviour of any kind, or encouraging it, will bring about disciplinary action
- Anyone who witnesses an incident of sexual misconduct or has other kinds of proof should report to the **Harassment and Sexual Misconduct Responder (HSM-R)** and report on the Donesafe portal as soon as practicable

### **We will apply disciplinary actions uniformly**

- There will be consistency of treatment across the Colleges
- The College and Navitas aim to maintain and nurture a safe and respectful study and working environment. Navitas encourages students, witnesses and other affected persons to raise their voice on this issue to help strengthen the collective safeguarding of students and staff

## **5. Induction and Training for Students**

All students must be appropriately informed to ensure understanding' of Navitas' policies and behaviour that may constitute sexual misconduct. This involves:

- All new students must attend an induction session as soon as practicable once they commence study at a Navitas College. Topics to be covered must include:
  - definition of consent, sexual misconduct, harassment, and associated terms covered in this procedure
  - information on the prevalence and effects of experience of harassment and sexual misconduct
  - expected and prohibited behaviours when attending a Navitas College
  - an overview of the process for responding to a disclosure of sexual misconduct
  - how they can support someone when they witness an event of sexual misconduct, often referred to as 'bystander training'

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- At least annually, Navitas must communicate this procedure and any supporting documentation or information sources to each student. Students must acknowledge that they have been provided with this information.

**Note:** All induction materials and training courses must be developed through engagement or approved by an accredited specialist.

## 6. Responding to and Investigating Disclosures and Formal Reports

### 6.1. General

The guiding principles that underpin this procedure are that all matters involving a disclosure or formal report should be:

- Treated seriously and with fairness. Investigations will be:
  - Fair, timely and unbiased
  - Investigators shall self-identify any apparent or perceived conflict of interests and must excuse themselves from the proceedings
- Dealt with promptly, simply and progressed through informal and formal stages outlined in this procedure
- Treated consistently and alignment with the Navitas Policy and Procedure
- Subject to the principles of procedural fairness. For example, Disclosers (where named) are entitled to be kept informed of the progress of any investigation and its outcome
- Cognisant that sexual misconduct may be experienced or perpetrated by people regardless of their sexuality or gender identity
- Advised that the person making a disclosure of sexual misconduct has the choice to report a concern or make a report to Navitas and/or the Police and is entitled to be fully informed of their available options and the possible outcomes
- Advised that a disclosure will not automatically require a person to participate in a report or investigation process
- Advised that the procedures set out in this document do not replace or modify procedures or any other responsibilities which may arise under other higher education provider policies or any other law
- Instigated with a trauma-informed approach, mindful of:
  - the health, safety and wellbeing of the person making the report, including their access to specialist and appropriate services

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- avoiding causing further harm or any penalty to the reporting student, including minimising the number of times they need to recount their experience and not imposing significant changes to their routine
  - the health, safety and wellbeing of the Navitas community
  - outcomes sought by the person making the report
  - whether there is a legal duty to report the incident
  - assigning different employees to provide support to the person about whom the report is made and the person making the report to avoid any conflict of interest
- Assured that anyone who discloses their experience of sexual misconduct will not be asked irrelevant questions during an investigation process, including irrelevant questions relating to their sexual expression or past sexual history
  - Advised that Navitas cannot determine whether a crime or a civil wrong has occurred; rather, it can only determine whether someone has, on the balance of probabilities, breached this Procedure, or other relevant policy or agreement
  - Provided with information on potential sanctions or disciplinary action that may be imposed should Navitas determine that sexual misconduct has occurred
  - Entitled to have a support person, including an accredited specialist or union representative with them when they disclose, make a formal report, develop a support plan or actions, or respond to investigation requests. In the case of a support person, their role is to provide emotional support and counsel, but not act for the Discloser or Respondent, nor be a witness. A support person has to agree to be bound by a confidentiality agreement prior to their participation

## 6.2. Reporting and response process for incidents of Sexual Misconduct

Any student or bystander who experiences or witnesses sexual misconduct is encouraged to make a disclosure or formal report. There are three different levels of disclosure, and the decision about whether to do one, two or all three rests with the Discloser. They may choose to:

- **make an anonymous disclosure**
- **make a named disclosure**
- **make a formal report**

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The Donesafe Incident Reporting software is the primary reporting pathway for students or employees to lodge anonymous disclosures, named disclosures, or formal reports.

- Anonymous disclosures, named disclosures or formal reports can be made using the [publicly available Donesafe portal](#),
- Students may also raise an anonymous disclosure using the [Whispli whistleblower platform](#).

Please note:

- Where a person feels safe to do so, they can inform the person whose behaviour they find unwelcome and harassing that this is the case, however, there is no obligation on a person to attempt to resolve a matter of sexual misconduct by discussing concerns or difficulties directly with the person(s) concerned.
- Disclosers also have the option of making a formal report as a first step. They may also wish to make a report to the Police.
- Making a report to Police will not stop Navitas from acting on reports or issuing an outcome to that report unless Navitas is advised by the Police that an internal investigation may impact a Police process.
- Where students experience sexual misconduct on placement activities, the local procedures at the site of the placement should be used. However Navitas should still be notified that an incident has occurred, so that it can ensure that relevant College/Campus personnel are informed and that appropriate action is taken to ensure the safety of students.
- Where the University Partner has no local procedure, Navitas can offer to apply its procedure
- Navitas may formally investigate anonymous or named disclosures where warranted by the circumstances of the incident/s.

Appendix A of this procedure provides more detailed information on the processes that will be undertaken, including the conduct of an investigation and potential disciplinary action in response to a disclosure or report of sexual harassment or sexual misconduct.

### 6.3. Confidentiality Requirements

All written evidence or other documentation obtained by Navitas during any investigation must be stored in a secure location within the Donesafe reporting and investigation platform.

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Notwithstanding the above, there are unique circumstances where an employee may be required to disclose information within or outside Navitas in order to address safety risks or to satisfy a legal reporting requirement. In such circumstances, the minimum amount of information needed to allow such concerns to be addressed, or meet such requirements, will be disclosed. These additional circumstances include:

- Where there is an identified safety risk to individuals involved in the processes identified in this procedure or to the safety of the broader Navitas community
- Where required by law, such as under mandatory reporting requirements in relation to abuse of a child or vulnerable person

These above circumstances represent exceptions, not the rule, and are necessary to ensure that Navitas is meeting its legal obligations. If one of these situations applies to an individual, they will be fully informed and supported through every step of the process.

#### **6.4. Making a Report to an External Body**

When a student who has experienced sexual misconduct they may engage the criminal justice system by reporting the matter to the appropriate Police and/or supporting external agencies and organisations (see Appendix C for a full set of external services).

Students are encouraged to report the matter to the **Harassment and Sexual Misconduct Responder (HSM-R)** after filing any such report.

Navitas will report the matter to Police services in circumstances of imminent risk of harm to self or others or to public safety.

#### **6.5. Mandatory Reporting of Sexual Abuse of a Child**

Mandatory reporting laws aim to identify cases of child abuse and neglect, and to assist the individual children in these cases.

In general, a teacher or school employee, including in higher education, has an obligation to report instances where, in the course of their work at Navitas, they become aware of, or form a reasonable suspicion, that a child (a person under the age of 18) has been or is likely to be the victim of sexual abuse. These instances must be reported to the police, or a local child protection agency.

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Appendix B outlines the mandatory reporting guidelines.

## **6.6. Conducting Student and Case Monitoring following the resolution of an investigation**

Where consented to by the Discloser, the **Harassment and Sexual Misconduct Investigation Officer (HSM-IO)** will appoint a person to conduct a monitoring meeting following the conclusion of an investigation and any internal appeals process.

Results from any meeting will be strictly confidential, stored in a secure location within the Donesafe reporting and investigation platform, and only shared as part of de-identified and aggregated reporting as part of Navitas' internal performance monitoring programs.

## **6.7. Amnesty policy for bystanders or victims who report sexual misconduct**

The health and safety of every student at Navitas is of utmost importance. Navitas recognises that students who have been drinking and/or using drugs (whether such use is voluntary or involuntary) at the time that sexual misconduct occurs may be hesitant to report such incidents due to fear of potential consequences for their own conduct.

Navitas strongly encourages students to report any sexual misconduct to its officials or employees. A bystander acting in good faith or a reporting individual acting in good faith that discloses any incident of sexual misconduct to a Navitas employee or law enforcement will not be subject to code of conduct action for violations of alcohol and/or drug use policies occurring at or near the time of the incident of the sexual misconduct.

# **7. Support Services for People Who Experience Sexual Misconduct**

## **7.1. Supporting persons who have experienced sexual misconduct**

Contact details for emergency and ongoing support and assistance for students and former students who have experienced sexual misconduct are set out in Appendix C to this procedure.

Students should:

- refer fellow students who have experienced sexual misconduct to the Harassment and Sexual Misconduct Responder (HSM-R) and to the Donesafe portal.
- advise students and former students of their right to make a disclosure or formal report.

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Where appropriate, students can support a person who has experienced sexual misconduct in a trauma-informed way by:

- listening without interrupting
- respecting confidentiality and minimising the need for repeated disclosures
- letting them express how they feel and respecting the words they use in reference to the incident
- letting the person know they believe what the student is telling them and acknowledging the person's distress
- giving the person appropriate and accurate information so that they can make informed choices, or referring them to someone who can provide the required information
- giving the person control over and respecting their decisions
- not making undertakings or commitments to the person that may not be able to be fulfilled
- directing the person to the available support services
- recognising the intersection between personal violence and inequality and being aware that some members of the Navitas community are more vulnerable to sexual misconduct than others, due to their sex, gender identity, sexual orientation, race, religion, cultural background or disability.

## **7.2. Support to be provided for respondents**

Contact details for ongoing support and assistance for persons who have been accused of sexual misconduct are set out in Appendix C to this procedure.

## **8. Intimate Relationships Between Employees and Students**

Navitas strictly prohibits personal relationships of a close personal or intimate nature between any employee and any student for whom the employee has responsibility or reasonably expects to have responsibility in future. Employees must not seek to establish close personal or intimate relationships with students for whom they have responsibility.

Further information and reporting requirements on extraneous circumstances requiring disclosure and additional arrangements is available in the *Staff-Student Relationships Policy*.

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## 9. Use of Non-Disclosure Agreements or Non-Disparagement Agreements

Where required by legislation, Navitas have prohibited the use of a Non-disclosure Agreement, unless requested by a Discloser.

If a Discloser requests the use of a Non-Disclosure Agreement in relation to sexual misconduct, any such agreement with Navitas must not stop the Discloser from sharing their experience for the purpose of seeking support and advice or prevent Navitas from complying with its reporting obligations under this procedure.

Any settlement terms agreed between the Discloser and Navitas must not contain a non-disparagement clause that could have the effect of requiring the Discloser to keep their experience of sexual misconduct confidential.

## 10. Freedom of Speech

In applying this procedure, Navitas will have particular regard to, and place significant weight on, the importance of freedom of speech within the law, academic freedom and tolerance for controversial views in an educational context or environment, including in premises and situations where educational services, events and debates take place.

Navitas will apply a rebuttable presumption to the effect that students being exposed to any of the following is unlikely to amount to harassment:

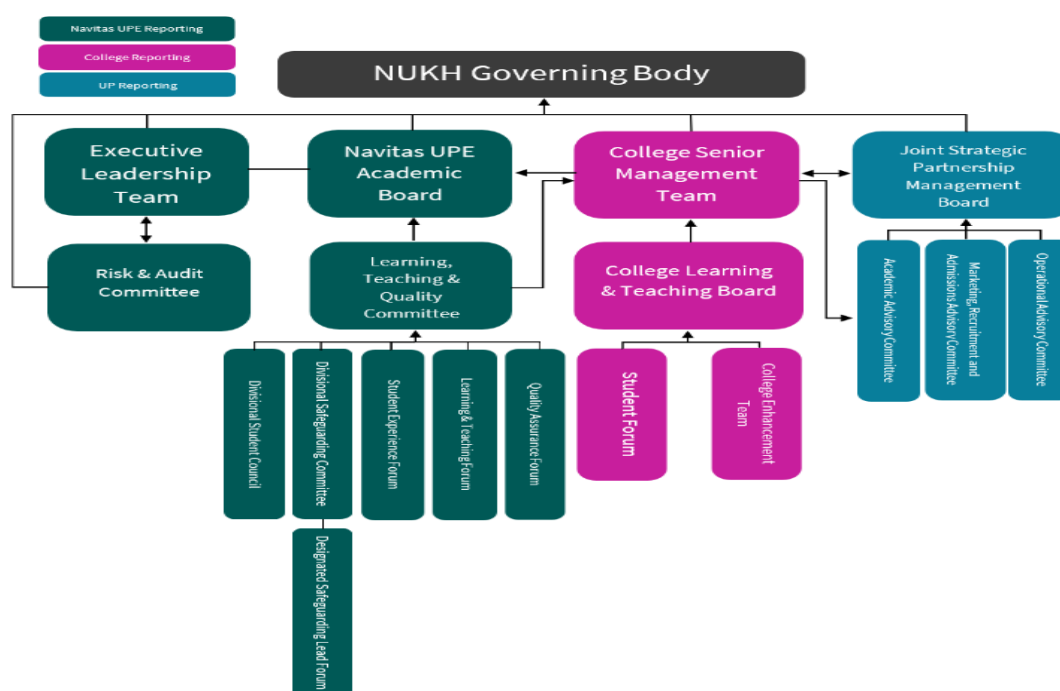
- the content of higher education course materials, including but not limited to books, videos, sound recordings, and pictures
- statements made and views expressed by a person as part of teaching, research or discussions about any subject matter which is connected with the content of a higher education course.

## 11. Internal Reporting Requirements

Navitas businesses must compile annual reports on the rates and incidence of sexual misconduct as part of its ongoing improvement initiatives. Students should be made aware that information provided as part of a disclosure or formal report may be reported in a de-identified manner, and Navitas will ensure that no personal information is shared in a manner that breaches the confidentiality requirements set out in this procedure.

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Navitas has a robust governance structure incorporating three distinct parties: Navitas UPE, the College and the University Partner, as seen in the figure below.



## 12. Consultation with Student Bodies

Navitas must consult with students and with prescribed persons or prescribed classes of persons, if any, when it:

- first establishes this procedure at a particular facility or workplace
- reviews this procedure.

## 13. Responsibilities

A summary of the specific responsibilities relevant to this procedure are provided below:

**All employees, students, and all who are considered part of the wider Navitas community (including visitors and contractors)** are responsible for:

- Treating all persons with respect
- Immediately stopping unintended harassment and/or sexual misconduct when informed of the unwanted behaviour
- Reporting incidents of sexual misconduct accurately
- Responding compassionately and appropriately if a disclosure or formal report of sexual misconduct is made

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- Not impeding any person from making a disclosure or formal report of an incident of sexual misconduct, including threatening consequences for reporting
- Not subjecting any person who has made or witnessed a disclosure or report, or against whom a report has been made, to any form of recrimination, reprisal or victimisation
- Not making vexatious or malicious reports of sexual misconduct against another person

**College/Campus Directors/Principals, Navitas Leadership and Managers** are responsible for:

- Endorsing and ensuring implementation of this Procedure
- Maintaining awareness of any disclosures or formal reports of sexual misconduct
- Ensuring investigations and any subsequent actions are conducted and completed appropriately and in a timely manner
- Ensuring the campus/workplace is a safe place for all persons, and promoting measures to mitigate risks of sexual misconduct
- Ensuring that mandatory training courses and induction materials are undertaken by all staff.
- Ensuring internal and external support or counselling networks or services have been identified and communicated to all students and relevant supporting employees in the Navitas community
- Ensuring that mandatory training is communicated and adhered to by students
- Ensuring that Harassment and Sexual Misconduct Responders (HSM-R) have been nominated, and assisting Sexual Misconduct Responders (HSM-R) to determine and implement actions to support Disclosers and Respondents

**Harassment and Sexual Misconduct Responders (HSM-R)** and/or **Designated Safeguarding Leads (DSL)** are responsible for:

- Determining and implementing actions to support Disclosers and Respondents
- Reviewing all disclosures to assess whether an investigation may be warranted
- Initiating an investigation in response to a formal report, or where required following a disclosure
- Initiating an appeals process where requested by a party to an investigation
- Ensuring that any mandatory reporting requirements to protect children or vulnerable persons are adhered to

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- Ensuring Donesafe and Whispli records are correctly completed, maintained and remain confidential to only necessary parties
- Supporting Disclosers in both raising disclosures/formal reports and in seeking further support or interim arrangements
- Referring Disclosers to appropriate personnel or support networks, as needed in each case

**Harassment and Sexual Misconduct Investigation Officers (HSM-IO)** are responsible for:

- Receiving investigation reports and determining appropriate actions or sanctions.
- Conducting investigations in accordance with this procedure and appendices, ensuring impartiality and transparency throughout the process
- Ensuring detailed and evidence-based investigation notes are maintained

## 14. Definitions

Term	Definition
Accredited Specialist	Means a person who meets the following criteria: <ul style="list-style-type: none"> <li>• a psychologist, social worker or counsellor registered or accredited with their relevant industry body; and</li> <li>• has undertaken formal training in supporting people affected by Sexual Misconduct, including Trauma-informed practice; and</li> <li>• has undertaken training to build competency in working with specific cohorts including culturally and linguistically diverse communities, people with disability and people of diverse sexual orientation and gender identity.</li> </ul>
Consent / Affirmative Consent	Sexual consent is a free, voluntary and informed agreement between people to participate in a sexual act. This agreement is only present when these people mutually and genuinely feel they want to engage in that sexual act and actively make sure their partner does too.
Discloser	Means any person who makes a disclosure or formal report of sexual misconduct in accordance with this Procedure.
Disclosure	The provision of information to Navitas about a student's experience of sexual misconduct.  In this instance, the Discloser may not necessarily want Navitas to investigate or to take any specific action in response to the alleged incident, however the potential to provide support services should always be assessed and offered as far as practicable.
Formal Report	A complaint of sexual misconduct by a student. This requires Navitas to take steps beyond the offer and provision of support services, including (without limitation) the commencement of an investigation and/or a disciplinary process in appropriate circumstances in response to the alleged incident.
Gender-based harassment	Is the harassment of a person on the basis of the person's gender, gender identity, or gender stereotyping, by unwelcome conduct of a demeaning nature, with the intention of offending, humiliating or intimidating the person or in circumstances

Term	Definition
	where a reasonable person would have anticipated the person would be offended, humiliated or intimidated by the conduct.
Gender-based violence	Any form of physical or non-physical violence, harassment, abuse or threats, based on gender, gender identity, or gender-stereotyping that results in, or is likely to result in, harm, coercion, control, fear or deprivation of liberty or autonomy.
Indecent Exposure	<p>Intentionally and obscenely exposing one's genitals in a sexual way in a public place or where it can be seen by someone in a public place.</p> <p>This includes where a person seeks or gets sexual arousal or sexual gratification from the exposure, or any other aspect of the exposure, including the circumstances in which it takes place and whether it is contrary to community standards of acceptable conduct.</p>
Intimate Image	<p>A compromising, sexual, or intimate image or video includes depictions of:</p> <ul style="list-style-type: none"> <li>• a person engaged in a sexual activity</li> <li>• a person in a manner or context that is sexual</li> <li>• the genital or anal region, or breasts of a person.</li> </ul> <p>This includes manipulated or altered digital images or videos created to look like someone.</p>
Intimate Personal Relationship	<p>A relationship that involves one or more of the following elements:</p> <ul style="list-style-type: none"> <li>• physical intimacy including isolated or repeated sexual activity; or</li> <li>• romantic or emotional intimacy.</li> </ul>
Navitas Related Activity	<p>Any activity that is connected to Navitas, including activity that:</p> <ul style="list-style-type: none"> <li>• refers or relates to Navitas or its employees, students, contractors in their conduct or performance of duties as staff, contractors or students of Navitas (sometimes termed 'wider Navitas community')</li> <li>• occurs on, or in connection with, property owned or operated by Navitas</li> <li>• occurs at, or in connection with Navitas-owned or affiliated student accommodation</li> <li>• occurs using, or is facilitated by, Navitas Information and Communications Technology (ICT) resources or other Navitas equipment</li> <li>• occurs during, or in connection to, any Navitas related function or event (whether sanctioned or organised by Navitas or not) or when representing Navitas in any capacity</li> <li>• occurs during, or in connection to, any event run by or affiliated with student representative organisations, student clubs or student societies (whether sanctioned or organised by Navitas or not)</li> <li>• occurs during, or in connection to, students' internship or work experience placements</li> <li>• occurs while a Navitas student is participating in an overseas exchange, study abroad or other approved program</li> </ul>
Rape	Forced penetration of the vagina, anus or mouth of any person with any part of the body of another person, or any object, against their will or consent.
Respondent	The person accused of or responding to an allegation of sexual misconduct.
Sexual Assault	Any behaviour of a sexual nature that makes someone feel uncomfortable, frightened, intimidated or threatened.

Term	Definition
	It is sexual behaviour that someone has not agreed to, where another person uses physical or emotional force against them. It does not always include physical harm.
Sexual Exploitation	<p>Non-consensual sexual abuse or exploitation of another, such behaviour that does not otherwise constitute another specifically defined behaviour.</p> <p>Examples of sexual exploitation include, but are not limited to, non-consensual use of electronics to capture, reproduce or share images of a sexual nature without consent of parties involved, public indecency or exposing genitals to others without consent or engaging in 'peeping' (observing another when privacy would be reasonably expected) without consent.</p>
Sexual Harassment	<p>When a person makes an unwelcome sexual advance, an unwelcome request for sexual favours, or engages in other unwelcome conduct of a sexual nature in relation to another person.</p> <p>This occurs in circumstances where it is possible that the person harassed would be offended, humiliated or intimidated.</p> <p>Sexual harassment can be subtle and implicit rather than explicit.</p>
Sexual Misconduct	<p>Includes the following:</p> <ul style="list-style-type: none"> <li>• rape</li> <li>• sexual assault</li> <li>• sexual exploitation</li> <li>• sexual harassment</li> <li>• stalking</li> <li>• indecent exposure</li> <li>• voyeurism</li> <li>• the distribution of an intimate image without the consent of the individual depicted in the image</li> <li>• gender-based harassment / violence</li> <li>• the attempt to commit an act of sexual misconduct</li> <li>• the threat to commit an act of sexual misconduct.</li> </ul>
Stalking	<p>A course of conduct directed at a specific person that would cause another person to feel fear for another's safety or to suffer substantial emotional distress. Stalking involves repeated and continued harassment made against the expressed wishes of another individual, which causes the targeted individual to feel emotional distress, including fear and apprehension.</p> <p>Stalking behaviours may include: pursuing or following, nonconsensual (unwanted) communication or contact, including face-to-face, telephone calls, voice messages, electronic messages, text messages, unwanted gifts, etc., trespassing, and surveillance or other types of observation.</p>
Student	Any person enrolled on a course in a college or campus owned, operated or managed by any member of the Navitas Group.
Trauma-Informed Care / Approach	An approach that recognises the widespread impact of trauma and responds by integrating knowledge about trauma into all policies and practices. It emphasizes creating safe and supportive environments for individuals who have experienced trauma, and focuses on promoting recovery, resilience, and healing.

Term	Definition
	<p>Trauma-informed care aims to do no harm to victims – i.e., to not re-traumatise or blame victims for their efforts to manage their traumatic reactions, and they embrace a message of hope and optimism that recovery is possible.</p> <p>For example, trauma may impact how a person responds to or recalls events and can describe them to an investigator. A trauma informed approach to investigation procedures and practices supports workers trust and participation.</p>
Vexatious Report	An allegation which is found, on the balance of probability, to be frivolous, malicious, misconceived or lacking in substance.
Voyeurism	The practice of gaining sexual pleasure from watching others when they are naked or engaged in sexual activity without consent of the persons involved.

## 15. Review

This Procedure will be reviewed every two years unless there are internal or legislative changes that necessitate an earlier review.

## 16. Appendix A - Reporting and Response Process for Incidents of Sexual Misconduct where the Discloser is a Student

### Making a Disclosure or Formal Report

#### Anonymous Disclosures

##### Anonymous Disclosures (no name disclosure)

Anonymous disclosures can be made by any person online via:

- [Donesafe Public Reporting Form](#) or
- [Whispli whistleblower platform](#)

Anonymous disclosures will be reviewed by the **Harassment and Sexual Misconduct Responder (HSM-R)**.

Anonymous disclosures will be recorded and monitored, and may trigger:

- feedback to an employee, student, contractor, client or other person regarding their behaviour
- educative processes such as training
- in the case of significant or multiple anonymous reports, further investigation or action.

#### Named Disclosures

##### Named Disclosures

Students can make a disclosure giving their name using the:

- [Donesafe Public Reporting Form](#) or
- Reporting in person, via the phone or in writing to the College Student Services (see named contacts above)

Disclosures of sexual misconduct by students may be immediately referred to the **Harassment and Sexual Misconduct Responder (HSM-R)**, who will:

- listen
- try to understand what is important to the Discloser
- explain and explore options – enable the Discloser to decide which is more appropriate to them
- consider the Discloser's well-being and safety
- discuss with the Discloser what, if any, steps Navitas needs to take to ensure the safety of the Navitas community in order to avoid similar incidents occurring. This discussion should include:
  - options regarding resolving the disclosure informally, if safe and appropriate to do so, with the support of a range of local Navitas employees or external experts as required
  - reporting formally, including timeframes and processes
  - how sexual misconduct is investigated at Navitas businesses, and potential outcomes of investigations
  - support options available at Navitas businesses and in the community
  - information about reporting to Police or other supporting external agencies and organisations.

The **Harassment and Sexual Misconduct Responder (HSM-R)** will coordinate the timely response to disclosures, and consider the Discloser's:

- safety to participate in their study during investigation of matters and beyond
- wishes with regards to privacy, confidentiality and processes for investigation and resolution
- access to appropriate information, resources and urgent and ongoing specialist support

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- access to information regarding formal report processes, and external options for reporting, such as to the Police and/or supporting external agencies and organisations.

Note: an investigation will not normally be undertaken in response to a disclosure. Navitas must seek and consider the views of the Discloser before progressing a disclosure (as opposed to a formal report) to investigation, and Navitas must inform the Discloser that it may investigate a Disclosure where it is necessary for the safety and wellbeing of students, employees and other persons.

## Lodging a Formal Report

### Lodging a Formal Report

All formal reports must be lodged online using the [Donesafe Public Reporting Form](#)

Where a student has made initial contact via phone, email, in-person, or through the Whispli whistleblower platform, the **Harassment and Sexual Misconduct Responder (HSM-R)** should assist them to raise the formal report or raise the formal report on their behalf.

A formal report should include a detailed breakdown of the incident/s and include any supporting materials or evidence that is relevant to the matter. Where possible, this should include:

- the nature and particulars of the allegation, including the name of the Respondent if known
- Discloser's contact information, unless they wish to remain anonymous
- names of potential witnesses
- relevant evidence and supporting documents.

All formal reports will be followed up by an investigation as per the procedure below.

## Interim Actions or Support as part of Disclosure and Reporting

Regardless of the option or options chosen to raise a concern, special arrangements or tailored support plans can be requested by contacting the **Harassment and Sexual Misconduct Responder (HSM-R)** and/or the prior to exploring, and in the course of, any of these options.

Special arrangements will not be disciplinary nor viewed as an assessment of the alleged misconduct. Possible arrangements will be survivor-centric and may consist of but are not limited to:

- protection from face-to-face encounters
- adjusting class or working schedules for the Discloser or the Respondent
- changing on-campus living or working arrangements, alterations of assigned duties
- co-development of personalised safety or support plans
- academic special arrangements: Navitas will endeavor to liaise with academic staff to request and implement appropriate measures.

Any requests for special arrangements or tailored support plans will be reviewed and approved by the **College Designated Safeguarding Lead (DSL)** or the **College CDP** (in the absence of the DSL).

**Note:** Respondents may also request the development of special arrangements or tailored support plans. Navitas businesses must not assign the same employees to support both the Discloser and Respondent.

## Receiving a Formal Report and Appointing an Investigator

Following receipt of a formal report, **Harassment and Sexual Misconduct Responder (HSM-R)** will triage the response and notify the **Harassment and Sexual Misconduct Investigation Officer (HSM-IO)** to oversee the investigation process and make determinations on actions or disciplinary sanctions which are warranted as a result of the investigation.

**Note:** Formal reports made under this procedure are also to be notified to the College CDP, as well as the Navitas Safeguarding Lead and HR representative (in the case the Respondent is an employee, contractor or client, unless there is a conflict of interest relating to these parties).

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Within 10 working days of receipt of a formal report, the **Harassment and Sexual Misconduct Investigation Officer (HSM-IO)** will assess if the report is within scope of this procedure and determine if the report is accepted and will be investigated through this procedure or be referred to another agency or authority as applicable.

In general, Navitas must investigate all Formal Reports where the Respondent is a Navitas student or employee, regardless of the context in which the sexual misconduct occurs. In relation to a formal report which has no connection to Navitas other than the status of the Respondent as a student or employee, Navitas must consider the safety and wellbeing of students and employees in determining the scope of investigation of a formal report.

If it is determined that the report is not within the scope of this procedure, the **Harassment and Sexual Misconduct Investigation Officer (HSM-IO)** will inform the Discloser of the rationale for why the investigation will not proceed, and record any reasoning or referrals made within the report file in Donesafe.

If it is determined that the report is within the scope of this procedure and an investigation will proceed, the **Harassment and Sexual Misconduct Investigation Officer (HSM-IO)** will:

- determine the investigative process that will be followed based on the nature of the disclosure/report and identify any additional resources that need to be consulted
- appoint any additional Investigators to support the Investigation, taking into consideration the following factors to determine qualification:
  - subject matter being investigated
  - competency/experience/training
  - sensitivity
  - impartiality
- provide the additional Investigators with all documents and contact information relevant to the disclosure / formal report
- confirm whether any interim measures have been taken while the disclosure/report is investigated and discuss with the initial responders where additional actions may be required. In the context of an Investigation, interim measures are not to be viewed as disciplinary or as an assessment of the sexual misconduct
- determine the level of risk to the health or safety of the working and/or learning environment to members of the Navitas community and ensure immediate actions associated with Navitas' response has been coordinated
- where required, work with internal and external resources, including but not limited to law enforcement, to expedite responses and the investigation

Please note that:

- multiple Investigators may be appointed to support an investigation, if deemed appropriate based on the severity or complexity of the report
- if required, due to the sensitivity or severity of an incident, or where a lack of appropriately trained employees are available, an external Investigator may need to be appointed to oversee the investigation.

Additionally, the **Harassment and Sexual Misconduct Investigation Officer (HSM-IO)** will:

- notify the Discloser in writing that the investigation will proceed
- notify the Respondent in writing to:
  - inform them that a report has been filed against them and that an investigation is being undertaken
  - provide them with the nature of the allegations and the identity of the Discloser, where appropriate and consent obtained
  - they may exercise their rights to have a support person or representative (including a union representative) present throughout an investigation process
  - provide them with a copy of this procedure and any relevant policy(s) and provide them with information about resources and supports available

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The above notification must be made to the Discloser and Respondent on the same day, and the Discloser must be notified first.

### Collecting Evidence and Compiling an Investigation Report

Throughout the Investigation, the **Harassment and Sexual Misconduct Investigation Officer (HSM-IO)** will:

- meet with witnesses to collect facts
- collect and review any evidence
- provide the Discloser and Respondent other opportunities to participate in the investigation to ensure the facts are complete and give fair opportunities to respond
- prepare a written investigation report ("Investigation Report").

The **Harassment and Sexual Misconduct Investigation Officer (HSM-IO)** must ensure that any interactions with the Discloser and Respondent are held in a trauma-informed manner, including:

- identifying sensitivities with any initial responders prior to engaging either party, and avoiding further harm by minimising the number of times a person needs to recount their experience
- ensuring the individuals may exercise their rights to have a support person or representative present
- respecting the individual's right not to participate in the investigation process
- ensuring the individuals are aware of the investigation process and the contents of this procedure or other relevant policy/procedure(s)
- providing a summary of the filed disclosure/report that the Discloser submitted or that has been filed against the Respondent
- not asking irrelevant questions during an investigation process, including irrelevant questions relating to their sexual expression or past sexual history
- not requiring either party to provide physical evidence relating to the formal report.

The **Harassment and Sexual Misconduct Investigation Officer (HSM-IO)** shall normally have up to one calendar month to conclude the investigation. The timeline to conclude an Investigation may be extended depending on the availability of the Discloser, the Respondent, Witnesses and evidence availability. Disclosers and Respondents will be informed of any extension of the timeline.

The Investigation Report shall include:

- a summary of the allegations
- a summary of the process used in the Investigation
- the findings of fact made by the Investigator during the Investigation
- a conclusion as to whether, in the opinion of the Investigator, on a balance of probabilities, sexual misconduct occurred, along with a rationale supporting the conclusion.

### Determination of Further Actions and Notification to Relevant Parties

Upon receipt and review of the Investigation Report, the **Harassment and Sexual Misconduct Investigation Officer (HSM-IO)** will determine whether sexual misconduct has occurred, what, if any, action is to be taken including but not limited to disciplinary actions. Investigations may result in a wide range of actions if an employee, student, contractor, visitor or host employer is found, on the balance of probabilities, to have committed sexual misconduct.

Disciplinary action may include:

- for employees - a directed apology, formal reprimand, counselling, change of location, change of role or dismissal
- for students - a formal reprimand, suspension, exclusion from a course or campus for a specified period of time, exclusion from a residential facility or expulsion

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- for contractors – a formal reprimand, or termination of engagement
- for visitors – a formal reprimand, a ban from all Navitas facilities
- for host employer - a formal reprimand, notification to Police or termination of engagement.

Following the receipt of the final Investigation Report, the **Harassment and Sexual Misconduct Investigation Officer (HSM-IO)** will provide separate written explanations to the Discloser and Respondent of the outcomes of the investigation and the reasons for the decision. This notification must be given in writing within 10 working days of the investigation report being received. The written response will also provide the involved Parties with details of the appeals process.

### Managing Vexatious Reports

The resolution process includes an assessment and investigation of all facts contained within the disclosure or report. In the event that an investigation determines that on the information provided, the disclosure is found to be frivolous, malicious, vexatious, misconceived or lacking in substance it will be rejected. The Discloser will be informed of this outcome in writing.

### Withdrawal of Reports

A Discloser who has made a formal report of sexual misconduct is free to withdraw it at any time. However, if Navitas has already commenced misconduct proceedings against a student, employee, contractor, visitor, host employer or affiliate as a result of the report, those proceedings may (where practicable) be completed, with or without the cooperation of the Discloser.

In some cases, to support an environment in which members of the Navitas community can work, live and learn in a climate free from sexual misconduct Navitas may be required to or may choose to investigate misconduct even though an individual has chosen not to file a formal report or does not wish to initiate an investigation process.

### Appeals Process

A Discloser or Respondent may appeal the outcomes of the investigation, pursuant to the grounds set out below, within 10 working days of being informed of the Navitas' decision.

An appeal may be submitted if an error in fact or application of rules (including but not limited to procedural fairness) caused prejudice to the Discloser or Respondent and that would likely have affected the final outcome. The Respondent may appeal the severity of any sanction(s) imposed.

The Appellant must outline the reasons for the appeal.

The **Harassment and Sexual Misconduct Investigation Officer (HSM-IO)** will appoint an independent internal individual or body to hearing the appeal. This individual or body must be of suitable seniority and experience but must not be involved in any way with the original investigation or decision-making process.

When an appeal is filed by one Party, the other Party to the disclosure will be notified that an appeal has been filed. The individual or body hearing the appeal may request further involvement from the other party based upon the nature of the appeal.

A decision on the appeal will be based on a review of the Investigation file and any other relevant documents or information. The **Harassment and Sexual Misconduct Investigation Officer (HSM-IO)** will communicate their decision of the appeal in writing to all parties, normally within one calendar month of receiving the appeal. The decision will be final and binding.

Individuals who find the outcome of an investigation (or the appeals process) to be unsatisfactory have the right to seek further advice from an external (to Navitas) agency. Such matters can be raised, for free, with the Office of the Independent Adjudicator (OIA). The OIA are an independent body set up to review student

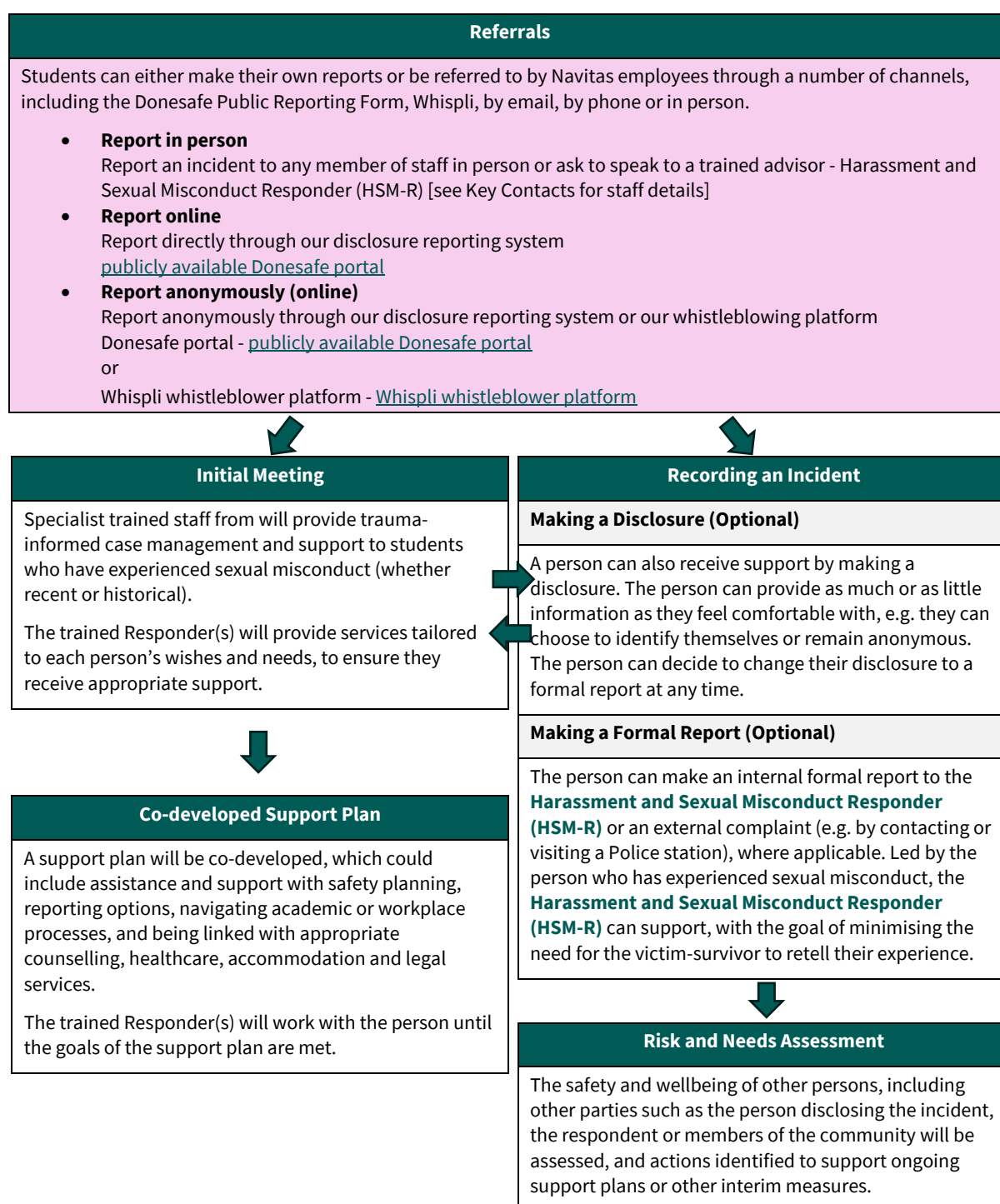
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complaints about higher education providers in England and Wales. The complaints procedure and contact information can be found on their website:

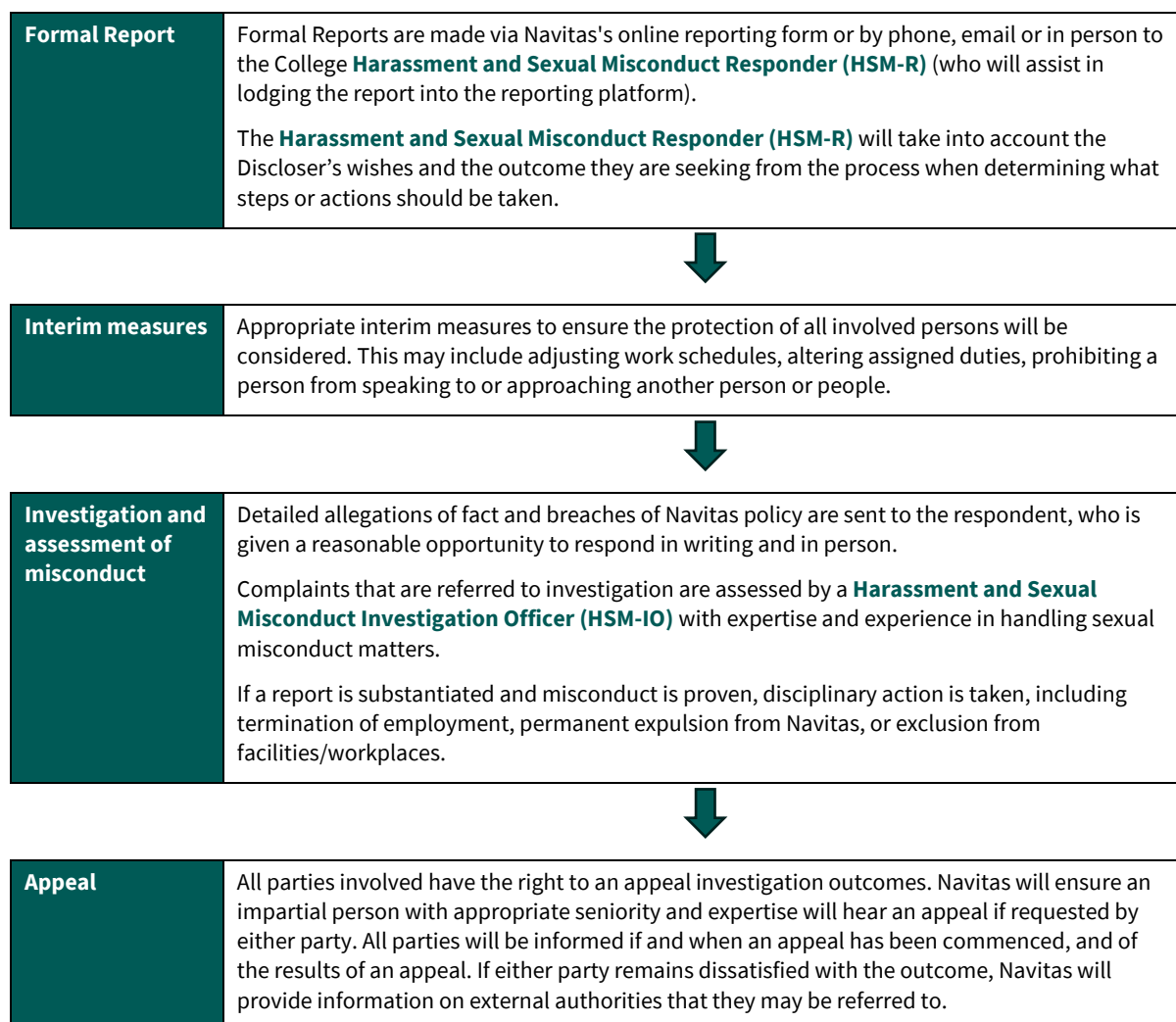
[How to complain to us - OIAHE](#)

## Process Flow for Responding to and Managing Sexual Misconduct Disclosures or Formal Reports

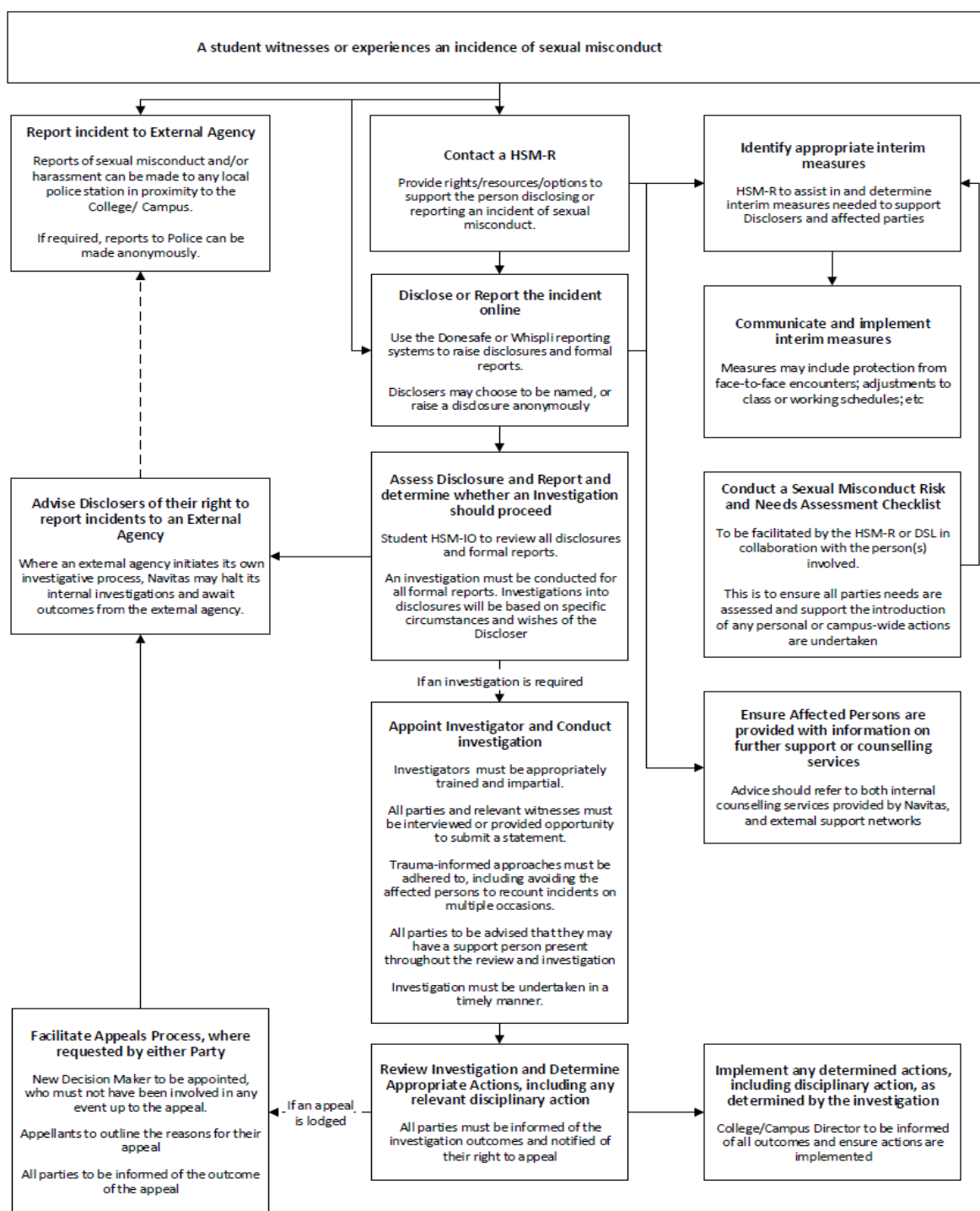
### Part A – A Person’s journey through the Disclosure/Reporting Process



## Part B – The Investigation Process



## Flowchart of Whole Process



## 17. Appendix B - Mandatory Reporting Guidelines

Mandatory reporting laws aim to identify cases of child abuse and neglect, and to assist the individual children in these cases.

In general, a teacher or school employee, including in higher education, has an obligation to report instances where, in the course of their work at Navitas, they become aware of, or form a reasonable suspicion, that a child (typically a person under the age of 18) has been or is likely to be the victim of sexual abuse. These instances must typically be reported to the Police, or a local child protection agency.

**Mandatory reporting is not currently required in the UK.** The introduction of the Crime and Policing Bill (not yet in force) includes provisions to introduce a new statutory duty for individuals undertaking key roles with responsibility for children and young people in England to report sexual abuse when they are made aware of it.

Jurisdiction	Reference Material
UK	Multi-Agency Safeguarding Hub (MASH) - identifies risks to vulnerable children. Provides an immediate response from Children's Social Care
UK	Police – for any urgent concern for a child
UK	NSPCC - for advice if you are unsure where to turn

## 18. Appendix C - Emergency and External Support Contacts for Sexual Misconduct

Persons impacted by sexual misconduct may wish to contact an organisation listed below for further information or support.

In the event of an emergency, call the emergency services (Police) on 999 or attend your local hospital emergency department.

- [Police England and Wales External link \(Opens in a new tab or window\)](#) and [Police Scotland \(Opens in a new tab or window\)](#)  
Practical information about reporting incidents and the police force in your area.
- [Citizens Advice External link \(Opens in a new tab or window\)](#)  
Citizens Advice has more information about what you can do if you've experienced, or know someone who has experienced, a hate incident or crime.
- [Rape Crisis England and Wales External link \(Opens in a new tab or window\)](#) and [Rape Crisis Scotland link \(Opens in a new tab or window\)](#)  
Rape Crisis can help you find a Rape Crisis Centre, get online emotional support, or find information and self-help tools.
- [NSPCC Abuse in Education helpline External link \(Opens in a new tab or window\)](#)  
Provides victims of abuse with the appropriate support, advice and onward action, including on contacting professionals or the police if they wish.
- [TellMama External link \(Opens in a new tab or window\)](#)  
TellMama offers a secure service that allows people from across the UK to report any form of anti-Muslim abuse.
- [Disability Rights UK External link \(Opens in a new tab or window\)](#)  
Disability Rights UK has a disabled students' helpline, providing advice to disabled students studying in England. They also campaign to improve disabled people's rights and to tackle hostility, bullying and hate crime.
- [Community Security Trust External link \(Opens in a new tab or window\)](#)  
The Community Security Trust is a charity that protects British Jews from antisemitism.