



Harassment and Sexual Misconduct Policy and Procedure

- 1 Introduction
- 2 What is Harassment and Sexual Misconduct Awareness and Training?
- 3 How do I know what behaviour is harassment or sexual harassment is?
- 4 When does this Policy and Procedure apply, and to who does it apply?
- 5 What should I do if I experience or witness harassment or sexual misconduct?
- 6 Can I make an Anonymous Disclosure?
- 7 Am I obliged to make a disclosure? And what if the person directly affected doesn't want action taken?
- 8 What happens after I make a disclosure?
- 9 What if the alleged perpetrator is external to the AA?
- 10 What are the potential outcomes following an investigation?
- 11 What if I don't agree with the conclusion or outcome following a disclosure?
- 12 Confidentiality and Data Privacy
- 13 Monitoring and Review
- 14 Record Keeping
- 15 Related Policies and Procedures

Annex 1 – Wellbeing Support and Mitigating Circumstances

Annex 2 – Referral Form

1 Introduction

A positive and inclusive learning and work environment is central to the Architectural Association (AA) remaining a world-leading school of architecture. As a small institution, the AA can foster trusting relationships between students and staff, and so encourage open conversations about what is and is not, acceptable behaviour. All students and staff should feel able to disclose any act of harassment or sexual harassment, knowing that disclosure will be dealt with appropriately and without fear of retaliation.

This policy seeks to:-

- ensure students and staff understand what harassment and sexual misconduct is;
- to raise awareness of unacceptable conduct, and so to deter such behaviour
- set out the procedure for dealing with any incidents of harassment or sexual misconduct.

Staff and students should be confident that the AA will take seriously allegations of harassment and sexual misconduct with a fair and impartial approach taken with all parties involved.

This policy seeks to ensure the AA fulfils its obligations as a higher education institution registered with the Office for Students, and to comply with the Equality Act 2010 and Higher Education (Freedom of Speech) Act 2023.

2 What is Harassment and Sexual Misconduct?

Harassment

Examples of harassment include but are not limited to:-

- Stalking
- Bullying (including online)
- Racial jokes

Harassment and Sexual Misconduct Policy

- Abuse of power or authority
- Spreading malicious rumours

For the purposes of this policy, acts, conduct or behaviour (collectively referred to as 'behaviour') that will be considered harassment is:-

'unwanted behaviour or conduct which has the purpose or effect of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment because of, or connected to, one or more of the following protected characteristics: age; disability; gender reassignment; race; religion or belief; sex; and sexual orientation.'

Not every behaviour that makes someone else feel uncomfortable will be harassment. There is an objective test applied which considers the behaviour from a reasonable person's point of view in possession of the same information. The test considers: -

- The perception of the person who is at the receiving end of the conduct
- Other circumstances of the case;
- Whether a reasonable person would consider the alleged behaviour to be harassment.

There is no criminal offence of 'harassment'. The legal definitions under civil law are found in Section 26 of the Equality Act 2010 and Section 1 of the Protection from Harassment Act 1997 for the legal definition of harassment.

Sexual Misconduct

Example of sexual misconduct:-

- o Unwanted sexual gestures or invitations;
- o Unwanted comments of sexual nature;
- o Sexual assault or rape;
- o Unwanted touching or kissing;
- o Revenge porn;
- o Persistent following or repeating invitations to date;

Sexual misconduct is defined as a single incident or repeated behaviour that is unwanted or attempted conduct of a sexual nature without consent, including but not limited to sexual assault, sexual touching without consent, and rape.

3 How do I know what behaviour is harassment or sexual misconduct is?

To support staff and students' understanding of harassment and sexual misconduct, mandatory and regular training is provided to all new and existing staff and students. Failure to complete any mandatory training may result in disciplinary action against staff, and limitation of certain privileges for students.

All staff and students will be made aware, at least annually, of the Staff and Student Relationship policy, and the AA Code of Behavioural Expectations.

For all other attendees to the AA premises including AA Council members, AA members, consultants and invited guests, they will be made aware of the AA Code of Behavioural Expectations either through direct correspondence, AA website or a copy of the Code being placed at the entrance notice board.

4 When does this Policy and Procedure apply, and to whom does it apply?

This policy and procedure will apply where harassment or sexual misconduct occurs on AA premises (London and Hooke Park), or elsewhere within the context of the AA work and study environment, including online, and where the alleged perpetrator is a staff member, student, consultant, AA Council member, AA members or invited guest to the AA.

Any harassment or sexual misconduct alleged to have been committed by the following people and contexts, will be dealt with in accordance with this procedure:-

- Conduct committed by staff, students, consultants, AA Council members, AA members and invited guests, whilst on the AA premises or attending AA events,
- 16 Conduct of students and staff when engaging with each other outside of the AA premises e.g. house parties, or on social media.

The person against whom an allegation of harassment of sexual misconduct is referred to as 'alleged perpetrator' in the rest of this policy.

Where incidents of harassment or sexual misconduct occur away from the AA premises, and involve external parties, the AA will have a limited or sometimes no ability to investigate but it will seek to offer support (for example through its Wellbeing service, or referral to external specialist advice).

This policy will be applied in a way that is consistent with the principles of freedom of speech and academic freedom. There is a high threshold for what constitutes 'harassment' that is alleged to have arisen from teaching materials, or views or opinions expressed during teaching, research or discussions at the AA or external to the AA. An individual feeling uncomfortable due to the content of teaching material or an opinion expressed etc, is not harassment. Further detail is set out in the Freedom of Speech Code of Practice.

5 What should I do if I experience or witness harassment or sexual misconduct?

A student can make a disclosure of harassment or sexual misconduct (referred to as a 'disclosure' in rest of this policy) to any one of the following people and that person will be deemed under this policy to be the Recipient of the disclosure:

- Course or unit tutor;
- Programme Head;
- Line Manager of the alleged perpetrator who is a staff member;
- A member of the Wellbeing Service: AAWellbeing@aaschool.ac.uk;
- Head of Learning: teachingandlearning@aaschool.ac.uk
- Registrar: registrar@aaschool.ac.uk;
- Head of Teaching: teachingandlearning@aaschool.ac.uk
- Company Secretary: secretary@aaschool.ac.uk;
- School Director: director@aaschool.ac.uk

A disclosure by a staff member against another staff member, should always be made directly to the staff member's and Head of HR, and will be dealt with through the [Staff Grievance Procedure](#). Unless the disclosure is against a student, AA member or invited guest and in such instances, Head of HR will pass the disclosure to the Head of Learning (students) or Company Secretary (AA member or guest).

A disclosure made by a consultant against a student or staff member should be made to the Head of HR or HR Manager. A disclosure made by an AA member against staff should be referred to the Head of HR, and for students to the Head of Learning.

A disclosure can be made in person or by email. A disclosure cannot be made via text, or social media including direct messaging. A record of a disclosure will be kept by the Recipient even if the person making the disclosure requests that no further action be taken. Disclosures where no action is requested will be dealt with in the same way as an anonymous disclosure, please see Section 6.

You do not have to be the party who is directly affected by an incident to make the disclosure; you may for example be a witness. However, you should first discuss the matter with the directly affected party before you make the disclosure, unless for example you consider the party directly affected to be at immediate and serious risk of harm, or the alleged perpetrator of the incident presents an immediate and serious risk to AA students or staff.

The disclosure (or a written record of the disclosure made face to face) should ideally include the following information ([See Annex 2 for Template Disclosure Form](#)):

- Description of the incident or incidents including specifics on location, time, and date;
- Name and contact details for the person directly affected by the incident (if known);

- If the person making the disclosure was a witness, say whether the witness has discussed the disclosure with the directly affected party;
- Name of the alleged perpetrator and their relationship to the AA;
- Any witnesses to the incident;
- What steps the person disclosing would like taken in response to the disclosure e.g. an investigation to be undertaken and disciplinary action taken, the perpetrator to be banned from AA premises, the perpetrator to provide an apology or undertaken additional training, or a facilitated conversation held between the parties.

Anyone making a disclosure should feel confident that they will not be the victim of retaliation by the alleged perpetrator or others. Any allegations of retaliation against someone making a disclosure will be dealt with as a formal complaint under the AA Complaints Procedure or under the Staff Grievance and Disciplinary procedure, either of which may result in disciplinary action against a student or staff member.

Examples of retaliation will include, but not be limited to:-

- Harmful comments directed to the person making the disclosure, in person or online by the alleged perpetrator or by other on behalf of the alleged perpetrator;
- 17 Not being offered a new role or considered for a pay rise;
- Tutor refusing to meet with a student or to offer support to the student who has made a disclosure.

Any staff member who are a party to a disclosure or investigation will be offered information about external support services available e.g. confidential counselling services. For students making, or the subject of a disclosure will receive support from the Wellbeing Service and it may also be possible to make a referral to external specialist providers. Further detail on support for students can be found at Annex 1

6 Can I make an Anonymous Disclosure?

Anonymous disclosures will be accepted by the Recipients named in Section 5 but anyone making such a disclosure will need to appreciate that the ability to investigate anonymous disclosures is necessarily limited. It is not normally possible to investigate an anonymous disclosure.

A record of the anonymous disclosure will be kept for the purpose of helping to identify trends in behavior or conduct, even where no further action or investigation can be taken. The record will include a summary of the allegation made and how it was received, known parties, and any actions taken in response. The record will be held by the following individuals in accordance with Section 14 retention periods.

- Allegations against students: Head of Learning.
- Allegations against staff: Head of HR.
- Allegations against AA Council member: Company Secretary.

Only where the disclosure raises a likelihood of immediate and serious risk of harm to students or staff in the view of the Recipient will they raise the concern with the Registrar, Head of Learning and Company Secretary (if concern is for a student), and Head of HR (if concern is about a staff member), and decide a course of action which may include a referral to the police or local authority and/or other statutory agencies.

7 Am I obliged to make a disclosure? And what if the person directly affected doesn't want action taken?

You are only obliged to make a disclosure if you become aware of behaviour or an incident that raises a likelihood of immediate and serious risk of harm to a student or staff, or is criminal in nature. In such instances the disclosure should be made to the Registrar or Head of Learning (if concern is about a student) and the Head of HR (if concern is about a staff member). They will decide on an appropriate course of action which may include a referral to the police, local authorities and/or any other statutory agencies. The Recipient will normally undertake a risk assessment prior to deciding what action to take.

Where there is no immediate and serious risk of harm, and the person directly affected by the incident does not want any action taken, a disclosure may still be made by another party or the person affected. The Recipient will normally

offer a meeting to the person affected, and a written record held of the disclosure with no action taken (see Section 5 for who should retain the record and content of the written disclosure).

See also the [Safeguarding Policy for how risks of harm](#) should be addressed.

8 What happens after I make a disclosure?

The Recipient of the disclosure will acknowledge safe receipt within three working days of the disclosure having been made, and will normally offer to meet with the person making the disclosure within five working days of the disclosure. Within a further five working days from the meeting date, the Recipient will confirm to the person making the disclosure the next steps. The next step may be to address the allegation in accordance with the AA Complaints Procedure, and a disclosure under this policy will normally be dealt with as a Second Stage Formal Complaint. Unless the allegation of harassment or sexual misconduct is against a member of staff, then the recipient of the disclosure (Head of HR or HR Manager) will be dealt with in accordance with the Staff Grievance Procedure. Where a disclosure is made just prior to, or during, a school closure period, or the Recipient's annual leave, there will be a delay in complying with the deadlines within this procedure.

Following the meeting, the Recipient may decide for any one of the following reasons that the disclosure should not be investigated any further and the procedure be concluded with no further action. The reasons for such a decision can be:-

- The disclosure is not harassment or sexual misconduct as defined by this Policy;
- There is reasonable cause to believe the disclosure is vexatious or malicious;
- The disclosure would be considered trivial by a reasonably objective person (such a decision should be taken in consultation with the Head of HR or Company Secretary).
- The disclosure results from a breakdown in a personal relationship and a facilitated conversation would be more beneficial than an investigation.

9 What if the alleged perpetrator is external to the AA?

Where a disclosure is made against someone to whom this policy does not apply, or someone outside of the control of the AA e.g. member of the public attending a Public Programme event, the Recipient will discuss the matter with the Company Secretary and decide whether there is a need to refer the disclosure elsewhere, such as to the alleged perpetrator's employer or the police. See also the [Safeguarding Policy](#) for further information on disclosure of safeguarding concerns.

10 What are the potential outcomes following an investigation?

Where the allegations made within a disclosure against a student is found to have more than likely to have occurred than not, following an investigation under the AA Complaints Procedure, the outcomes may be:-

- A letter of warning with conditions for the continuation of student status;
- Exclusion for a period of time from the school, or exclusion from specified activities or parts of the school for a period of time. There may also be Conditions to be fulfilled before re-admittance can be permitted;
- Suspension from registration at the school or on a particular programme or unit for such period as deemed appropriate;
- Removal from the school, without right of re-admission;
- Request to withdraw from studies.

Where allegations against a staff member are found to have more than likely occurred than not, under the [Staff Grievance and Disciplinary Procedure](#), disciplinary action may be taken, which may result in a staff member being dismissed, sent a written warning and / or required to undertake additional training. Allegations upheld against a consultant could result in the consultant not being re-engaged, required apologies, or undertaking training before being re-engaged.

Where an allegation against a member of the AA or AA Council member is upheld, an outcome might be:-

- An apology letter;

- Exclusion from the AA premises for an agreed period, or access only upon certain conditions being met;
- Agreement of Council is sought for the removal or suspension of membership, or removal from AA Council.

11 What if I don't agree with the conclusion or outcome following a disclosure?

Both the AA Complaints Procedure and Staff Grievance and Disciplinary procedure provide an opportunity to appeal and these appeals should be utilised when the disclosure has been dealt with under those procedures.

Where the Recipient decides in accordance with Section 8 that there will be no further action or investigation and the disclosing party does not agree with this conclusion. The disclosing party may appeal this decision but only upon one of the following ground:-

- 1) There is new material evidence
- 2) There is evidence that this Procedure was not properly adhered to.

The appeal will be sent to the School Director who will consider whether there are grounds for appeal. If there are no grounds for appeal, the School Director will immediately decline the appeal without further consideration. The President will fulfil this role where the disclosure is against the School Director.

Where there are grounds for appeal, the appeal will be paper based and there will not normally be any meeting with the School Director. The School Director will consider the written evidence and conclude either: -

- Uphold the decision of the Recipient to decide no further action;
- Refer the disclosure to the AA Complaints Procedure or Staff Grievance and Disciplinary Procedure;
- Direct an alternative action to be undertaken.

12 Confidentiality and Data Privacy

Confidentiality is key to ensuring people feel able to make a disclosure of harassment and sexual misconduct.

The person making the disclosure, and the alleged perpetrator, can each seek support from a close friend or family member without breaching confidentiality. All the parties to the disclosure and investigation including witnesses, will not discuss the disclosure or procedure unless seeking legal or emotional support. Any breach of confidentiality will be taken seriously and dealt with as a separate complaint under the AA Complaints Procedure, potentially leading to disciplinary action.

A breach of confidentiality will arise where a party to, or administering the disclosure or investigation, discloses information about the disclosure to someone who has no reason to be informed or to be made aware of the disclosure. Seeking support from a trusted person with the disclosure and procedure will not be a breach of confidence.

Disclosures may be shared with other staff members to seek advice such as legal, HR and safeguarding advice and such sharing will not be a breach of confidence. There may be circumstances in which the AA is required or advised to share information with external parties such as the police or local authorities, for example to help protect to protect an individual at risk. See the AA [Safeguarding Policy](#), or for legal advice.

13 Monitoring and Review

This policy will be reviewed at last every two years, and normally at the same time as the AA Complaints Procedure is reviewed to ensure consistency. Any review will seek to incorporate lessons learned and take on board feedback from students and staff.

Aggregated and anonymised data on disclosures of harassment and sexual misconduct, including those where no action is taken, will be recorded and reported to the AA Council annually. Given the size of the AA, the reporting will be non-specific as to the nature of the incidents in order to ensure details of parties are not identifiable.

14 Record Keeping

The record keeping requirements of the [AA Complaints Procedure](#) or Staff Grievance and Discipline procedure will apply where those procedures address a disclosure. For all other disclosures, the Recipient will pass a written record of the disclosure to the following postholder, depending on who the allegation is against:

- Allegations against students: Head of Learning
- Allegations against staff: Head of HR
- Allegations against AA Council member: Company Secretary

The person receiving the written record will retain a copy for one year after the disclosure, unless the disclosure is considered to present a serious risk of harm to students and staff, in which case the record may be kept until one year after the alleged perpetrator ceases to be a staff member or student.

15 Related Policies and Procedures

- [Code of Behavioural Expectations](#)
- [Dignity at Work and Study Policy](#)
- [Equality, Diversity and Inclusion Policy](#)
- [Safeguarding Policy](#)
- [Media and Social Media Guidelines](#)
- [Freedom of Speech Code of Practice](#)
- [Staff Grievance and Disciplinary Procedure](#)
- Staff and Student Relationship Policy (to follow)

ANNEX 1 –Wellbeing Support and Mitigating Circumstances

All current AA students can avail themselves of the Wellbeing Service, which includes counselling and mental health advice. Students can email AAWellbeing@aaschool.ac.uk, attend drop-in sessions or visit the Wellbeing Service [intranet page](#) for more information.

The Wellbeing Service will offer an initial consultation where support and guidance are provided, including signposting to relevant internal and external support.

The Wellbeing Service is not a medical or crisis service. For these services, students are directed to external support providers:

- [Sexual assault referral centres \(SARCs\)](#) provide medical, practical and emotional support, including crisis care, medical and forensic examinations, and other essential support.
- [The London Survivors Gateway](#) searches for key sexual violence support services by location.
- [The Havens](#) is a London based NHS service for sexual violence and specialises in supporting people who have experienced sexual assault in the last 12 months.
- [Rape Crisis England and Wales](#) supports anyone aged 16 and over who has been affected by sexual violence or sexual harassment at any point in their life.

Mitigating Circumstances

Students whose ability to attend or complete a formal academic assessment component is impeded may submit an extension request in line with the Mitigating and Extenuating Circumstances procedure outlined in the [Academic Regulations](#).

ANNEX 2 REFERRAL FORM

Before completing this form, please ensure you have read the AA Harassment and Sexual Misconduct Policy and Procedure and any relevant AA policies or guidance.

1. Complete your personal details

Surname/Family name:			
First/Given name(s):			
Email:			
Programme:		Year of study:	
Course or Unit Tutor:			
Status at the AA – e.g. student, staff, or member			

2. Do you have a disability and need reasonable adjustments to be made to this process?

Or do we need to notify anyone who may need support from you in this process or act as your representative due to your disability? Should correspondence be sent to a representative because of your disability? (If yes, please provide details of the adjustments or authorised representative, and evidence of your disability.)

3. Please provide a description of the incident or incidents including location, time, and date;

4. Please provide the name and contact details of the person directly affected by the incident;

5. If the person making the disclosure was a witness, please say whether the disclosure has been discussed with the affected individual;

6. Please provide the name of the alleged perpetrator and their relationship to the AA;

7. Please note if there were any witnesses to the incident;

8. Please note what steps, as the person disclosing the incident, would like taken in response to the disclosure;

9. Statement by person disclosing (please tick to indicate your agreement with each statement)

I have read and understood the AA Harassment and Sexual Misconduct Policy and Procedure	<input type="checkbox"/>
I agree to the AA handling my disclosure and personal information in order to enable its consideration under this Policy and Procedure. I accept this will likely require a sharing of the nature of the disclosure with the alleged perpetrator.	<input type="checkbox"/>
I agree to keep this disclosure confidential and not to share details of my disclosure with people who are not a party to the disclosure or its investigation, other than a friend or relative who is supporting me in making this disclosure. I will explain to those supporting me the need to keep this disclosure confidential.	<input type="checkbox"/>
I declare that the information I have given on this form is true, correct, and complete, to the best of my knowledge.	<input type="checkbox"/>
Signed:	

