



## Harassment and Sexual Misconduct Policy

<b>Policy Title</b>	Harassment and Sexual Misconduct Policy		
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## 1. Overview

- 1.1. Point Blank Music School is committed to promoting a culture in which any incidents of Harassment and Sexual Misconduct will not be tolerated and will be thoroughly addressed to ensure the preservation of a safe work and study environment. It is acknowledged that Harassment and Sexual Misconduct can be experienced by any individual, regardless of their identity.
- 1.2. This policy outlines how Point Blank Music School will identify and respond to all forms of Harassment and Sexual Misconduct. This policy applies to the Point Blank Music School community and specifically relates to Harassment and Sexual Misconduct perpetrated by:
  - i. a student against a student or member of staff (including visiting staff)
  - ii. a member of staff against a student or member of staff (including guest lecturers and speakers)

## 2. Definitions

- 2.1. **Disclosure:** when an individual informs another about an experience of Harassment and Sexual Misconduct. Whilst action will not normally be taken as a result of a Disclosure, there may be some cases where the School has a duty of care to act in accordance with this policy. A Disclosure becomes a Report if the Reporting Party wants action to be taken as a result of the Disclosure. *(different from Report)*
- 2.2. **Report:** the sharing of information with a member of staff at Point Blank Music School regarding an incident of Harassment and Sexual Misconduct experienced by that individual, for the purposes of initiating an investigation process. The Reporting Party may be asked to provide further information for the most effective action to be taken. *(different from Disclosure)*
- 2.3. **Reporting Party:** The person(s) who has been the subject of the alleged incident of Harassment and Sexual Misconduct.
- 2.4. **Responding Party:** The person(s) whose behaviour it is alleged amounted to an incident of Harassment and Sexual Misconduct.
- 2.5. **Consent:** The agreement by choice, where the individual has both the freedom and capacity to make that choice. Consent cannot be assumed based on a previous sexual experience or previously given consent, or from the absence of complaint. Each new sexual act requires re-confirmation of consent as the foundation of a healthy and respectful sexual relationship. Consent may be withdrawn at any time before or during a sexual act.
- 2.6. **Freedom to consent:** For consent to be present, the individual must freely engage in a sexual act. Consent cannot be inferred from a lack of verbal or physical resistance. Consent is not present when submission by an unwilling participant results from coercion, force, threat, intimidation, or the exploitation of power.

2.7. **Harassment** (as defined by Section 26 of the Equality Act 2010): Any 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:

- 1) Age
- 2) Disability
- 3) Gender reassignment
- 4) Race
- 5) Religion or belief
- 6) Sex
- 7) Sexual orientation

2.7.1. Harassment includes domestic violence and abuse (which can also involve control, coercion, threats), and stalking. Harassment is also considered to include physical violence towards another person(s) on the basis of a protected characteristic, and hate crimes, such as those criminal offences which are perceived by the victim or any other person, to be motivated by hostility or prejudice, based on a person's disability or perceived disability; race or perceived race; or religion or perceived religion; or sexual orientation or perceived sexual orientation or transgender identity or perceived transgender identity.

2.8. **Sexual Misconduct:** Any unwanted conduct of a sexual nature which occurred in person or by letter, telephone, text, email or other electronic and/or social media and includes, but is not limited to, the following behaviour:

- i. Engaging, or attempting to engage in a sexual act with another individual without consent
- ii. Recording and/or sharing intimate images or recordings of another person without their consent
- iii. Touching inappropriately without consent
- iv. Inappropriately showing sexual organs to another person
- v. Arranging or participating in events which may reasonably be assumed to cause degradation and humiliation to those who have experienced sexual violence, for example inappropriately themed social events or initiations
- vi. Repeatedly following another person without good reason
- vii. Conduct of a sexual nature which creates (or could create) an intimidating, hostile, degrading, humiliating, or offensive environment for others including making unwanted remarks of a sexual nature.

### 3. Disclosing and Reporting Harassment and Sexual Misconduct

3.1. It is important to note that Disclosure and Reporting are separate actions that the Reporting Party may choose to take. Any member of staff at Point Blank Music School may receive a

Disclosure of Harassment and/or Sexual Misconduct, however all Reports should be received and processed by the General Manager.

- 3.2. Staff who receive a Disclosure that may amount to a breach of the Harassment and Sexual Misconduct Policy must inform the General Manager as soon as possible and should complete the 'Disclosure Recording Form' as appropriate. They may, if the Reporting Party requests, omit the name of the Reporting Party and/or Responding Party.
- 3.3. Following a Disclosure, the Reporting Party will be given their reporting options along with information on resources for support. The Reporting Party will be given the option and support to do one or more of the following:
  1. Report the incident to Point Blank Music School in accordance with this policy
  2. Report the incident to the Police
  3. Make no formal report of the incident and/or
  4. Receive advice on the support that is available
- 3.4. To Report an incident of Harassment and/or Sexual Misconduct, the Reporting Party must submit a written statement of the allegation to the General Manager indicating the Responding Party and any witnesses. A Report cannot be investigated if the Reporting Party does not wish the substance of the allegation to be made known to the Responding Party.

## 4. Investigating a Report of Harassment and Sexual Misconduct

- 4.1. Before any action is taken by Point Blank Music School, the Reporting Party will be asked to attend an initial review meeting with the General Manager, during which the procedure to be followed will be explained and the details of the Report will be confirmed.
- 4.2. During the initial review meeting the General Manager will consider the academic, welfare and support needs of the Reporting Party and of the Responding Party and any other members of the Point Blank Music School community who may be directly involved in the Report, and identify any actions required to ensure that those needs are met.
- 4.3. A Risk Assessment will be undertaken during the initial review meeting in order to determine whether any precautionary measures need to be put in place.
- 4.4. A note of the initial review meeting must be made and will be sent to the Reporting Party who will be asked to confirm whether it is an accurate summary of the discussion before an investigation can be launched.
- 4.5. The decision to launch a formal investigation following a Report can only be made at the initial review meeting, following discussion and agreement from the Reporting Party. Staff must not attempt to investigate the incident or inform the Responding Party until the Reporting Party has formally agreed to proceed with the investigation.

- 4.6. If the Reporting Party chooses to make a Report to Point Blank Music School under the Harassment and Sexual Misconduct Policy and to proceed with an internal investigation, the following process must be followed:
- i. An investigation team must be formed and will consist of the General Manager (or suitable deputy) and external Legal Advisory support. Where the incident involves a student, the Student Services Manager (or suitable deputy) will be required to be part of the investigation team
  - ii. The General Manager will identify a suitable member of staff who will be assigned to collating evidence. This evidence will be presented to the investigation team in order to ascertain whether or not a breach of the Sexual Misconduct policy has occurred
  - iii. The Reporting Party and Responding Party will be informed that they must not make any contact with each other during the course of the investigation unless otherwise instructed
  - iv. Investigation meetings will take place in order to provide each party with a full and fair opportunity to explain or present their version of events
  - v. All parties involved in the investigation process have the right to attend any meetings accompanied for support by a member of the Point Blank Music School community, such as a member of staff or a fellow student
  - vi. The Reporting Party and Responding Party may identify witnesses for the investigators to contact. Witnesses will be required to keep the details of the investigation confidential
  - vii. Witnesses (in all cases willing) will be required to submit a written statement for the investigation and may be asked to attend an investigation meeting at the discretion of the investigators. The witnesses' statement will be provided to the Reporting and Responding Parties
  - viii. Investigators will act promptly and tactfully, observing appropriate levels of confidentiality at all times. The investigators will take appropriate measures to provide a safe, comfortable and supportive environment in which to discuss the Report with the Reporting Party, Responding Party and any witnesses during investigation meetings. The investigators may consult external parties to seek specialist advice as required while maintaining confidentiality.
- 4.7. In all cases, Point Blank Music School will advise the Reporting Party that it does not have the legal investigatory powers of the Police, and cannot make a determination on criminal guilt. An internal investigation is focussed exclusively on whether a breach of the School's Harassment and Sexual Misconduct Policy has occurred. The internal process cannot therefore be regarded as a substitute for a Police investigation or criminal prosecution.
- 4.8. If after investigation the evidence presented does not support a breach of the Harassment and Sexual Misconduct Policy, the case will be dismissed, and no disciplinary action will be taken. Continued support will be offered to both parties.
- 4.9. If after investigation the evidence presented indicates a breach of the Harassment and Sexual Misconduct Policy, appropriate further action will be taken in accordance with the Student Disciplinary Procedure or the Staff Grievance or Harassment policy as appropriate.

- 4.10. If the Reporting Party chooses to make a Report to the Police, Point Blank Music School cannot proceed to investigate the matter and must suspend any internal investigations until all criminal proceedings have concluded. In all instances, an initial review meeting will take place to determine whether any support or precautionary action is required to be put in place for any of the affected parties.
- 4.11. Where the Reporting Party has been convicted of a criminal offence or accepts a Police caution in relation to behaviour that falls within the scope of the Harassment and Sexual Misconduct Policy, the conviction/caution will be taken as conclusive evidence that the behaviour took place and no further investigation shall be required by Point Bank Music School. Further action will be taken as appropriate, in accordance with the Student Disciplinary Procedure or the Staff Grievance or Harassment policy.

## 5. Support

- 5.1. Point Blank Music School is committed to ensuring that appropriate support is provided to those members of its community affected by alleged incidents of Harassment and/or Sexual Misconduct. The School will provide information on support resources available and will offer interim measures as appropriate to the Reporting Party, Responding Party, and any witnesses involved in alleged incidents of Harassment and/or Sexual Misconduct.
- 5.2. Support resources are available to all members of the Point Blank Music School community who disclose an incident, regardless of their choice to make a Report to the School or the Police. Support remains available irrespective of the outcome of an investigation.
- 5.3. The Reporting Party and Responding Party will each have a separate member of staff assigned to them to offer welfare and pastoral support throughout the investigation process.
- 5.4. The Reporting Party and Responding Party will be signposted to relevant external support agencies e.g. Sexual Assault Referral Centres or similar organisations as appropriate.

## 6. Appeals

- 6.1. Once an investigation has concluded, the Reporting Party and/or the Responding Party may request to appeal the decision made by the Investigators. In such cases, the Reporting Party and/or Responding Party will need to submit a letter of appeal in writing to the Chair of the Investigation team within 14 days of the notification of the investigation findings.
- 6.2. Appeals can be submitted on the following grounds, with supporting evidence being provided where appropriate:
  - 6.2.1. The Reporting Party and/or the Responding Party has reason to believe that Investigators did not follow the appropriate procedure in investigating the Report, and is of the view that this had an effect on the investigation outcome, making it unsound
  - 6.2.2. Substantial and relevant new information which the Reporting Party and/or the Responding Party was unable to provide previously for a good reason and that this had a material effect on the investigation outcome, making it unsound

## 7. Related Policies

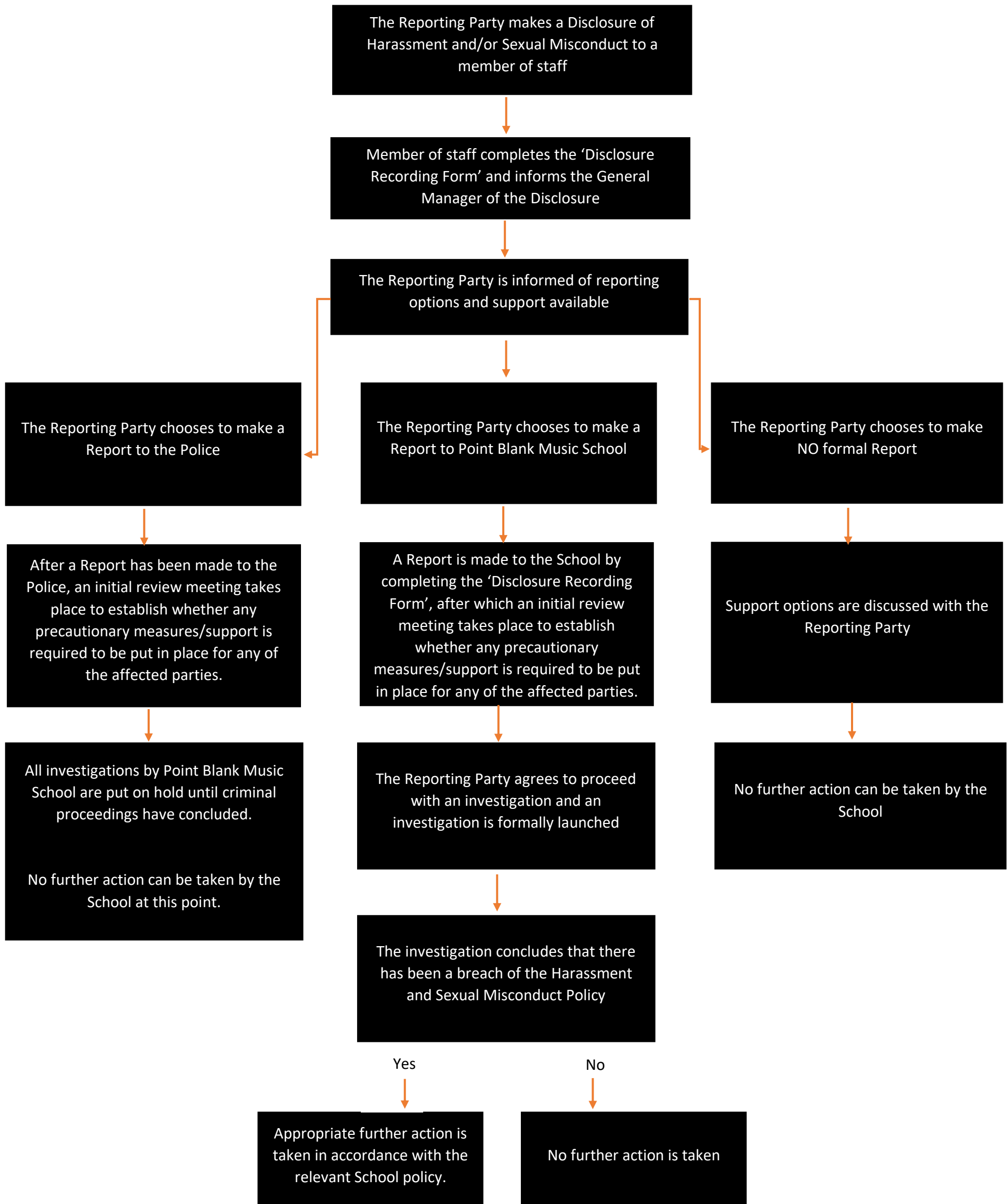
7.1. This policy should be read in conjunction with the following Point Blank Music School policies:

1. Safeguarding Students and Children Policy
2. Student Disciplinary Procedure Policy
3. Staff Grievance Policy
4. Fitness to Study Policy
5. Anti-Bullying Policy
6. Student Mental Health & Wellbeing Policy
7. Point Blank Music School Staff Handbook (sections on Grievances and Harassment)



## Harassment and Sexual Misconduct Policy

Disclosure and Reporting guidance flowchart



See the Harassment and Sexual Misconduct Policy for more information on Support, Appeals and other related School policy.

## Harassment and Sexual Misconduct Disclosure Recording Form

## Supporting guidance

Please read this supporting guidance fully before completing the Harassment and Sexual Misconduct Recording Form. If you have any questions or would like further support with completing the form, please contact the General Manager at Point Blank Music School [anwar@pointblankmusicschool.com](mailto:anwar@pointblankmusicschool.com)

## 1. When to use this form

- 1.1. This form should be used to make a disclosure of harassment and/or sexual misconduct to Point Blank Music School, for the purposes of initiating the procedures within the Harassment and Sexual Misconduct Policy. This form should also be used to request that the School take action in response to an incident of harassment and/or sexual misconduct, where the Responding Party is a member of the School community, e.g. a student or staff member.

## 2. Who should complete this form?

- 2.1. This Harassment and Sexual Misconduct Disclosure Recording Form can be completed by any of the following individuals:
  - A member of staff who has received a Disclosure of harassment and/or sexual misconduct from a student
  - An individual who was the subject of harassment and/or sexual misconduct and wishes to **disclose** the incident to the School
  - An individual who was the subject of harassment and/or sexual misconduct and wishes to **formally report** this to the School to initiate an investigation

## 3. How to complete this form

- 3.1. Individuals should complete this form to the best of their knowledge. Some sections may be left blank as preferred. After submitting this form, if the Reporting Party chooses to continue with the formal process an investigation into the allegations will be conducted. This form will be used to present the Reporting Party's experience to the investigators; however, they will also have the opportunity to speak to the investigators in person. This form will also be shared with the Responding Party in order to inform him/her/them of the allegations.
- 3.2. It should be noted that where the Reporting Party does not wish to be identified on the form, the School will be unable to take action in response to the information provided. A formal investigation can only be initiated if the Reporting Party is willing for the Responding Party to be informed of the allegation against them, which includes details of the Reporting Party.

### **Section 1. Staff receiving a Disclosure of Harassment and/or Sexual Misconduct**

3.3. This section of the form should only be completed by Point Blank Music School staff members who have received a Disclosure of Harassment and/or Sexual Misconduct. Staff members should complete sections 1, 2, 3 and 4 of the form with as much detail as possible. It is important to note that the Reporting Party will still be required to complete a Harassment and Sexual Misconduct Recording Form, should they wish to formally report the alleged incident to Point Blank Music School.

### **Section 2. Reporting Party details**

3.4. The Reporting Party is the individual who was the subject of the harassment and/or sexual misconduct and has chosen to formally report this to the School. After the form is submitted, the following information will be redacted so that the Responding Party does not receive contact details for the Reporting Party: address, contact number, email address and programme of study.

### **Section 3. Responding Party details**

3.5. The Responding Party is the individual who is alleged by the Reporting Party to have committed the harassment and/or sexual misconduct. If there is more than one Responding Party related to the same incident, this should be noted in the Incident Information section.

### **Section 4. Incident Information**

3.6. This section should be used to describe what happened during the incident. The more detail provided in this section; the fewer questions the investigators may need to ask the Reporting Party during the investigation stages. If there is more than one incident related to the same Responding Party, please indicate this in the description of the incident. If there were witnesses who have knowledge of the incident(s), the Responding Party may wish to include them in the investigations.

### **Section 5. Supporting Documentation**

3.7. Supporting documentation may include, but is not limited to photos, videos, e-mails, text messages and/or screenshots of online material. Submitted documentation will be shared with the Responding Party at the time of them being informed of the allegation and receiving details of the report.

### **Section 6. Outcome**

3.8. This section should be used to describe the actions desired as a result of this disclosure. This may include requests for information on specialist support, a disciplinary response, and/or no contact arrangements/orders.

## **4. Submitting this form**

4.1. Please submit the completed disclosure form to the General Manager at Point Blank Music School [anwar@pointblankmusicschool.com](mailto:anwar@pointblankmusicschool.com). Please refer to the Harassment and Sexual

Misconduct Policy and Disclosure and Reporting guidance flowchart for full details of the process that follows submission of a disclosure.

## Harassment and Sexual Misconduct Disclosure Recording Form

<b>Section 1. Staff receiving a Disclosure of Harassment and/or Sexual Misconduct</b>			
Are you a member of staff at Point Blank who has received a Disclosure of Harassment and/or Sexual Misconduct from a student?  Yes <input type="checkbox"/> No <input type="checkbox"/>			
<ul style="list-style-type: none"> <li>• If yes, please complete sections 1, 2, 3 and 4 with any details provided to you during the Disclosure.</li> <li>• If no, please proceed to section 2 and complete all remaining sections to the best of your ability.</li> </ul>			
First name:		Surname:	
Job title:		Department:	
Date Disclosure was received:			
Was the student informed of the Reporting options and support available? Yes <input type="checkbox"/> No <input type="checkbox"/>			
Does the student intend to formally Report this incident to Point Blank Music School in order to initiate an investigation?  Yes <input type="checkbox"/> No <input type="checkbox"/> Unsure <input type="checkbox"/>			
Has the alleged incident been reported to the Police? Yes <input type="checkbox"/> No <input type="checkbox"/> Unsure <input type="checkbox"/>			
<b>Section 2. Reporting Party</b>			
First name:		Surname:	
Address:			
Contact number:			

Email address:			
Affiliation with Point Blank Music School:			
Programme of Study: (if applicable)			
<b>Section 3. Responding Party</b>			
First name:		Surname:	
Relationship to Reporting Party:	(e.g. friend, peer, partner, stranger, etc)		
Affiliation with Point Blank Music School:			
Programme of study: (if applicable)			
<b>Section 4. Incident Information</b>			
Date and time of incident:			
Please provide a description of the incident:	(include additional pages if necessary)		
Are there any witnesses to the incident	Yes <input type="checkbox"/> No <input type="checkbox"/>	Have witnesses given their consent to be contacted in relation to the incident?	Yes <input type="checkbox"/> No <input type="checkbox"/> (If yes, please provide details of the witnesses below)
Names and contacts details of all witnesses	(Continue on an additional sheet if required)		
Has anyone been informed of this incident?	Yes <input type="checkbox"/> No <input type="checkbox"/> (if yes, who):		
Have you notified the police of this incident?	Yes <input type="checkbox"/> No <input type="checkbox"/> I would like more information on this option.		
<b>Section 5. Supporting documentation</b>			
Are you submitting supporting documentation?	Yes <input type="checkbox"/> No <input type="checkbox"/> If yes, please provide a description of the documentation you are providing.		
<b>Section 6. Outcome</b>			
What actions do you desire from this process?			

Print name: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

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Please forward this completed form to the General Manager of Point Blank Music School. Please ensure that any supporting documentation is submitted with this form.

By email:

anwar@pointblankmusicschool.com

By mail:

Anwar Hamad  
Point Blank  
23-28 Penn Street,  
Hoxton, London,  
N1 5DL

In person:

You may submit this form in person to a member of staff at the Point Blank offices in Penn Street. Please ensure that the completed form is submitted in an envelope marked private and confidential, for the attention of Anwar Hamad.

**For more information regarding support, reporting options, and for full details of the processes involved please refer to the Harassment and Sexual Misconduct Policy and Disclosure and Reporting guidance flowchart.**