

Sexual Misconduct and Harassment Policy

1. Scope and Purpose

- 1.1. This policy applies to all students and staff at The Loughborough College Group and its subsidiaries.
- 1.2. The purpose of this policy is to provide clear information about sexual misconduct and harassment, reporting options and the procedures that follow after a report is made.
- 1.3. Where the term 'students' is used throughout the policy it relates to any student or apprentice enrolled on a programme at the Loughborough College Group.
- 1.4. The Policy is consistent with:
 - The legal duty to safeguard and promote the welfare of children, as described in
 - Section 175 of the Education Act 2002 and the statutory guidance 'Keeping Children Safe in Education' (2024)
 - Leicester Safeguarding Children Partnership Board (LSCPB), Leicestershire and
 - Rutland Safeguarding Children Partnership (SCP) and Leicestershire & Rutland Safeguarding Adults Board (SAB) procedures and guidance for safeguarding children and adults.
 - Working Together to Safeguard Children (2023)
 - Safeguarding Children and Safer Recruitment in Education (2019)
 - Guidance for Safer Working Practice for those working with Children and Young People in Education Settings (2019)
 - Care Act (2014), see chapter 14 safeguarding
 - Safeguarding Vulnerable Groups Act (2006)
 - Human Rights Act (1998)
 - Tackling violence against women and girls (2021)
 - Equality Act (2010)
 - Protection from Harassment Act (1997)
 - Sexual Offences Act (2003)

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- 1.5. For the purposes of this policy, we use the term 'reporting party' and 'reported party'. Whilst 'victim' It is a widely recognised and understood term, we recognise that not everyone who has been subjected to sexual misconduct violence and/or harassment considers themselves a victim or would want to be described in this way. The College Group also recognises that reporting parties may also be students therefore we have a duty of care to ensure all parties have the appropriate support. Staff supporting students are prepared to use a term with which the student is most comfortable.

2. Policy and Procedure Statement

- 2.1. The Loughborough College Group recognises the welfare of its students, apprentices and staff to be of paramount importance and works to safeguard and promote their welfare, safety and health by providing an open, caring, responsive and supportive learning environment which responds to needs.
- 2.2. The College is committed to promoting a culture in which sexual misconduct and harassment will not be tolerated and understands the importance of creating a culture in which those who have been affected by sexual misconduct and harassment feel safe and empowered to make a report. The impact of sexual misconduct and harassment goes beyond the physical and emotional wellbeing of those affected and can have implications on educational attainment and attendance, social opportunities and employment.
- 2.3. We recognise that the College has a key role in not only addressing sexual misconduct and harassment within the College Group but equipping students and staff with the knowledge, information, and tools to recognise and respond to incidents of sexual misconduct and harassment.
- 2.4. The Loughborough College Group has three strategic objectives in its commitment to prevent sexual misconduct and harassment:
- 2.4.1. Prevention:
- 2.4.1.1. The College is committed to working in a joined-up way to prevent sexual misconduct and harassment by working with partner agencies and local support services.
- 2.4.1.2. The College is committed to providing, reviewing and enhancing its training and education offer to all students and staff, ensuring that they have the knowledge and tools to respond to incidents of sexual misconduct and harassment.
- 2.4.2. Support:

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2.4.2.1. Ensuring that any individual impacted by sexual misconduct and harassment has clear information available to them about the support options both internally and externally of the College.

2.4.2.2. Any reports of sexual misconduct and harassment will be dealt with care and sensitivity.

2.4.3. Respond:

2.4.3.1. All staff who are responsible for dealing with investigations or disciplinary's for sexual misconduct and harassment will have the skills set and expertise required to do so along with the appropriate training.

2.4.3.2. All reports of sexual misconduct and harassment will be taken seriously, and the College's Student Behaviour Policy and Procedure will be followed.

3. Impact Assessments

3.1. This policy has been assessed for its impact on equal opportunities and will be informed by the aim to eliminate all forms of discrimination in all strands of the equal opportunities' legislation.

3.2. This policy has been assessed for potential risk on data subjects due to the processing of personally identifiable information. All processing has been reviewed and is in line with all current Data protection laws and appropriate safeguards implemented to ensure that the policy has privacy by design as its underlying approach.

3.3. This policy has been impact assessed where appropriate for Safeguarding, Health and Safety and Sustainability Factors to ensure that all potential risks are identified and mitigated, and that the policy supports a safe, inclusive, and environmentally responsible learning and working environment.

4. Policy

4.1. What is Sexual Misconduct and Harassment

4.1.1. The term 'Sexual Misconduct' refers to any unwanted conduct which is sexual in nature. It includes but is not limited to the following:

4.1.1.1. Sexual harassment as defined in accordance with Section 26 of the Equality Act 2010 and Section 1 of the Protection from Harassment Act 1997.

4.1.1.2. Sexual assault as defined by the Sexual Offences Act 2003.

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- 4.1.1.3. Rape as defined by the Sexual Offences Act 2003.
- 4.1.1.4. Disclosing or threatening to disclose private images or footage of sexual nature without consent as defined by the Criminal Justice and Courts Act 2015.
- 4.1.1.5. Intimidation or the promise of a resource/s for sexual favour as detailed by the Equality and Human Rights Commission: Sexual Harassment and the Law, 2017.
- 4.1.1.6. Stalking: fixated, obsessive, unwanted and repeated communication or behaviour.
- 4.1.1.7. Upskirting and down-blousing: photographing or filming under a person's clothing without their consent.
- 4.1.1.8. Domestic Abuse as defined by the Domestic Abuse Act 2021. Behaviour between two persons aged 16 or over with a personal connection which is abusive consisting of any of the following: physical or sexual abuse, violent or threatening behaviour, controlling or coercive behaviour, economic abuse, psychological or emotional abuse.
- 4.1.1.9. Retaliation: adverse actions against another person which may include but is not limited to harassment, threats, intimidation or coercion which is made in response to a disclosure of report of sexual misconduct.
- 4.1.1.10. Sexual Exposure: showing sexual organs to another person without their consent.
- 4.1.2. Harassment is conduct which violates someone's dignity or creates an intimidating, hostile, degrading, humiliating or offensive environment towards an individual. It may or may not be sexual in nature.
- 4.1.3. The Equality Act 2010 defines sexual harassment as conduct which is unwanted and of a sexual nature. Sexual harassment can include a broad range of behaviours, for example:
 - Sexual 'jokes' or taunting
 - Sexual comments or noises e.g. catcalling or wolf-whistling
 - Sexual gestures
 - Sexually suggestive comments or innuendos

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- Sending communication of a sexual nature e.g. 'sexts' or photo's of a sexual nature
 - Sexualised posts or comments online or via social media
 - Unwanted physical contact e.g. brushing up against someone
- 4.1.4. The conduct can take place in person, on the phone, by text, via email or online. Both the person carrying out the conduct and the person receiving the conduct can be of any gender or age.
- 4.1.5. The College Group recognises that sexual misconduct and harassment can be experienced by any person regardless of sex, gender, age, relationship status, sexual orientation, disability, faith/no faith, race, ethnicity, nationality or economic status.
- 4.1.6. Student experience of sexual misconduct and harassment may be linked with other forms of discrimination and harassment with minority groups being disproportionately affected. The College Group is committed to providing support and advice to any individual affected regardless of how they identify, reducing barriers to disclosure and reporting.
- 4.1.7. Incidents of sexual misconduct and harassment can either be a one-off incident or repeated and it is for the person who is affected by the sexual misconduct or harassment to determine that this is unwanted, and not for anyone else to determine this. The sexual misconduct and/or harassment does not need to have been intentionally directed to a specific individual. It may be a witness or third party who has heard or seen the conduct.
- 4.1.8. An 'incident' of sexual misconduct and/or harassment includes a broad range of circumstances. Examples include but are not limited to allegations, complaints, suspected behaviour and formal findings of sexual misconduct and/or harassment. It also includes instances where a formal complaint is not made or where there is insufficient evidence to progress disciplinary proceedings.
- 4.1.9. The Loughborough College Group recognises the impact that sexual misconduct and harassment may have on the other areas within which this can have an adverse effect, for example educational attendance and attainment. Support will be available to all those affected by sexual misconduct and harassment.
- 4.1.10. All reports of sexual misconduct and harassment will be handled carefully and sensitively regardless of whether or not the reported party is a college student or if the reported party is a member of staff. We recognise that there are different

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forms of abuse of power that can be present within intimate personal relationships between staff and students as well as an imbalance of power.

- 4.1.11. The College's Staff/Students Relations Policy and Procedure bans personal relationships between staff and students with the exception of those pre-existing relationships which have been declared along with any conflicts of interest relating to a student.
- 4.1.12. Staff involved in dealing with reports of sexual misconduct and harassment will be transparent and communicate clearly about any next steps and actions, working in a trauma informed and victim led way. In the event that the College Group's response to a report is impacted by any internal or external factors, for example an active police investigation, this will be communicated where we have the authority to do so.
- 4.1.13. All adults working with students and staff who report sexual misconduct and harassment have a responsibility to safeguard and promote their welfare. This includes making a report/s to the safeguarding team who will liaise with statutory services as appropriate and with due regard to the age of the reporting person or the reported.
- 4.1.14. This policy applies to all key partners. The College Group will ensure that all key partners are aware of the College Group's Sexual Harassment & Misconduct Policy and Single Comprehensive Source of Information, both of which can be accessed via the College's website.
- 4.1.15. All staff and students are required to complete mandatory training in relation to sexual misconduct and harassment, in the form of consent and bystander training. The College Group is committed to evaluating the knowledge and understanding following completion of the training and to providing further opportunities for learning and understanding in this area.
- 4.1.16. Staff who are responsible for undertaking investigations or disciplinary meetings have the credible and demonstrable experience in this area and have completed specialist training delivered by a leading national sexual violence and safeguarding training provider, Lime Culture. Within the higher education department, a Sexual Violence Liaison Officer (SVLO) is able to support and advise both reporting and reported parties in relation to sexual misconduct and harassment. The SVLO has completed specialist and accredited training through a leading and nationally recognised sexual violence and safeguarding organisation, Lime Culture. They will work on a one-to-one basis, listening without judgement to ensure students have the understanding, information and wider support that they need. They provide a confidential service, however, if

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information is shared that suggests a student or someone else is at risk of significant harm, safeguarding measures may need to be taken. This will be discussed at the time and next steps openly communicated.

4.1.17. Where the College provides services or activities directly under the supervision or management of college staff, the college's arrangements for safeguarding will apply. Where services or activities are provided separately by another body, the College will seek assurance in writing that the body concerned has appropriate policies and procedures in place to safeguard all students and that there are arrangements to liaise with the college on these matters where appropriate.

4.1.18. Please see the Safeguarding Policy & Procedure for further information.

5. Procedure

5.1. Our College Group will:

- Establish and maintain an ethos where all students and staff are secure, actively listened to and heard.
- Ensure that all reports of sexual violence and harassment are taken seriously and acted upon in line with the College Group's Safeguarding Policy and Procedure.
- Action taken against reported parties will be in line with the College Group's Student Behaviour Policy and Procedure and may include suspension whilst an investigation takes place and permanent exclusion.
- Respond with due care and attention to all reports made by students against staff in line with the College Group's Dealing with Allegations of Abuse Against Employees Policy and Procedure.
- Ensure that students know that there are adults in the College Group whom they can approach if they are worried, are in difficulty or wish to make a report.
- Ensure that students and staff complete mandatory consent and bystander training either as part of their induction or within curriculum activities, providing opportunities for students to further develop their knowledge and understanding about keeping themselves safe and who they can access support from as and when this is needed.
- Ensure there are strong and effective working relationships with our key partners.
- Operate safer recruitment procedures and make sure that all appropriate checks are carried out on new staff and volunteers who will work with students including references, DBS checks and prohibition from teaching checks.

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5.2. Making a Report:

- 5.2.1. Any Student can make a report of sexual misconduct and/or harassment. This report can be made in the following ways:
- 5.2.2. In Person - to a member of College Group staff including but not limited to the Safeguarding Team
- 5.2.3. Over the Phone - by contacting the Safeguarding Team on:
- Loughborough: 07979 737474
 - Stephenson: 07833 515351
 - Brooksby and Melton/Ignite: 01664 850850
- 5.2.4. Online - via the College's online reporting tool.
- 5.2.5. The College Group has an online reporting tool which enables individuals to make a report in relation to sexual misconduct and harassment that they have either experienced or witnessed. This can be done anonymously. However, this will not enable the reporting person to get advice and support in order to understand and have knowledge of the next steps available to them.
- 5.2.6. The online reporting tool is the College Group's preferred method of reporting sexual misconduct and harassment for students in higher education, however, this does not prevent them from contacting the Safeguarding Team on the appropriate number as detailed above.
- 5.2.7. For students who are not studying in higher education, they can report this via the Safeguarding Team or via the College Group's online reporting tool.
- 5.2.8. Reports can be made by students, on behalf of students who have alleged and/or experienced sexual misconduct and harassment or on behalf of witnesses or third parties, including reporting centres.
- 5.2.9. For further information, please see the College Group's Single Comprehensive Source of Information.

5.3. Investigation:

- 5.3.1. Following a report being made, the College Group will investigate in line with its Student Behaviour Policy. This procedure will be used for all sexual misconduct and harassment reports, including non-sexual harassment. In the event a report is made against a member of staff, the investigation will be carried out in line

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with the Dealing with Allegations of Abuse Against Employees Policy and Procedure.

- 5.3.2. All students and staff are required to engage and cooperate with the investigatory process. Failure to engage in this may result in disciplinary action.
- 5.3.3. All parties involved, whether reporting or reported will be offered support and advice as well as being signposted to external agencies and support services as appropriate. All investigations will be trauma informed and handled sensitively. The College does not seek to re-traumatise anyone involved in the report through their investigations, and will be considerate of thoughts, feelings and personal experiences.
- 5.3.4. In some cases, it may be appropriate for advice to be sought from statutory agencies, including the Police where reports have been made to ensure that any possible criminal justice proceedings are not impacted by College Group investigations.
- 5.3.5. Students in higher education who are not deemed to be a vulnerable adult can make an informed decision about whether or not they wish for their disclosure or report to trigger an internal disciplinary process in the event that the reported party is another student. This will be considered on a case-by-case basis in line with risk. Exceptions to this include instances where there have multiple reports for the same reported party or whether the reported party is a member of staff at the Loughborough College Group.
- 5.3.6. Where the student has requested that their disclosure of report does not trigger a disciplinary process and the risk has been assessed as not requiring this response, the justification for why this process has not been triggered will be recorded.
- 5.3.7. Where students requests that their disclosure or report does not trigger a disciplinary process but following a review of the risk or it being identified the reported party is a staff member, the justification for why the disciplinary process will be followed will be recorded along with a clear explanation to the reporting party as to why this action is being taken.

5.4. Actions:

- 5.4.1. At the completion of any investigation, the College Group will communicate with all parties involved in writing and in person, where appropriate. In the event sexual misconduct and harassment is reported against a student at the College and this is upheld as a breach of the College's policy and procedure, sanctions may be given to the reporting party. This may include the expulsion of a student

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from the College. If a report is made against a member of staff and this is upheld, sanctions may be applied up to and including the dismissal of that employee from the Loughborough College Group.

5.4.2. Should a report lead to a disciplinary process, the College are not prevented from sharing the outcome of that process with the reporting party under Data Protection. Each person's right to privacy will be considered and where appropriate, the College may undertake a data sharing impact and assessment.

5.4.3. Information will be available to all parties about how to challenge any investigatory outcomes.

5.4.4. The Loughborough College Group is committed to not using NDA's (Non-Disclosure Agreements) in relation to sexual misconduct and harassment reports.

5.5. Criminal Investigations:

5.5.1. The College cannot carry out a criminal investigation in relation to any reports of sexual misconduct and harassment. However, it will engage fully in any Police investigation or legal proceedings, for example in the event a case goes to court.

5.5.2. The College will be led by the Police regarding whether or not it is appropriate to continue with any internal investigatory of disciplinary proceedings following a report being made to them in order to ensure that the College's action do not impact an active investigation or legal proceedings.

5.5.3. The College will utilise a robust risk assessment process alongside any external investigations to safeguard all parties involved where this is reasonable, proportionate and appropriate.

5.6. Confidentiality:

5.6.1. The College understands the importance of maintaining principles of privacy regarding reports of sexual misconduct and harassment. However, there may be instances (as outlined in the Safeguarding Policy and Procedure) where College may need to share information.

5.7. Vexatious Complaints:

5.7.1. The College will treat all reports of sexual misconduct and harassment seriously but recognises that there is the possibility of a malicious or false reports. Any reporting party found to have made such reports will be managed under the College's Student Behaviour Policy and Procedure and Code of Conduct.

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- 5.7.2. All allegations of sexual misconduct and harassment are dealt with as Level 3 gross misconduct as per the Student Behaviour Policy and will be investigated in line with the procedure set out therein. Also found within this policy and procedure is appeals related mechanisms.

6. Roles and responsibilities

7. The governing body and CEO have overarching responsibility for the safeguarding of all students. Please see the Loughborough College Group Safeguarding Policy & Procedure.
8. However, adults working with or on behalf of students have a responsibility to safeguard and promote their welfare. This includes a responsibility to be alert to possible abuse and to record and report concerns to the safeguarding team. Designated members of the safeguarding team can share information without consent, if a student or another person is at significant risk of harm. In the event information needs to be shared, this will be clearly communicated where practicable.

9. Working in Partnership

9.1. Support for learners

- 9.1.1. Our College Group recognises that students who have been victim of sexual misconduct and harassment and or witness to this may be impacted in different ways. We are committed to provide tailored support to the individual needs of those affected, signposting to external services and agencies as appropriate.
- 9.1.2. All safeguarding staff will have regard for the context in which incidents and/or behaviours occur. This is known as contextual safeguarding.
- 9.1.3. The College provides a range of wellbeing and support services, including mental health, wellbeing and inclusion, working with students in a person-centred way. Where required, we will work in a multi-agency way to support students to access services available.
- 9.1.4. The College deliver a range of educational sessions and awareness events throughout the year to ensure that all students have the knowledge and awareness of sexual misconduct and harassment, with an emphasis on consent and bystander. These events also ensure that students are reminded of their rights around consent, how to make a report and know how to seek support if they are concerned about themselves or someone else.

9.2. Support for Staff

- 9.2.1. As part of their duty to safeguard and promote the welfare of students, staff may hear information as part of a disclosure or from another member of staff that will

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impact them. Where a member of staff is distressed as a result of this, they should in the first instance speak to the Designated Safeguarding Lead or Deputy Designated Safeguarding Lead about the support they require. The Designated Safeguarding Lead or Deputy Designated Safeguarding Lead will seek to arrange the necessary support.

9.3. Working with key partners

9.3.1. The College Group will:

- 9.3.1.1. Outline our safeguarding policies and procedures to all visitors and contractors highlighting their responsibilities as visitors to the college in regard to safeguarding by providing them with the details of what to do should there be a safeguarding concern.
- 9.3.1.2. Ensure due diligence of all key partners and stakeholders, including subcontractors is undertaken including their provision for safeguarding and child protection policies and procedures being in place as well as knowing how to contact our safeguarding team at the College.
- 9.3.1.3. Ensure that parents/carers have an understanding of the responsibility placed on the college and staff for child protection/safeguarding by publishing the Safeguarding and Sexual Misconduct and Harassment Policy and Procedures.
- 9.3.1.4. Undertake appropriate discussion with parents/carers prior to involvement of Children and Family Services Specialist Services (Children's Social Care) or another agency, unless to do so would place the child, young person or vulnerable adult at risk of harm or compromise an investigation.

10. Linked Policies & Procedures

10.1. The Policy will be implemented by procedures which will:

- Promote the prevention of abuse of students
- Protect all students
- Support all students = who may have been subjected to or affected by abuse
- Work with parents and carers, where appropriate, to ensure communications and actions are undertaken swiftly, smoothly and sensitively

10.2. Related policies, procedures and guidance includes:

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- Safeguarding Policy and Procedure
 - Anti-Bullying and Harassment (including Cyberbullying) Policy and Procedure
 - Safer Recruitment of Staff
 - Disclosure and Barring Service (DBS)
 - Allegations against persons who work with children and vulnerable adults
 - Student Behaviour Policy and Procedure
 - Staff Disciplinary Policy
 - Staff/Students Relationship Policy
 - Dealing with Allegations of Abuse Against Employees Policy and Procedure
 - FE Code of Conduct
 - HE Code of Conduct
 - Trips and visits
 - Prevent Policy
 - First aid
 - Administration of medicines
 - Personal Care Procedures
 - Health and Safety
 - Nursery Policies, procedures and codes of practice
 - Security (including stop and search policy)
 - Equality and Diversity
 - Online Safety
 - SEND and additional learning support

The above list is not exhaustive but when undertaking development or planning of any kind the college will consider the implications for safeguarding and promoting the welfare of children, young people and vulnerable adults.

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11. Change Log

Date	Version	Details of Change	Reviewer	Reviewer Title

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