

Appendix 1: Definitions

Abuse of power

A situation where someone uses their position of power or authority in an unacceptable manner. Abuse of power can take various forms and may include, but is not limited to, grooming, manipulation, coercion, putting pressure on others to engage in conduct they do not feel comfortable with.

Adult at risk

An adult at risk is someone over the age of 18 who receives or may need community care services by reason of disability or illness and as a result of those needs is unable to protect himself or herself against significant harm or exploitation. This can relate to physical, mental or psychological wellbeing or the potential to be drawn into sexual or criminal exploitation and activity.

Bullying

Bullying is unwanted physical, verbal or non-verbal conduct which may intentionally or unintentionally violate a person's dignity or create an intimidating, hostile, degrading, humiliating or offensive environment which interferes with an individual's learning, working or social environment. It is persistent, offensive, intimidating, malicious, humiliating or insulting behaviour – often associated with the misuse of power or position which aims to undermine the confidence and self-esteem of the recipient.

Consent

Consent is agreeing by choice and having the freedom and capacity to make that choice. The person seeking consent should always take steps to ensure that consent is freely given, that it is informed and recognises that it can be withdrawn at any time.

Freedom to consent: a person is free to make a choice if nothing negative would happen to them if they said no. For example, a person may not feel free to make a choice if:

- they are being threatened with violence (by the perpetrator and/or by someone else)
- they are being threatened with humiliation
- they believe that the continuation or assessment of their studies, or progression or advancement of their career, will be at risk if they refused
- they are being blackmailed
- there is a significant power imbalance and the party without power feels pressured to continue in the relationship against their will.

Capacity to consent: Capacity is about whether someone is physically and/or mentally able to make a choice and to understand the consequences of that choice. For example, a person does not have capacity to give consent if:

- they are drunk or under the influence of drugs- this means someone may still be physically able to have sex but they may not be able to consent;
- they are asleep or unconscious;

- a person may also not have capacity to give consent if they have, for example, a cognitive or learning difficulty, a disability which impairs their speech, or are experiencing a mental health crisis.

Disclosure

Disclosure, for the purposes of this policy, involves an individual choosing to tell anyone who is part of VCF about their experience of bullying, harassment or sexual misconduct. Unlike reporting (see definition below), disclosure does not trigger an investigation or action (unless VCF has a safeguarding obligation), but it may lead to support being offered.

Discrimination

The Equality Act 2010 states that it is against the law to treat any person unfairly or less favourably based on a protected characteristic. The 9 protected characteristics are: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race (including ethnic origin, nationality and colour), religion or belief, sex and sexual orientation.

Freedom of Speech

Freedom of Speech principles means the following requirements:

- The need for VCF to 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;
- The need for VCF to 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.

Grooming

Grooming can be defined as a gradual process that someone in a position of power uses to manipulate someone to do things they may not be comfortable with and to make them less likely to reject or report abusive behaviour. Grooming will initially start as befriending someone and making them feel special and may result in sexual abuse and/or exploitation.

Harassment (as defined by Part 2 Section 2 of the Equality Act 2010)¹

Harassment includes 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:

- Disability
- Race

¹ Equality Act 2010 Part 2 Chapter 2 <https://www.legislation.gov.uk/ukpga/2010/15/section/26/enacted>

- Age
- Religion and belief
- Sexual Orientation
- Sex
- Gender Identity
- Marriage and civil partnership
- Pregnancy or maternity (where interpreted as discrimination)

Intimate Personal Relationship

A relationship that involves one or both of the following elements:

- physical intimacy, including isolated or repeated sexual activity; or
- romantic or emotional intimacy.

Related behaviours

Behaviours which do not specifically fall under the VCF's definition of 'bullying', 'sexual misconduct' or 'harassment', but which are unacceptable behaviours that may constitute a breach of the Harassment, Bullying and Sexual Misconduct Policy and Procedure.

Reporting

Reporting is the sharing of information with a staff member of VCF regarding an incident of bullying, harassment or sexual misconduct experienced by that individual for the purposes of initiating the investigation process set out in this policy and the accompanying procedure (different from *Disclosure*).

Responding Party

The Responding Party is the person(s) whose behaviour it is alleged amounted to an incident of bullying, harassment or sexual misconduct.

Reporting Party

The Reporting Party is the person(s) who witnessed or is the subject of the alleged incident of bullying, harassment or sexual misconduct.

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:

- Engaging, or attempting to engage in a sexual act with another individual without consent (including rape);
- Sexually touching another person without their consent;
- 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;
- Inappropriately showing sexual organs to another person;
- Repeatedly following another person without good reason;
- Distributing private and personal explicit images or video footage of an individual without their consent.

- 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.
- Exploiting a position of authority to coerce someone into sexual activity.

Third-party harassment

This occurs where a person is harassed or sexually harassed by someone who does not work for, and who is not an agent of, VCF, but with whom that person has come into contact during their employment or studies. Third-party harassment could include, for example, unwelcome sexual advances from a supplier or guest lecturer visiting VCF's premises, or where a person is visiting a supplier's premises or other location in the course of their employment or studies.

Stalking

Following a person, watching or spying on them or forcing unwanted contact with the victim through any means, including social media. The effect of such behaviour is to curtail a victim's freedom, leaving them feeling that they constantly have to be careful. In many cases, the conduct might appear innocent (if it were to be taken in isolation), but when carried out repeatedly to amount to a course of conduct, it may then cause significant alarm, harassment or distress to the victim.

Victimisation

Victimisation occurs when someone is treated badly because they have made a complaint about discrimination or harassment, or because an individual thinks that they are doing or may do these things.