

STUDENT SEXUAL MISCONDUCT POLICY (2025)



CONTENTS

1. Purpose
2. Scope
3. Policy Statements
4. Key Definitions
5. Related Information
6. Responsibilities

STUDENT SEXUAL MISCONDUCT POLICY

This document sets out the policy which ensures a safe, respectful, and supportive environment at Fourth Monkey free from sexual misconduct, regardless of study type. It promotes dignity, respect, and mutual consent, encourages reporting and challenging inappropriate behaviour, and commits to addressing incidents with seriousness and fairness. The policy provides resources for reporting and support, emphasising community responsibility.

1 Purpose

1.1 The purpose of this policy is to create and maintain a safe, respectful, and supportive environment at Fourth Monkey, free from sexual misconduct, regardless of study mode.

1.2 It aims to foster a culture of dignity, respect, and mutual consent among all members in line with our values, where individuals feel empowered to speak out and challenge inappropriate behaviour.

1.3 Fourth Monkey does not tolerate incidents of sexual misconduct, and this policy emphasises the Fourth Monkey's commitment to investigating and addressing incidents of sexual misconduct with seriousness, sensitivity, impartiality and fairness under its proper procedures and ensuring support for all of those affected. It also highlights the responsibility of all members of the Fourth Monkey's community in upholding these values and provides clear, accessible procedures for reporting and support related to sexual misconduct.

1.4 Fourth Monkey will ensure that anyone making a complaint in good faith or supporting anyone else in making such a complaint in good faith about any alleged incident of sexual misconduct will not experience any victimisation or any other detriment as a result of reporting their concerns to it or any of its academic partners or franchise providers.

2 Scope

2.1 This policy applies to all students at Fourth Monkey.

2.2 Fourth Monkey is jointly responsible with franchise delivery partners for ensuring that students are protected from harassment and sexual misconduct. For students studying with franchise partners, their teaching institution will have a policy which mirrors the Fourth Monkey provision and other than in exceptional cases they should refer any complaints under this policy to them for investigation under their applicable policies and procedures.

2.3 This policy is intended to be used by Fourth Monkey's students to report incidents of sexual misconduct involving other students, members of staff and Fourth Monkey's contractors and is not limited to incidents only occurring at Fourth Monkey or partner institution premises but also covers incidents that happen both outside of The Monkey House building and online where its staff, students or contractors are involved.

2.4 Conduct which amounts to sexual misconduct as defined by this policy may also constitute a potential criminal offence. In such circumstances, and where a complaint has been reported to the Police or another external authority, priority over internal processes may need to be given to the relevant external authority investigation into the matter. Regardless of the fact of an external investigation or the outcome of any criminal investigation or criminal proceedings Fourth Monkey has discretion to proceed with an internal investigation under its own policies and procedures in parallel if it considers it reasonable and appropriate to do so.

2.5 Where a student's conduct comes under investigation by the police, Fourth Monkey's own investigations into alleged misconduct or proceedings under this policy may be deferred until such time as the police and/or courts have completed their investigations and proceedings. Fourth Monkey may also, as appropriate to the circumstances, at any time, suspend a process already underway under this policy. In determining whether to commence or proceed with any action or process under this policy, Fourth Monkey is not bound by the outcome of any police or criminal investigation or prosecution. However, where a finding of misconduct is made and the student has also been sentenced by a criminal court in respect of the same facts, the court's penalty shall be taken into consideration in determining any penalty under this policy.

2.6 Fourth Monkey has a separate student policy on bullying and harassment which outlines the steps that Fourth Monkey will take to address incidents of alleged bullying and harassment experienced by its students. Students who have suffered sexual misconduct in the form of sexual harassment may wish to refer to that policy. In addition, Fourth Monkey reserves the right to refer matters involving sexual harassment to be dealt with under the most appropriate policy and procedure taking account of the facts and circumstances of the individual case.

3 Policy statements

3.1 Fourth Monkey is dedicated to providing a safe and supportive environment where sexual misconduct is not tolerated, and individuals are supported in reporting incidents to it or its academic partners and/or franchise partners in good faith or in supporting individuals making such reports.

3.2 Fourth Monkey offers an inclusive and positive cultural environment where all members of its community can flourish, be equally valued and respected, and where bystanders are empowered to challenge problematic behaviour.

3.3 Fourth Monkey expects all members to treat each other with respect, in line with our values, fostering a culture where sexual misconduct is not tolerated.

3.4 Fourth Monkey advocates for healthy, positive relationships based on mutual respect and clear consent and strives to ensure that everyone feels confident speaking out against sexual misconduct, knowing they will be supported and taken seriously.

3.5 Fourth Monkey recognises that sexual misconduct can cause significant harm and violate human dignity. Reports of such behaviour will be taken seriously.

3.6 Fourth Monkey is committed to effective prevention and response to incidents of sexual misconduct, acknowledging that unintentional harm can still constitute a breach of this policy and/or the Student Code of Conduct.

3.7 Fourth Monkey will provide guidance and support to students who experience sexual misconduct as well training to staff who may be responsible for receiving disclosures and reports from students or implementing this policy, ensuring reports about alleged sexual misconduct are handled sensitively, fairly, impartially and effectively.

3.8 Fourth Monkey will provide a single comprehensive source of information available on its website dedicated specifically to sexual misconduct with clear signposting to: support both internally and from external agencies; pathways to reporting; its policies and procedures; details of accessible counselling services; guidance relating to consent and defining sexual misconduct; and details of work being undertaken in this area. Equivalent facility will be provided to academic franchise partnership students as appropriate.

3.9 Reports of sexual misconduct can be made in the following ways:

- Anonymous or informal report via Fourth Monkey's Student Services & Welfare Coordinator in person or by email: students who have witnessed or been affected by sexual misconduct, in The Monkey House building or in the wider community, can use this reporting tool to make an informal report or disclosure. Any student using the service who has informally reported (by providing their contact details) will be contacted by the Student Services team about what they would like to do next and how Fourth Monkey can provide support. A student can also choose to remain anonymous; while sharing their experience so Fourth Monkey can protect the wider community, but Fourth Monkey may not be in a position to take any formal action under this policy unless a complaint report is made via the Student Complaints Form.
- Report to the Police: In parallel to Fourth Monkey's own internal procedures students may also have the right to report conduct which may also constitute a criminal offence to the Police. Fourth Monkey's Student Services team can advise and support a student in making a report to the Police about an alleged incident of sexual misconduct. Under its Disciplinary Procedures, Fourth Monkey can put precautionary measures in place, which can include a requirement for a student not to contact another student, and/or a suspension, while a Police investigation is in progress as well as pausing any internal process pending the outcome of any external investigation that may need to take precedence.

- Formal complaint to Fourth Monkey: If a student would like Fourth Monkey or a franchise provider (as appropriate) to take action under this policy and their proper procedures, they can make a formal complaint. A student can take this step even if the alleged incident of sexual misconduct may constitute a criminal offence and they do not want to report the matter to the Police or in parallel to any report to the Police. The Student Services team can support them through the process, and the Students' Union can also provide impartial advice. As above, Fourth Monkey can put precautionary measures in place, which can include a requirement for a student not to contact another student, and/or a suspension, while an internal investigation is in progress as well as pausing any internal process pending the outcome of any external investigation that may need to take precedence. Fourth Monkey can also take steps under its own procedures even after the completion of any criminal process where appropriate.

- More information on reporting can be found on Fourth Monkey reporting guidance pages here:
https://www.fourthmonkey.co.uk/_files/ugd/5a6f3d_0c0f460db0db4c9f9a41dc52439ffddc.pdf

3.10 Complaints about the conduct of another student covered by this policy will be considered under the University's Student Disciplinary Policy and Procedure. Complaints about the conduct of a member of staff covered by this policy (including, but not limited to, all employees and contractors of Fourth Monkey) will be referred to Fourth Monkey's Directors to determine whether any action is required under the Fourth Monkey's Disciplinary Policy for staff. The civil standard of proof (ie on the balance of probabilities) will be used to determine whether misconduct has occurred in accordance with the terms of the appropriate procedure.

3.11 Fourth Monkey recognises that students may disclose an incident of sexual misconduct to any member of staff that they trust. As a disclosure is not a report a student must be provided with information about the support available and their options for reporting. This must be provided without the student having to disclose their identity (a no name consultation). With consent a staff member can refer a student for formal support.

3.12 If a student decides not to make a report, the member of staff should agree with the student the details of the disclosure and any records kept regarding the same. Any notes taken should be brief and factual and the staff member should notify the student that they will have to notify QAE that a disclosure has been made to them subject to agreeing the detail with the student.

3.13 Fourth Monkey treats disclosures and reports of sexual misconduct with sensitivity and confidentiality, and information will only be disclosed to staff as necessary in order to provide support, make decisions, undertake risk assessment, and where appropriate, to investigate a case, in accordance with applicable policies and procedures. In exceptional circumstances where there are safeguarding concerns, or it is believed that a student or other individual is in immediate risk of harm then Fourth Monkey may notify the Police or other external agency in line with Fourth Monkey's Safeguarding Policy. In situations where Fourth Monkey has to take this step it will provide the student or students with a full explanation of its reasons.

3.14 Close personal relationships between staff and enrolled students are not permitted, as stated in the relevant People and Culture staff-facing policy (Relationships at Work Policy). Students can report harassment or sexual misconduct within staff-student relationships, regardless of the policy's stance on such relationships, and will not be penalised for participating in such relationships. If a student wishes to report harassment or sexual misconduct within a staff-student relationship in good faith they will be protected from retaliation or victimisation.

3.15 Reporting will be student-led, however where a serious allegation against a student or a member of staff is made, or where Fourth Monkey has grounds to suspect that sexual misconduct has taken place or is taking place, it may have a duty to investigate a case, regardless of whether you wish to formalise a report or complaint. In some cases, Fourth Monkey may also have a duty to notify the Police.

3.16 All members of Fourth Monkey's community are expected to take responsibility for maintaining a safe, respectful and supportive environment and will be held accountable for their actions.

3.17 This policy should be read in conjunction with the following related policies and procedures:

- Student Disciplinary Policy and Procedure
- Bullying and Harassment Policy
- Student Code of Conduct
- Complaints Policy and Complaints Procedure
- Suspension Policy
- Safeguarding Policy

4 Key definitions

4.1 Fourth Monkey uses the Office for Students' definition of sexual misconduct: 'Sexual misconduct' means any unwanted or attempted unwanted conduct of a sexual nature and includes, but is not limited to:

- i. Sexual harassment;
- ii. Sexual assault;
- iii. Rape.

4.2 Examples of sexual misconduct include, but are not limited to, the following:

- a)** Unwanted behaviour or conduct of a sexual nature, which has the purpose or effect of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for the other person, even if this was unintended
- b)** Intentionally touching another person in a sexual way without their consent (sexual assault)
- c)** Intentionally penetrating another's vagina, anus or mouth with a penis, without the other person's consent and rape;
- d)** Giving another person alcohol and/or drugs (spiking) without their consent in order to commit rape, sexual assault or other sexual misconduct
- e)** Recording or sharing images (photographs or videos) of a sexual nature without the consent of the person pictured, including use of AI generation or other forms of manipulation
- f)** Unwanted obsessive or controlling behaviour, including social media posts
- g)** Taking images (photographs or videos) under a person's clothes without their consent
- h)** Controlling, coercive, threatening behaviour, violence or abuse by a current or previous intimate partner
- i)** Any adverse action against another person which is made in response to a disclosure or report of sexual misconduct

j) Showing sexual organs to another person without their consent

k) Being complicit in any behaviour which knowingly helps, promotes or encourages any form of sexual misconduct by another person

5 Related information

5.1 Fourth Monkey aims to provide sensitive, impartial and confidential support to all students affected by issues of sexual misconduct. Fourth Monkey's priority is to empower students; providing them with the information and time to consider their options and make decisions for themselves. If a student discloses experiencing sexual misconduct or is the subject of an accusation of such acts or a witness, they will have equal access to support regardless of when or where the events occurred. In relation to students disclosing an incident Fourth Monkey will support them in deciding whether or not they wish to make a formal report. Information about support can be found here:

- <https://www.fourthmonkey.co.uk/harrassment-sexual-misconduct>
- <https://fxplus.ac.uk/mental-health-and-wellbeing-support/>

5.2 If a student is studying at one of Fourth Monkey's franchise collaborative partner institutions, they will be supported by the appropriate team at that institution.

6 Responsibilities

6.1 The Artistic Director/CEO & Student Services and Welfare Coordinator are the strategic leads who hold institutional responsibility for our approach to addressing harassment and sexual misconduct.

6.2 Quality Assurance & Enhancement, People & Culture, Student Support (FXPlus) and Legal & Compliance are responsible for the application of this and related regulations, policies and procedures.

6.3 This policy will be reviewed annually accompanied by a monitoring schedule linked to cases and reporting for audit and compliance purposes.

7 Contact for further information

7.1 Student Services Support:
Studentservices@fourthmonkey.co.uk

POLICY MANAGEMENT

POLICY MANAGER

Steve Green, Artistic Director & CEO

POLICY IMPLEMENTED

July 2025

POLICY REVIEW

July 2026

POLICY UPDATE

July 2025

Philip Smith - Student Services & Welfare Coordinator