

# Student Harassment, Bullying, and Sexual Misconduct Policy

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This Procedure is available in accessible formats on request from the Student Wellbeing team. Please contact: [studentwellbeing@lsbu.ac.uk](mailto:studentwellbeing@lsbu.ac.uk)

## **In an emergency**

In an emergency (for example, where there is an immediate and significant danger or a criminal act has been witnessed), call emergency services directly on 999. If this is an emergency on campus, please also call Security (0207 815 6666/x6666) so that Security can support the response.

Where an emergency involves students, you should also inform the Head of Wellbeing ([studentwellbeing@lsbu.ac.uk](mailto:studentwellbeing@lsbu.ac.uk)), outlining the details of the incident, the action taken and any follow-up action needed to support the student themselves, other students, or staff who have been impacted.

## **Make a report or access support**

To report sexual misconduct, a hate incident, bullying, or harassment against a student to the University, or to find out about support, visit:

<https://reportandsupport.lsbu.ac.uk/> (guidance for staff and students)

If you have recently experienced sexual violence, there is important information for you, including some advice and action that is time limited. Please do visit the pages above for more information – you are not on your own and there is always someone to speak to – you can access confidential support without committing to any decision about what action to take.

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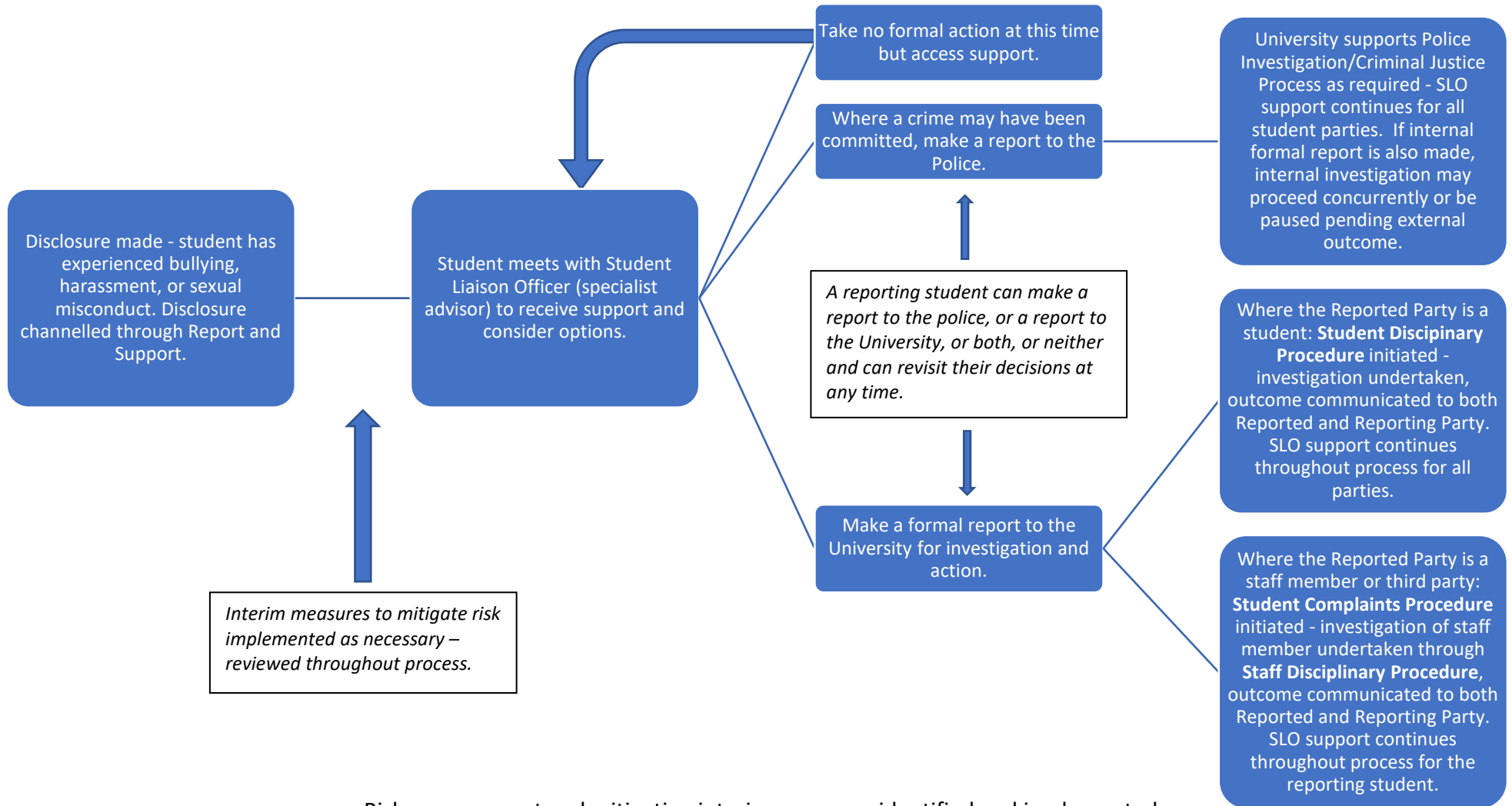
# Student Harassment, Bullying, and Sexual Misconduct Policy Flowchart

## DISCLOSURE

## SUPPORT

## FORMAL REPORT

## INVESTIGATION



Risk management and mitigating interim measures identified and implemented through **Case Management Approach and Risk Panel** (see Appendix B)

# Student Harassment, Bullying, and Sexual Misconduct Policy

## 1. Introduction

1.1. London South Bank University is committed to the provision of equality for all, valuing diversity across all the dimensions of difference. This is set out in the University's Equality and Diversity Policy Statement.

1.2. At LSBU we take the safety, wellbeing, and dignity of our staff and students very seriously and we do not tolerate sexual misconduct, bullying, or harassment. We strive to create an environment where all members of the University community feel safe and respected and encourage students to come forward with concerns so that they can be dealt with impartially, promptly, and sensitively.

1.3. No member of the LSBU community is expected to tolerate such unacceptable behaviour, whether by a member of the LSBU community, or by a third party such as a supplier or visitor, or a member of the public. Students have the right to disclose experiences of unacceptable behaviour, to be listened to, and to seek support. We are committed to providing a supportive and confidential environment where individuals feel confident and empowered to disclose, will be listened to and understand the options available to them. The purpose of this policy is to outline how we:

- provide a campus environment in which all members of our community feel safe and are respected;
- set out our expectations around the unacceptability of bullying, harassment and sexual misconduct;
- support students who have experienced any form of bullying, harassment, or sexual misconduct;
- respond to disclosed incidents.

1.4. LSBU is committed to preventing incidents of bullying, harassment or sexual misconduct where reasonably possible; and to provide educational and preventative training programs regarding such behaviours. LSBU commits to make available timely support for those who have been affected by such behaviours, prioritising their safety and wellbeing, whilst ensuring the dignity of all those involved in any investigations or disciplinary proceedings; and to provide prompt and equitable methods of investigation and resolution to incidents of bullying, harassment and sexual misconduct and to prevent recurrence. We work in partnership with students and local organisations to improve our knowledge and understanding of bullying, harassment, and sexual misconduct in our community and the impact of our work to tackle, respond to, and prevent this.

1.5. If you have experienced harassment, bullying, or sexual misconduct, the University will support you by:

- listening to you;
- treating you sensitively and with respect;
- respecting confidentiality;
- providing or signposting support you may need;
- taking further action if requested (i.e. an investigation under a University procedure).

## 2. Scope – who is covered by this procedure?

- 2.1. This policy applies to any LSBU student who has experienced harassment, bullying, or sexual misconduct. All current, and interrupted, students can access specialist support and advice from the University.
- 2.2. The University does not put a time limit on receiving disclosures or formal reports of bullying, harassment, or sexual misconduct. Where significant time has passed, or the reported party no longer studies or works at the University, the ability for the University to respond to a formal report can be limited.
- 2.3. Where a student has experienced harassment, bullying, or sexual misconduct that is committed or alleged to have been committed by a member of the LSBU community, including a student, staff member, or third party, this policy outlines how students can make a disclosure, access support, and make a formal complaint for internal investigation and response.
- 2.4. This policy also applies to any report of bullying, harassment, or sexual misconduct by a student which:
  - occurs on University property and/or land;
  - occurs while a student is engaged in any University related activity, including placements or trips;
  - occurs via LSBU IT/Communication systems;
  - occurs online including but not limited to social media, internet, email, text;
  - results in a police investigation, charge, or conviction of an offence;
  - raises questions about a student's fitness to practice, where that student is studying a course subject to LSBU's Fitness to Practise Procedure;
  - in the view of the University poses a serious risk or disruption to the University or members of its community.

## 3. Definitions

- 3.1. **Bullying** is offensive, intimidating, malicious or insulting behaviour which can involve the misuse of power. These behaviours can make a person feel vulnerable, upset, humiliated, undermined or threatened. Power does not always mean being in a position of authority, but can include both personal strength and the power to coerce through fear or intimidation. This can be between two individuals or it may involve groups of people. It might be obvious or it might be insidious. It may be persistent or an isolated incident. Bullying can take the form of physical, verbal and non-verbal conduct. It can occur in written communications, email, text, by phone, online, or via social media, not just face-to-face.
- 3.2. **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.
  - 3.2.1. **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.

3.2.2. **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 the 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.

3.3. **Disclosure**, for the purposes of this Policy, involves an individual choosing to tell anyone who is part of the University about their experience of bullying, harassment or sexual misconduct. Unlike Formal Reporting, Disclosure does not trigger an investigation or action (unless the University has a Duty of Care), but it would lead to support being offered.

3.4. **Formal Report:** the sharing of information with a staff member of the University regarding an incident of bullying, harassment or sexual misconduct experienced by that individual for the purposes of initiating an investigation under the relevant procedure (different from *Disclosure*).

3.5. **Harassment:** The Equality Act 2010 says that a person harasses another if they engage in unwanted behaviour related to a relevant protected characteristic (age, disability, gender reassignment, race, religion or belief, sex, sexual orientation) and the behaviour has the purpose or effect of:

- violating the other person's dignity, or
- creating an intimidating, hostile, degrading, humiliating or offensive environment for that person.

3.5.1 Harassment can include domestic violence and abuse (which can also involve control, coercion and threats) and stalking. Harassment can include incidents of physical violence towards another person on the basis of a protected characteristic and can include hate crimes 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; religion or perceived religion; sexual orientation or perceived sexual orientation; or transgender identify or perceived transgender identity.

3.5.2 Unwanted behaviour will amount to harassment if it has such an effect, even if that was not the intended purpose of the behaviour. In deciding whether behaviour has that effect each of the following must be taken into account:

- the perception of the person

- the other circumstances of the case, and
- whether it is reasonable for the behaviour to have that effect.

3.5.3 Not all behaviour that is experienced as offensive would be considered harassment. For example, students' learning experiences may include exposure to course material, discussions or speaker's views that they find offensive or unacceptable, and this is unlikely to be considered harassment when balanced against the right to freedom of expression.

3.6. The **Reported Party** is the person(s) whose behaviour is alleged to constitute an incident of bullying, harassment or sexual misconduct.

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

3.8. **Sexual Misconduct** covers a broad range of inappropriate and unwanted behaviours of a sexual nature. Sexual misconduct is a broad term encompassing any unwanted behaviour of a sexual nature and behaviour of a sexual nature that is committed without consent or by force, intimidation, coercion, or manipulation. Sexual misconduct can be committed by a person of any gender, and it can occur between people of the same or different genders. It can occur between strangers or acquaintances, including people involved in an intimate or sexual relationship. It covers all forms of sexual violence, including sex without consent, sexual abuse (including online and image-based abuse), non-consensual sexual touching, sexual harassment (unwanted behaviour of a sexual nature which violates your dignity; makes you feel intimidated, degraded or humiliated or creates a hostile or offensive environment), stalking, abusive or degrading remarks of a sexual nature, and promised resources or advancement in exchange for sexual access. Further detail about the type of behaviour that may amount to sexual misconduct is set out in Appendix A: Examples of unacceptable behaviour.

3.9. **Victimisation**: Treating someone less favourably because they have made a claim or complaint of discrimination, or helped someone else to make a complaint (under the Equality Act), or made a disclosure (whistleblowing) under the Public Interest Disclosure Act 1998, or in either case the affected person is believed to have made or helped make, or is believed that they may make or help make, a complaint or disclosure.

#### 4. Roles and responsibilities

4.1. The Chief Customer Officer has overall responsibility for this policy and has delegated day-to-day operation to the Director of Student Services.

4.2. All staff and students have a responsibility to ensure a working and studying environment where everyone is treated with equal respect and dignity. Each member of the LSBU community is expected to contribute to preventing unacceptable behaviours, including harassment, bullying or sexual misconduct through self-awareness; and by modelling positive behaviour for others, and raising any concerns.

4.3. [Report and Support](#) is a service for students through which they may make a disclosure on an incident of bullying, harassment and/or sexual misconduct. Report and Support will provide information on support options, internal and

external to LSBU, and provide information on internal and external reporting options. Students can access support from a Student Liaison Officer (SLO) who can offer one to one and ongoing support. Where a student wishes to make a formal complaint, the student will be directed and supported on how to take that forward.

4.4. The Director of Student Services will report to the Executive Committee annually on the effectiveness of this policy and ensure that periodic reviews are carried out.

## 5. Support available

5.1. At LSBU, we take the safety of our students seriously. We believe that hate, bullying, harassment and sexual misconduct are never acceptable. We are committed to providing support for students affected by these issues. We have trained and expert support staff (SLOs) available to provide a safe and confidential space for disclosure, to access support, and to understand internal and external reporting options. By accessing this support, you are not committing yourself to any course of action.

5.2. In instances where information shared means there is a safeguarding duty, or duty of care, there may be action that the University is required to take to ensure safety.

5.3. Support information is outlined on the [Report and Support](#) pages and includes internal and external support providers. Support and advice is available to any student who discloses an incident regardless of whether they choose to make a report to the University or Police. LSBU will also offer interim measures as appropriate to the reporting and reported parties, and witnesses involved in formal complaints.

5.4. Students who have experienced bullying, harassment, or sexual misconduct/violence at any time in their lives can access support and advice from LSBU.

5.5. Specialist advisors (SLOs) accessed via [Report and Support](#) are situated within Student Services. An SLO offers a safe, confidential, and supportive space to receive a disclosure and provide access to support and information about the different internal and external options available. They offer:

- Non-emergency, one-to-one, appointment based support
- Appointments available at a range of times and within a maximum of three working days from request
- Advisers trained by external specialists LimeCulture
- Accessed through Report and Support online reporting
- Supportive response – safe receipt of disclosure
- Risk assessment and management, escalating where necessary
- Appropriate and accurate information – supporting the student to make choices about what to do next including external and internal reporting
- Specialist external support - referral pathways and information sharing
- Practical support to maximise chances of remaining and succeeding in study
- Supported extenuating circumstances without the need to re-explain or disclose confidential or traumatising information to another team
- Reasonable adjustments to study and assessments – additional time in exams, short term assignment extensions



- Liaison with course team (at wish of student)
- Consideration of suitability of placement location
- Liaison with halls of residences
- Supporting the student during an internal investigation, for example Student or Staff Disciplinary
- Liaising with specialist external services, for example an ISVA (Independent Sexual Violence Adviser), or a Police Victim Care Officer, to ensure that internal and external support are aligned (without duplicating or replacing external specialist support)
- Secure and accurate record keeping

5.6. Staff at LSBU who receive a report or disclosure from a student should direct them to the support available by using the [Report and Support](#) staff reporting option.

5.7. Where a student has been reported to have allegedly carried out bullying, harassment, or sexual misconduct, support from an SLO is also available to them. This will be a different SLO to that supporting the Reporting Party.

## 6. Making a disclosure

6.1. A disclosure is made when a student tells a member of University staff that they have experienced bullying, harassment (including a hate incident), or sexual misconduct. A disclosure can be made in person, online, or via other means such as phone or email.

6.2. Students can make disclosures via the University's online reporting tool: [Report and Support](#).

6.3. Where a member of staff has received a disclosure in person or via other means, they should direct the student to support ([Report and Support](#) and [Wellbeing services](#)). They may submit a disclosure on behalf of the person who has disclosed, with their permission, via the University's online reporting tool.

6.4. The person who has chosen to disclose does not need to provide the full details of their experience if they do not wish to. They will not be pressured to make a formal complaint.

6.5. If the incident is historical, the person who has experienced it can still disclose it to the University and receive support.

6.6. Disclosure does not create a formal complaint. The person who has disclosed will have the opportunity to be heard and to consider their options before proceeding with any further steps. No action will be taken immediately by the University unless there is a concern about immediate safety, safeguarding, or if the University has a duty of care.

6.7. Where a student chooses to disclose through making a report via the Report and Support tool, their disclosure will be received by specialist advisors (SLOs) within Student Services who will contact the student directly (see section 5).

6.8. Options following a disclosure: there are several options available to someone who has disclosed their experience. They can choose the level and types of support that are right for them. No action will be taken immediately by the

University unless there is a concern about immediate safety, safeguarding, or if the University has a duty of care. After discussion with their SLO, the person might choose to:

- a) **Take no action at this time:** In this case advice will be provided including around any preservation of evidence which may be needed if the person subsequently decides to make a report to the Police or to submit a formal complaint to the University. They will also be informed of the ongoing support available to them internally and externally.
- b) **Make a report to the Police:** a report to the Police can be made alongside a formal report to the University. There may be cases where an open Police investigation or criminal justice process might require a pause of any internal investigation. Students can continue to access internal and external support throughout any police investigation or criminal justice process.
- c) **Make a formal report to the University:** Following a disclosure this option is available. A student can confirm that they wish the University to proceed with a formal investigation under the relevant procedure. Students can continue to access internal and external support throughout any internal investigation.

## 7. Interim measures (risk assessment)

- 7.1. If after reviewing a disclosure submitted via the University's online reporting tool, the SLO believes that there is a danger to the person who has disclosed or to anyone else, they will refer the disclosure to a Risk Panel.
- 7.2. The composition of the Risk Panel will depend on the nature of the disclosure/report and the parties involved and can comprise the Director of Student Operations and Disciplinary Officer, Head of Wellbeing, Head of Accommodation, Director of Student Services, GovLegal representation, School / HR representation as appropriate. The Panel may meet in person, or virtually.
- 7.3. The Panel will decide and enact any necessary interim measures to mitigate risk and ensure safety. Such measures may include arrangements that limit contact between and reporting and reported party, including restriction of access to campus facilities, and making a recommendation to the Students' Union President regarding appropriate action.
- 7.4. If a suspension of rights is issued, the person alleged to have committed the misconduct will be informed in writing and, wherever possible, in person. They will be told what they need to do in order to comply with the suspension of rights. They will be assigned an SLO, who will be their main point of contact. This will be a different SLO to that assigned to the person who has disclosed.
- 7.5. If no suspension of rights is required, the person alleged to have committed the misconduct will not be informed of the disclosure or assigned an SLO unless the person who has disclosed chooses to either pursue an informal resolution or submit a formal complaint to the University.

## 8. Making a formal report (complaint/disciplinary)

8.1. The SLO will make the reporting student aware of the different internal and external reporting options. Where the reporting student is reporting behaviour of a student or staff member that may constitute bullying, harassment, or sexual misconduct, they can make a formal complaint to the University under

8.1.1. **About a student:** [Student Disciplinary Procedure](#). The complaint will be dealt with according to the Student Disciplinary Procedure.

8.1.2. **About a member of staff, third party, or visitor:** [Student Complaints Procedure](#). The complaint will be dealt with according to the Student Complaints Procedure. Where the reported party is a member of staff this will include referral to, and investigation under, the Staff Disciplinary Procedure.

8.2. A reporting student only needs to make one initial report to the SLO – with the reporting student's permission, this initial report can be used to make a formal complaint to the University as outlined in 9.1 above. The reporting student may need to provide further information and evidence as part of an investigation.

8.3. The reporting student may withdraw a complaint at any time during this procedure, by notifying the relevant person in writing:

8.3.1. For complaints made against a student, the Student Disciplinary case coordinator should be notified ([studisc@lsbu.ac.uk](mailto:studisc@lsbu.ac.uk))

8.3.2. For complaints made against a member of staff, third party, or visitor, the Student Case team should be notified ([student.complaints@lsbu.ac.uk](mailto:student.complaints@lsbu.ac.uk))

8.4. Where a complaint or report is withdrawn no further action will be taken under the relevant procedure, but the matter may be referred for consideration under another University procedure. Where there is a belief that a person's safety may be at immediate risk, action may need to be taken regardless of withdrawing a complaint.

8.5. Anonymous formal complaints will not normally be accepted by the University. This is because of the limited action that can be taken in response to an anonymous report.

## 9. Outcome of a formal report (complaint/disciplinary)

9.1. The outcome of an internal investigation will be shared with the Reporting Party as well as the Reported Party and this will include setting out the rationale for the decision.

9.2. The Reporting Party will be asked to respect confidentiality with regards to outcome and information shared with them.

## 10. Police investigations and the criminal justice process

10.1. Where criminal investigations and/or judicial proceedings are ongoing or are likely to commence in respect of a disclosure or report, the University will make a case by case decision on whether to continue its own investigation and any disciplinary action, or pause an internal investigation subject to the circumstances of the case, police advice, and in discussion with the University Solicitor.

- 10.2. Where, following police advice or otherwise, LSBU decides not to undertake its own investigation until the case has concluded, LSBU reserves the right to review this decision and to initiate its own investigation at a later stage in or on completion of the criminal investigation and/or judicial proceedings.
- 10.3. A decision by the Police or Crown Prosecution Service (or other law enforcement agency) to take no further action in relation to a criminal matter, or an acquittal at a trial, does not preclude or negate the outcome of the University's investigation and/or disciplinary action. Where the trial has completely exonerated the subject of the complaint and it has been found that the Reporting Party has made a false, bad faith or misleading complaint, the University may revisit any disciplinary sanction issued to the Reported Party and may consider disciplinary action against the Reporting Party, if they are an LSBU student.
- 10.4. An internal investigation is focused on a breach of any standards prompting referral to e.g. Fitness to Practise, Student or Staff Disciplinary processes. The internal process may therefore be considering different issues from a Police investigation or criminal prosecution. This is why it may, depending on the circumstances, be possible to proceed with an internal investigation at the same time as a criminal process.

## **11. Victimisation**

- 11.1. LSBU will not tolerate any form of victimisation against someone who has raised a complaint, or supported a complaint, or for cooperating in an investigation, or challenging unacceptable behaviour, or in each case is believed to have or is believed to be likely to take such steps.
- 11.2. If a formal complaint of victimisation is made about a student's or employee's behaviour it will be fully investigated and dealt with in accordance with the relevant procedure (e.g. Student Disciplinary, Fitness to Practise, Staff Disciplinary).

## **12. False, bad faith, or misleading reports**

- 12.1. While very rare, the possibility of false, bad faith, or misleading reports is recognised. Submitting a complaint that is not in good faith or providing false or misleading information in any investigation of complaints is prohibited. If a complaint is found to be false, misleading or in bad faith, it will be dealt with in accordance with the Staff Disciplinary Procedure and Student Disciplinary Procedure, as appropriate.

## **13. Confidentiality**

- 13.1. The University recognises the importance of privacy for disclosures and formal complaints of bullying, harassment, or sexual misconduct and will only share information on a confidential, need-to-know basis.
- 13.2. Confidentiality is not absolute secrecy. There may be circumstances where it is necessary or appropriate to share information either within the University or with external organisations/bodies, for example to:
- 13.2.1. Allow a case to be appropriately considered and investigated;

- 13.2.2. Ensure those who disclose an experience or are alleged to have committed misconduct receive appropriate academic and pastoral support;
- 13.2.3. Safeguard members of the University community and fulfil the University's duty of care;
- 13.2.4. Discharge the University's duties or as required by law.

13.3. All personal data is recorded and held in accordance with current data protection legislation and retained in line with the University's Record Retention Schedule.

#### **14. Use of data**

14.1. The University will collect data on reports made under this procedure, and use the data:

- 14.1.1. internally for reporting, evaluation, learning and training; and
- 14.1.2. externally for discussion with regulators in the higher education sector

14.2. The data used by the University for the purposes in paragraph 14.1 will be anonymised. Your personal data and sensitive personal data ("Personal Data") as defined by the Data Protection Act 2018 (the "DPA") may be disclosed to the University's members of staff and regulators only for the purposes of dealing with your report, a complaint arising out of it and/or implementing any recommendations. Personal Data will not be shared with any other third parties unless the University has your express consent, has a statutory obligation to do so, or is otherwise permitted to do so under the DPA.

#### **15. Related procedures**

- Student Disciplinary Procedure
- Fitness to Practise Procedure
- Staff Disciplinary Procedure
- Student Complaints Procedure
- Safeguarding Policy
- Speak Up Policy
- Research Degrees Code of Practice

Related policies and procedures can be found here: <https://www.lsbu.ac.uk/about-us/policies-regulations-procedures>

## **Appendix A – examples of unacceptable behaviour**

The following list is not exhaustive, rather it is intended to illustrate behaviour that would be considered unacceptable conduct by the University.

- a) Unwelcome sexual advances
- b) Inappropriate or unnecessary physical contact, including invasion of personal space and inappropriate touching
- c) Inappropriate jokes including racist, sexist, homophobic, biphobic, transphobic or ageist jokes, or derogatory or stereotypical remarks about a particular ethnic or religious group or gender
- d) Sexually explicit language, jokes, verbal and physical innuendo
- e) Racist jokes, 'banter' and language, and the display of racist materials
- f) Using demeaning, gender-specific terminology
- g) Creating, displaying or circulating sexually explicit materials including image based sexual abuse
- h) Coercive demands for sexual favours
- i) Inappropriate comments about a person's appearance, intrusive questions, comments or remarks about a person's private life and malicious gossip
- j) Homophobic comments, jokes and 'banter' about sexuality, gossip and speculation about a person's sexuality
- k) Outing or threatening to out someone as gay, lesbian, bi or trans
- l) Taking, sharing or sending offensive images or video content
- m) Creating, sharing or sending offensive literature
- n) Pestering, spying or stalking
- o) Physical assault or threats of physical assault
- p) Sexual assault or threats of sexual assault
- q) Insults, name-calling and offensive language and gestures
- r) Ridiculing and undermining behaviour
- s) Intimidating, coercive or threatening actions and behaviour
- t) Isolation, non-cooperation or deliberate exclusion
- u) Shouting or screaming at a person
- v) Setting someone up to fail, e.g. withholding necessary information or deliberate work overload
- w) Unwarranted or invalid criticism and criticism which lacks the necessary constructive support to help the recipient improve their performance
- x) Persistently 'singling out' a person without good reason or deliberately excluding, isolating or ignoring an individual

Please also see examples of disciplinary offences held within the Student Disciplinary Procedure available here: <https://www.lsbu.ac.uk/about-us/policies-regulations-procedures>

Appendix B – risk management

**Bullying, Harassment, Sexual Misconduct Risk Management at LSBU**

