

# Student Bullying, Domestic Violence, Harassment and Sexual Misconduct Policy

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| Approved by          | STEX Committee  |
| Available on         | <a href="https://www.lsbu.ac.uk/about-us/policies-regulations-procedures">https://www.lsbu.ac.uk/about-us/policies-regulations-procedures</a> |

This Procedure is available in accessible formats on request from the Student Wellbeing. 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 they can support the response.

Where an emergency involves a student, you should also inform the Mental Health & Wellbeing Team (refer via Salesforce or email: [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 harassment, hate, bullying, domestic violence or sexual misconduct that has impacted an LBSU student or staff member, or to find out about support, you can:

- visit: <https://reportandsupport.lsbu.ac.uk/>
- by emailing [studentwellbeing@lsbu.ac.uk](mailto:studentwellbeing@lsbu.ac.uk)
- students can submit an enquiry on myAccount.
- staff can submit a 'New Wellbeing Referral' on Salesforce

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 Report & Support pages above for more information. You are not on your own and there is always someone to speak to. You can access confidential support at LBSU without committing to any decision about what action to take.

## **Contents**

|  |    |
|--|----|
| Student Harassment, Bullying, Domestic Violence and Sexual Misconduct Policy Flowchart ..... | 3  |
| Student Harassment, Bullying, Domestic Violence and Sexual Misconduct Policy .....           | 4  |
| 1. Introduction.....   | 4  |
| 2. Scope – who is covered by this policy? .....  | 5  |
| 3. Definitions.....  | 6  |
| 4. Roles and responsibilities .....  | 9  |
| 5. Support available .....   | 9  |
| 6. Making a Disclosure .....   | 11 |
| 7. Precautionary Action: .....   | 12 |
| 8. Making a Formal Report.....   | 13 |
| 9. Outcome of a Formal Report.....   | 14 |
| 10. Police investigations and the criminal justice process .....                             | 14 |
| 11. Victimisation .....  | 15 |
| 12. False, bad faith, or misleading reports.....   | 15 |
| 13. Confidentiality.....   | 15 |
| 14. Use of data .....  | 15 |
| 15. Related procedures.....  | 16 |
| Appendix A: Examples of Unacceptable Behaviour .....   | 17 |

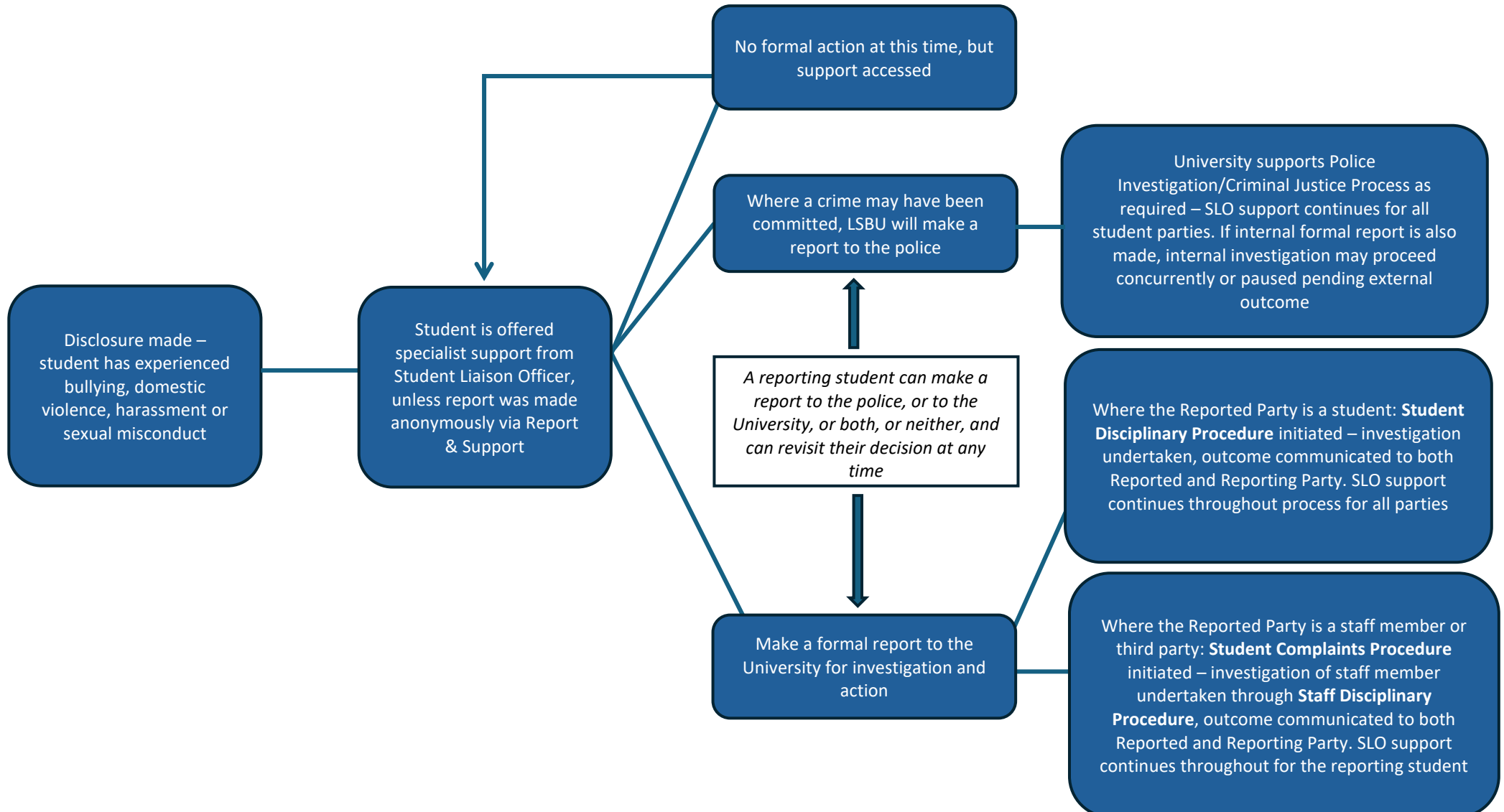
# Student Harassment, Bullying, Domestic Violence and Sexual Misconduct Policy Flowchart

DISCLOSURE

SUPPORT

FORMAL REPORT

INVESTIGATION



← Risk management and mitigating interim measures identified and implemented throughout →

# Student Harassment, Bullying, Domestic Violence 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 bullying, domestic violence, harassment or sexual misconduct. 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 harassment, bullying, domestic violence and sexual misconduct
  - support students who have experienced any form of harassment, bullying, domestic violence or sexual misconduct
  - respond to disclosed incidents
- 1.4. LSBU is committed to preventing incidents of harassment, bullying, domestic violence or sexual misconduct where reasonably possible; and to providing educational and preventative training programs regarding such behaviours. We strongly encourage all members of the LSBU community to treat each other with dignity and respect and give serious consideration to Consent and one's Freedom to and Capacity to Consent in relationships.
- 1.5. 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 harassment, bullying, domestic violence, and sexual misconduct and to prevent recurrence.
- 1.6. If you have experienced harassment, bullying, domestic violence 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)
- 1.7. We work in partnership with students and local organisations to improve our knowledge and understanding of harassment, bullying, domestic violence and sexual misconduct in our community and the impact of our work to tackle, respond to, and prevent this.
- 1.8. This policy will be interpreted and applied in a manner compatible with the University's Code of Practice for Freedom of Speech. In applying this policy, the University will 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 and environment.

## **2. Scope – who is covered by this policy?**

- 2.1. This policy applies to any LSBU student who has experienced and/or has been reported to have committed harassment, bullying, domestic violence or sexual misconduct; all current, and interrupted, students (including apprentices) can access specialist support and advice from the University.
- 2.2. This policy also applies to LSBU staff in so far as it describes how they should respond if receiving a Disclosure of harassment, bullying, domestic violence or sexual misconduct from a student.
- 2.3. The University does not put a time limit on receiving Disclosures or Formal Reports of bullying, harassment, domestic violence 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.
- 2.4. Where a student has experienced harassment, bullying, domestic violence or sexual misconduct that was 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 Report (complaint) for internal investigation and response.
- 2.5. This policy also applies to any report by a student of bullying, harassment, domestic violence or sexual misconduct 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 practise, where the Reported Party 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. It includes 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. Examples of unacceptable behaviour are in Appendix A.

3.2. **Consent** is agreeing by choice and having the freedom and capacity to make that choice. Consent must be sought for every sexual activity. 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. Having previously consented to sexual activity does not imply present or future consent to sexual activity. Consent to one type of sexual activity does not imply consent to another. There is no lawful basis for so called 'consensual non-consent' and this would not be an acceptable defence against alleged non-consensual sexual activity.

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 physically restrained
- they are being threatened with violence or humiliation (by the perpetrator and/or by someone else)
- they believe that the continuation or assessment of their studies, or progression or advancement of their career, will be at risk if they refuse
- they are being blackmailed
- they are they are being pressured or manipulated into saying 'yes'. This includes scenarios where someone threatens to end a relationship or to harm themselves or anyone else unless someone engages in sexual activity with them
- 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 means someone is physically and mentally able to make a choice and to understand the consequences of that choice. A person does not have the capacity to consent if:

- they are drunk or under the influence of drugs. To be clear, someone may still be physically able to have sex or say 'yes' but if they are drunk or under the influence of drugs, they may not have mental capacity to consent
- they are asleep or unconscious
- they are under the age of 16
- they have a cognitive or learning difficulty that impacts their ability to consent, a disability which impairs their speech, or are experiencing a mental health crisis

3.3. **Disclosure** involves an individual choosing to tell anyone who is part of the University about their experience of harassment, bullying, domestic

violence or sexual misconduct. Unlike a Formal Report, a Disclosure does not trigger an investigation or action, but it would lead to support being offered.

3.4. **Domestic Violence** is any incident or pattern of incidents of controlling or coercive behaviour, violence or abuse between those aged 16 or over who are or have been intimate partners or family members, regardless of gender or sexuality. This can encompass but is not limited to psychological, physical, sexual, financial and emotional abuse.

3.4.1. **Controlling behaviour** is a range of acts designed to make a person subordinate and/or dependent by isolating them from sources of support, exploiting their resources and capacities for personal gain, depriving them of the means needed for independence, resistance and escape and regulating their everyday behaviour.

3.4.2. **Coercive behaviour** is an act or a pattern of acts of assault, threats, humiliation and intimidation or other abuse that is used to harm, punish, or frighten a person.

Domestic Violence also includes so called 'honour'-based violence, female genital mutilation (FGM) and forced marriage, and is clear that victims are not confined to one gender or ethnic group.

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

3.6. **Harassment** has the meaning given in section 26 of the Equality Act 2010 and section 1 of the Protection from Harassment Act 1997 (in its entirety, and as interpreted by section 7 of the Act).

3.6.1. **The Protection from Harassment Act 1997** defines harassment as a course of conduct (i.e. two or more instances of verbal or non-verbal conduct and/or speech) which alarm or cause distress, which the person knows or ought to know amounts to harassment.

3.6.2. **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.

3.6.3. For clarity, both single incidents and repeated incidents may be considered to amount to harassment.

3.6.4. Unwanted behaviour will amount to harassment if the intention was for the conduct to have one of these effects, even if it did not.

- 3.6.5. 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
- 3.6.6. A person may be harassed even if they were not the intended target. For example, generalised ageist, racist, sexist or homophobic comments that are not aimed at the individual concerned but that nevertheless create a hostile or offensive environment.
- 3.6.7. Harassment may occur in person or online. Examples of harassment and other unacceptable behaviour can be found in Appendix A.
- 3.6.8. Not all behaviour that some may consider offensive would be considered harassment, particularly when balanced against the right to freedom of speech within the law, academic freedom and tolerance for controversial views in educational contexts or environments.

For example, it is unlikely but not impossible that the following would be considered to amount to harassment even if experienced as deeply offensive:

- 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 made about any subject matter which is connected to course content
- Lawful views expressed by a speaker at an event or debate within the University setting.

Support is available to students who feel offended or distressed by incidents that are not considered harassment. Students are encouraged to log any incident they are concerned about, regardless of whether the incident is formally reported for investigation or whether any investigation finds that the incident amounts to harassment. See the 'support available' section for more information.

- 3.7. **Hate incidents** are any incidents that are perceived by the victim or any other person to demonstrate or be motivated by hostility or prejudice based on a person's protected characteristic or perceived protected characteristic.
- 3.8. The **Reported Party** is the person(s) whose behaviour is alleged to constitute an incident of harassment, bullying, domestic violence or sexual misconduct.
- 3.9. The **Reporting Party** is the person(s) who witnessed or was subject to the alleged incident of harassment, bullying, domestic violence or sexual misconduct.
- 3.10. **Sexual harassment** is unwanted conduct of a sexual nature which has the purpose or effect of violating the recipient's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment as defined by the

Equality Act 2010 (as amended from time to time). The unwanted conduct does not need to be sexually motivated, only sexual in nature, to be considered sexual harassment. Sexual interaction that is invited, mutual or consensual is not sexual harassment because it is not unwanted. However, sexual conduct that has been welcomed in the past can become unwanted and therefore can become sexual harassment if continued. Examples of sexual harassment can be found in Appendix A.

- 3.11. **Sexual Misconduct** is a broad term that encompasses any unwanted or attempted unwanted behaviour of a sexual nature. 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. Examples of sexual misconduct can be found in Appendix A.
- 3.12. **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 Provost has overall responsibility for this policy and has delegated day-to-day operation to the Group Director of Library and 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, domestic violence and sexual misconduct, through self-awareness; and by modelling positive behaviour for others, and raising any concerns.
- 4.3. The Group Director of Library and 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 harassment, bullying, domestic violence and sexual misconduct are never acceptable. We are committed to providing support for students affected by these issues.
- 5.2. Students who have experienced harassment, bullying, domestic violence or sexual misconduct at any time in their lives can access support and advice from LSBU.

- 5.3. Support information is available on the LSBU [Report and Support](#) pages and on myAccount, myLSBU and the LSBU website, and includes internal and external support providers. Support and advice is available to any student and the information on all of these platforms is available without making a Disclosure or report.
- 5.4. Student's have access to specialist support from Student Liaison Officers (SLOs). SLOs are situated within Student Services and are trained by external specialists LimeCulture. 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. SLOs offer:
- Priority, non-emergency, one-to-one, appointment-based support in person, by telephone or on MS Teams.
  - Secure and accurate record keeping
  - Appropriate and accurate information about external and internal reporting options and support options
  - Practical support to maximise the student's chances of remaining and succeeding in study. This might include:
    - A supporting statement which can be used for Extenuating Circumstances claims, so that the student does not need to re-explain or disclose confidential or traumatising information to another team
    - Support to get reasonable adjustments to study and assessments put in place without the student having to re-explain or disclose confidential or traumatising information to another team.
  - Risk assessment and management, escalating where necessary if action needs to be taken to reduce the risk of further harm occurring (see section 7 and 15).
  - Support during an internal investigation under the Student Disciplinary Procedure or the Staff Disciplinary Procedure
  - As requested by the student, referrals to, and if required and deemed appropriate, payment for, specialist external and/or therapeutic support
  - As requested by the student, liaison with:
    - Individual members of the course team
    - Relevant individuals regarding suitability of placement location
    - Halls of residences
    - Specialist external services, for example an ISVA (Independent Sexual Violence Adviser), a SOLO (Sexual Offences Liaison Officer) or a Police Victim Care Officer, to ensure that internal and external support are aligned (without duplicating or replacing external specialist support)
- 5.5. Students can request SLO support by any of the following means:
- a) making a report on Report & Support and including their contact details. This information will be received directly by and only by the Mental Health & Wellbeing Team where the SLOs are based.
  - b) raising a 'wellbeing' enquiry on myAccount – this will be reviewed by the Student Life Helpdesk and passed to the Mental Health & Wellbeing Team. Students do not need to include any details about the incident and can simply request an SLO appointment in the enquiry.

- c) emailing [studentwellbeing@lsbu.ac.uk](mailto:studentwellbeing@lsbu.ac.uk) – this will be reviewed by the Student LifeHelpdesk and passed to the Mental Health & Wellbeing Team. Students do not need to include any details about the incident and can simply request an SLO appointment in the enquiry.
- 5.6. Students can log an incident anonymously on Report & Support. We will not be able to offer them SLO support as we won't know who they are. However, the student will still have access to the information on Report & Support. LSBU will review all anonymous reports and where relevant information or trends can be identified, will put in place responsive interventions such as campaigns, targeted training, or additional security.
- 5.7. Students can access SLO support regardless of whether they choose to make a Formal Report. By accessing SLO support, you are not committing yourself to any further course of action.
- 5.8. Where a student has been reported to have allegedly carried out harassment, bullying, domestic violence 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 harassment, bullying, domestic violence or sexual misconduct
- 6.2. A Disclosure can be made in person, online, or via other means such as phone or email. Students can also make Disclosures via the University's online reporting tool, Report + Support. The website address is <https://reportandsupport.lsbu.ac.uk>
- 6.3. Where a member of staff has received a Disclosure from a student in person or via other means, they should advise the student of SLO support available (Section 5) and direct them to Report + Support. The staff member should log the incident on Report & Support but should not include the student's contact information unless the student explicitly consents to this.
- 6.4. The student who has chosen to disclose does not need to provide the full details of their experience if they do not wish to. Staff should not ask questions about the Disclosure or request any more information than is absolutely necessary to assess immediate risk, unless they are a trained SLO.
- 6.5. Disclosure does not create a Formal Report and no action will be taken immediately by the University unless there is a concern about immediate safety or safeguarding.
- 6.6. There are several options available to a student who has made a Disclosure. They can choose the level and types of support that are right for them. SLOs can help students understand their options. The student can choose to:
  - a) **Request no formal action at this time:** In this case, advice will be provided including around any preservation of evidence which may

be relevant if the person subsequently decides to make a report to the police or to submit a Formal Report 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 or independently of a Formal Report to the University. Students can continue to access internal and external support throughout any police investigation or criminal justice process. The University will support any such external process as required, including by pausing internal investigations if necessary (further information can be found in section 10).
- c) **Make a Formal Report to the University:** A student can confirm that they wish the University to proceed with a formal investigation under the relevant procedure if the Reported Party is a member of the LSBU community. Students can continue to access internal and external support throughout any internal investigation.

## 7. Precautionary Action:

- 7.1. If, after reviewing a Disclosure, or based on information given in an SLO appointment, the SLO believes that there is a significant ongoing risk to anyone, they will refer the relevant details of the Disclosure to the Mental Health & Wellbeing Team Manager, who will liaise with the Head of Student Affairs to initiate a Case Conference. This is especially likely in the case of the Reported and Reporting parties both being LSBU students.
- 7.2. The Case Conference will be chaired by the Academic Registrar (or nominee) . The composition of the Case Conference will depend on the nature of the Disclosure and the parties involved, and can comprise the Academic Registrar and Head of Student Affairs , Head of Student Success, Head of Accommodation, Group Director of Library and Student Services, GovLegal representation and School / HR representation as appropriate. The Case Conference may meet in person or virtually.
- 7.3. The Case Conference will decide and enact any necessary interim measures to mitigate ongoing risk and ensure safety of all members of the LSBU community. Such measures may include arrangements that limit contact between the Reporting Party and Reported Party, including restriction of access to campus facilities, and making a recommendation to the Students' Union regarding appropriate action.
- 7.4. Interim measures will be enacted under the relevant Student or Staff Disciplinary Policy or Procedure. Such policies and procedures can be found on the LSBU website, the address for which is in section 15. They include processes for reviewing and appealing interim measures.
- 7.5. If interim measures are put in place, the Reported Party will be informed in writing and, wherever possible, in person or by telephone / MS Teams call. They

will be told what they need to do in order to comply with the interim measures. They will be offered support from an SLO, who will be their main point of contact if they accept the support. This will be a different SLO to that assigned to the person who has disclosed.

- 7.6. If no interim measures are put in place, the Reported Party will not be informed of the Disclosure or assigned an SLO unless the Reporting Party chooses to either pursue an informal resolution or submit a Formal Report to the University.

## 8. Making a Formal Report

- 8.1. Where the Reporting Party is reporting the behaviour of a student or staff member that may constitute harassment, bullying, domestic violence or sexual misconduct, they can make a Formal Report to the University under the following procedures which can be found on the LSBU website (see section 15):
  - 8.1.1. **About a student:** [Student Disciplinary Procedure](#). The Formal Report will be dealt with as a complaint under the Student Disciplinary Procedure.
  - 8.1.2. **About a member of staff, third party, or visitor:** [Student Complaints Procedure](#). The Formal Report will be dealt with as a complaint under the Student Complaints Procedure. Where the Reported Party is a member of staff this may include referral to, and investigation under, the Staff Disciplinary Procedure.
- 8.2. A Reporting Party only needs to provide details of an incident once and this can be to the SLO or directly via the Student Disciplinary Procedure or Student Complaints Procedure. With the Reporting Party's permission, the details provided to an SLO can be used to make a Formal Report to the University as outlined in 8.1 above. The Reporting Party may need to provide further information and evidence as part of an investigation and may be required to attend any relevant disciplinary panels as a witness.
- 8.3. The Reporting Party may withdraw a complaint at any time, 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 is withdrawn, no further action will be taken under the relevant procedure, but the matter may be referred for consideration under another University procedure. Precautionary action (as outlined in section 7) may still be taken if a complaint is withdrawn.
- 8.5. Anonymous complaints will not 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**

- 9.1. Anyone who is directly affected by a decision made following a Formal Report of alleged misconduct under this policy will be provided with relevant information about the decision and the reasons for it. This information could include:
- what steps were taken to investigate the Formal Report;
  - a summary or high-level description of the evidence made available to the decision-maker(s), or a copy of that evidence;
  - who made the decision(s);
  - what measures may be put in place to prevent the issue that led to the Formal Report happening again.
- 9.2. The University will never use non-disclosure agreements (NDAs) in relation to any incident of harassment, bullying, domestic violence or sexual misconduct.

## **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 Formal 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 a criminal trial has completely exonerated the Reported Party 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 the Fitness to Practise Procedure, Student Disciplinary Procedure 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 Procedure, Fitness to Practice Procedure, Staff Disciplinary procedure).

## **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 a complaint 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 or Student Disciplinary Procedure, as appropriate.

## **13. Confidentiality**

- 13.1. The University recognises the importance of privacy for Disclosures and Formal Reports of harassment, bullying, domestic violence 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 who are alleged to have committed misconduct receive appropriate academic and pastoral support;
  - 13.2.3. Safeguard members of the University community;
  - 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, including annually to the Student Safety & Safeguarding Committee;
  - 14.1.2. Externally for discussion with regulators in the higher education sector; and;
  - 14.1.3. To provide transparency about our approach to preventing and tackling harassment and sexual misconduct as required by the higher education regulator.
- 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 a Disclosure or Formal 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
- Staff - Students Relationship Policy

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) rape or threats of rape
- b) sexual assault or threats of sexual assault
- c) unwanted physical conduct of a sexual nature (such as leering, touching, hugging, massaging, kissing, showing sexual organs or sexual gestures)
- d) unwanted verbal conduct of a sexual nature (such as asking questions about someone's sex life, discussing their own sex life, making sexual comments, jokes and innuendo, spreading sexual rumours about a person, or sexual contact via social media)
- e) creating, displaying or circulating sexually explicit materials, including sharing private sexual materials of another person without consent
- f) propositions, sexual advances, or making promises in return for sexual favours
- g) coercive demands for sexual favours
- h) treating someone less favourably because they previously rejected or submitted to sexual advances
- i) any breach of the LSBU Staff and Student Intimate Relationships Policy
- j) derogatory or discriminatory jokes, comments, nicknames or "banter" based on someone's protected characteristic
- k) insults, name-calling and offensive language and gestures, including demeaning, gender-specific terminology
- l) ridiculing and undermining behaviour including mocking or putting someone down in front of others
- m) inappropriate comments or questions about a person's appearance or private life
- n) maliciously spreading gossip, rumours, or private information about someone
- o) outing or threatening to out someone as gay, lesbian, bi or trans
- p) creating, sharing, sending or displaying offensive material (including images, video, audio, text or literature that is shared by any means)
- q) pestering, spying or stalking, including following, monitoring, watching or spying on someone, in person or online
- r) physical assault or threats of physical assault
- s) intimidating, coercive or threatening actions and behaviour, including shouting, screaming or swearing at someone, and invasion of personal space
- t) isolating, ostracising or deliberately excluding someone

- u) setting someone up to fail, e.g. withholding necessary information, deliberate work overload, refusing to cooperate
- v) unwarranted or invalid criticism and criticism which lacks the necessary constructive support to help the recipient improve their performance, including derogatory remarks about someone's performance
- w) persistently 'singling out' a person without good reason, including overbearing and intimidating levels of supervision
- x) publishing material relating to someone or pretending to originate from someone interfering with someone's property

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