



LEEDS
BECKETT
UNIVERSITY

Preventing and Addressing Bullying, Harassment and Sexual Misconduct Policy - Colleagues

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Policy Statement

Purpose and Core Principles

Leeds Beckett University is committed to creating and maintaining a safe, welcoming and inclusive community which nurtures a culture of respect and consideration for all. There is no place for any form of bullying, harassment or sexual misconduct in our community and each of us is responsible for the way we interact with and treat others.

The University will not tolerate unacceptable behaviour whether by a student, colleague, contractor or visitor. This policy aims to ensure that students, colleagues and third parties are able to report any unacceptable behaviour and be supported in the process of resolving it.

Breaches of this policy by colleagues will be investigated under the relevant disciplinary procedure which could result in dismissal and incidents which constitute a crime could be also referred to the police dependant on circumstances.

Scope

This Policy applies to bullying, harassment and sexual misconduct that is committed or is alleged to have been committed by any colleague, LBU appointees, or third parties, irrespective of where and how this has occurred and the medium used.

The alleged misconduct may have occurred:

- On LBU property;
- Via LBU IT systems for example Teams, Outlook, Skype etc;
- Off LBU property;
- In the UK or abroad.

This Policy also covers online abuse and harassment such as through social media and other internet platforms. This can include, but is not limited to behaviours such as cyberbullying, unwanted sexting, doxing and revenge porn.

Responsibility

LBU is committed to preventing incidents of bullying, harassment and sexual misconduct where reasonably possible; and to provide preventative training programs for managers regarding such behaviours. LBU also commits to make available timely support for those who have been affected by such behaviours; and to provide prompt and equitable methods of investigation and resolution to stop bullying, harassment and sexual misconduct, to remedy any harm, and to prevent its recurrence.

All colleagues have a responsibility to ensure an educational and working environment where everyone is treated with respect and dignity. Each colleague is expected to contribute to preventing unacceptable behaviours, through self-awareness; and by modelling positive behaviour for others and raising concerns as appropriate.

All those responsible for teaching, supervising, managing and leading people are in a position of trust and have additional responsibilities to display exemplary behaviours. This is also the case for student leaders such as those who lead clubs and societies or undertake roles for the University.

Review

This policy is not contractual and may be varied from time to time following consultation.

Equality data will be collected for the purposes of equality monitoring and understanding the impact of this policy and reported on to the University Executive Team annually.

Procedure

1. Key Definitions

1.1 Appendix 1 includes examples of the behaviours summarised below.

2. Bullying

2.1 Bullying is offensive, intimidating, malicious or insulting behaviour involving the misuse of power that 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 personal strength and the power to coerce through fear or intimidation. Bullying usually involves a repeated course of conduct.

3. Harassment

3.1 Harassment is unlawful under the **Equality Act 2010**ⁱ and is defined in the legislation as any unwanted physical, verbal or non-verbal conduct that has the purpose or effect of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for them. A single incident can amount to harassment, and unlawful harassment under the Equality Act 2010 must be related to a relevant protected characteristic, which means it may involve conduct of a sexual nature (sexual harassment), or it may be related to age, disability, gender reassignment, race, religion or belief, sex or sexual orientation.

4. Sexual Misconduct

4.1 Sexual misconduct is unacceptable behaviour of a sexual nature. It covers a spectrum including sexual violence such as rape and **sexual assault**ⁱⁱ, sexual harassment; intimate partner violence; sexual assault; grooming; coercion or bullying with sexual elements; sexual invitations and demands; sexual comments; sexual non-verbal communication; creation of atmospheres of discomfort; and promised resources or advancement in exchange for sexual access.

4.2 The term sexual misconduct is used in this policy as it is a more effective recognition of forms of power enacted in higher education and the term 'sexual harassment' captures only some of the possible abuses of power that may occur.

4.3 In this Policy, **reporting**ⁱⁱⁱ is the sharing of information with a staff member of the University regarding an incident of bullying, harassment, or sexual misconduct for the purposes of initiating the processes set out in this Policy. The Reporting Party is the person(s) who witnessed or was the target of the alleged incident of bullying, harassment or sexual misconduct and the Reported Party is the alleged source of the behaviour.

5. Support and Advice

5.1 LBU is committed to providing support for members of its community affected by these issues.

5.2 Colleagues may wish to speak to a HR Advisor at:
employeerelationsteam@leedsbeckett.ac.uk

6. Reporting Bullying, Harassment or Sexual Misconduct

6.1 LBU's Report, Support, Respect is an online platform for students and colleagues to request access to an advisor and to report an incident(s) of bullying, harassment or sexual misconduct, including anonymously.

6.2 Submitting a report does not mean that formal action will be triggered. If the report is not anonymous, an advisor will contact the Reporting Party to understand more about what has happened and appropriate support and options will be offered. The exemption to this is if the report triggers LBU's duty of care or safeguarding obligations, which means the University may have to take action, such as contacting the police, if there are strong grounds to believe that an individual is at significant risk from harm.

6.3 Reports from colleagues will be directed to the Employee Relations Team in Human Resources.

7. Anonymous Reports

7.1 Reports can be submitted anonymously on Report, Support, Respect, however these will not trigger an investigation or formal process unless under very limited circumstances (please see duty of care obligations). Anonymous reports enable the University to build a picture of issues where people do not feel able to reveal personal information but would like LBU to be aware that something has taken place. Anonymous reports provide statistical information, which is used to monitor trends at LBU and to inform proactive and preventative work.

7.2 Anonymous reports that name individuals are strongly discouraged and names will be redacted and not be stored.

8. An informal resolution

8.1 Addressing issues in an informal way at the outset can be an effective way of resolving interpersonal conflict, tackling minor inappropriate behaviour and minimising any negative impact on the individuals involved. This allows for problems to be settled quickly. Informal resolution is encouraged if the incident(s) is not considered serious by the target of the behaviour and if it can be remedied through open dialogue. Serious incidents are not likely to be appropriate for informal resolution and should be reported so that support and advice can be offered. It is for the person affected to determine the preferred pathway for resolution and engaging in informal resolution initially is not a barrier to bringing a formal complaint at a later time.

8.2 In most cases, informal resolution would involve a discussion with the individual concerned. Colleagues are encouraged to speak to their manager or another trusted, senior colleague if the behaviour of concern is from the manager, a HR Advisor, a Dignity & Respect Advisor, or a trade union representative.

8.3 LBU has the right to investigate unacceptable behaviour, even if it is raised informally,

and especially where the University has cause to be concerned about harm to others and serious breaches of policy.

- 8.4 If a colleague is approached and told that their behaviour could be construed as bullying, harassment or sexual misconduct, they should be prepared to listen patiently and calmly. Whilst it may be upsetting, they should allow the person to express their concerns, and if appropriate, try to reach common ground to remedy the situation and allow a positive learning/working relationship to be resumed.

9. Procedure for making a formal complaint

- 9.1 Colleagues who feel they have experienced or witnessed bullying, harassment or sexual misconduct may make a formal complaint against another colleague using the [Grievance Policy](#) or they may make a formal complaint against a student by contacting the [Student Casework Team](#) by emailing them at: casework@leedsbeckett.ac.uk Either process may also be initiated through Support, Report, Respect.

- 9.2 Students or colleagues who feel they have experienced or witnessed bullying, harassment or sexual misconduct by a third party, or a member of the public should discuss this with their line manager, supervisor or personal tutor in the first instance. This may involve notifying third parties and using their complaints procedure; or notifying LBU Security and/or the police when involving members of the public.

- 9.3 Third parties or members of the public who feel they have experienced or witnessed bullying, harassment or sexual misconduct by an employee or student or while at LBU while participating in a LBU activity, may make a formal complaint using the student casework team for students and whistleblowing policy for employee or whilst at LBU.

- 9.4 Where the colleague or member of the public who has experienced bullying, harassment or sexual misconduct is under the age of 18 or is deemed to be an “adult at risk”, there may be a safeguarding element involved, and the [Safeguarding Vulnerable Groups Policy](#) should be referred to.

10. Formal Action

- 10.1 If a formal complaint is taken forward, it will be taken through one of the existing LBU regulations or procedures.
- 10.2 For colleagues this may mean that formal action is taken via the Disciplinary Policy and Procedure or Grievance Procedure.

11. Outcome of a Formal Action

- 11.1 The Reporting Party will be told whether their complaint has been upheld or not; and information of the outcome as appropriate. Both parties are expected to have an expected level of confidentiality.
- 11.2 If the complaint is not upheld, appropriate information will be shared with the Reporting Party to minimise any adverse effects in accessing their work or study environment, or the LBU activity, where possible. However, there may be limits to the information about the

consequences to the Reported Party that can be shared with the Reporting Party.

- 11.3 Where the Reporting Party is told the outcome they will be asked to respect confidentiality with regards to the outcome.

12. Interim measures

- 12.1 In some cases of reported bullying, harassment and sexual misconduct, it may be necessary to put in place interim measures to prevent further harm taking place whilst formal procedures are initiated.
- 12.2 If the incident(s) is serious enough to warrant a potential suspension, standard procedures will be followed such as the Disciplinary Policy.
- 12.3 In some cases, where the incident (s) has not triggered formal procedures, an interim measure panel may be convened to help assess and manage risk(s). The interim measures panel will undertake a risk assessment to help identify and ensure actions are in place to mitigate any areas of concern.
- 12.4 Any interim measures will be proportionate to the nature of the risk(s) being managed and will be in accordance with LBU's policies and procedures.
- 12.5 The composition of the interim measures panel will depend on the nature of the allegations and the parties involved e.g. between students; between a student and a colleague. It may include representatives from Student Services, the School, HR and the Equality, Diversity and Inclusion team.
- 12.6 Any information gathered or disclosed as part of this process will be treated confidentially and sensitively and in accordance with GDPR legislation.

13. Police investigations and judicial proceedings

- 13.1 Where criminal investigations and/or judicial proceedings are ongoing, or are likely to commence in respect of a disclosure or report, the University will usually continue its own investigation and any disciplinary action, subject to the circumstances of the case and police advice.
- 13.2 Where, following police advice or otherwise, LBU decides not to undertake its own investigation until the case has concluded, LBU reserve the right to review this decision and to initiate its own investigation and/or disciplinary action at a later stage in or on completion of the criminal investigation and/or judicial proceedings.
- 13.3 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 a LBU student or employee.
- 13.4 An internal investigation is focused exclusively on whether a breach of the and/or other applicable obligations or policies has occurred. 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.
- 13.5 Where a colleague is convicted of a criminal offence or accepts a Police caution in relation to behaviour that falls within the scope of LBU's Preventing and Addressing Bullying.

Harassment and Sexual Misconduct Policy), they must declare this to the University. The conviction/caution will be taken as conclusive evidence that the behaviour took place, and no further investigation shall be required by the University. Appropriate measures may be taken (if they have not already) under the [Staff Disciplinary Policy and Procedure](#).

14. Victimisation

- 14.1 LBU 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.
- 14.2 If a formal complaint of victimisation is made about an employee's behaviour it will be fully investigated, during this process or at the end of this it may be dealt with in accordance with the [Staff Disciplinary Policy and Procedure](#).

15. Freedom of Speech and Expression

- 15.1 The University is committed to embracing the principle of freedom of speech and expression. Under education legislation, members of our academic community have freedom within the law to question and test received wisdom, and to put forward new ideas and explore controversial or unpopular opinions, without placing themselves in jeopardy of losing their jobs. Views that are considered contentious may be regarded as harmful by specific groups or individuals and there can sometimes feel a perceived conflict between freedom of speech and expression and equality legislation. Freedom of expression should not be abused for the purpose of unchallenged hatred or bigotry and LBU expects all members of our community to pursue balanced and respectful debate on sensitive topics. Views incite which hatred and violence based on prejudice against specific groups are not permissible under the University's Code of Practice on Freedom of Speech.

16. False, bad faith or misleading complaints

- 16.1 The University operates on the understanding that complaints are made in good faith and will commence from a position of belief whilst also following the duty to act fairly to both parties.
- 16.2 Submitting a complaint that is not in good faith or providing false or misleading information in any investigation of complaints is prohibited. If, following an investigation or hearing, a complaint is found to be false, misleading or in bad faith, it will be dealt with in accordance with the [Staff Disciplinary Policy and Procedure](#) as appropriate.

17. Confidentiality

- 17.1 Confidentiality is very important in dealing with cases of alleged unacceptable behaviour. The Reporting Party, the Reported Party and senior colleagues handling the report should only divulge information to relevant people on a 'need-to-know' basis.

Related Policies and Documentation

Social Media Guidance

Student Code of Conduct

Student Code of Discipline

Staff Grievance Policy and Procedure

Staff Disciplinary Rules

Safeguarding Vulnerable Groups Policy

Updated November 2021

Examples of unacceptable behaviour

Bullying

Bullying can occur in a number of different ways. Some are obvious and easy to identify. Others are subtle and difficult to explain. Examples of bullying behaviour include:

- persistently ignoring views and opinions
- withholding information that can affect a person's performance
- setting unreasonable or impossible deadlines
- setting unmanageable workloads
- humiliating people in front of others
- spreading malicious rumours
- intentionally blocking promotion or training opportunities
- ridiculing or demeaning someone by picking on them or setting them up to fail
- overbearing supervision or other misuse of power or position
- deliberately undermining a competent person with constant criticism
- cyber-bullying using email, text messages, camera phones, social media etc.

Harassment

Examples of harassment related to relevant protected characteristics under the Equality Act 2010:

Age:

ageist jokes, being excluded from activities because of age, pressuring colleagues to retire, making assumptions about a person's ability or competence due to their age

Disability:

asking intimate and inappropriate questions about a person's impairment, mimicking, name calling and jokes, unwelcome interference with personal aids or equipment

Gender reassignment:

transphobic comments, refusing to treat a person as their new gender when they transition, denying people access to appropriate facilities, 'outing' a person as transgender without their consent

Race:

racist jokes, banter or insinuations, making assumptions about someone based on their race, persistent racialised micro-aggressions and racialised exclusionary behaviour

Religion or belief:

jokes about particular religious or philosophical practices, making it unnecessarily difficult for people to conform to their religious beliefs, making assumptions based on belief, perpetuating negative stereotypes and tropes, for example in relation to anti-Semitism and Islamophobia

Sex:

treating someone as inferior because of their sex, persistent unwarranted criticism on the grounds of sex, misogynistic behaviour, sexual harassment

Sexual Orientation:

homophobic or biphobic comments, repeated and unnecessary references to a person's sexual orientation, 'outing' a person without their consent, intrusive questioning about an individual's personal or sex life, spreading prejudiced myths

Sexual Misconduct

Examples include, but are not limited to:

- Serious forms of physical or sexual assault/ violence
- Unwanted physical contact, including touching, pinching, pushing, grabbing, invading their personal space
- Unwanted sexual advances,
- Sexual comments or comments about someone's body or appearance; innuendos; wolf whistling;
- Promising resources or benefits in return for sexual favours
- Grooming
- Stalking
- Revenge porn

Endnote (3.1 Harassment, 4.1 and 4.3, Sexual Misconduct)

- i. Harassment is also unlawful under the Protection from Harassment Act 1997 which enables an individual to seek criminal or civil proceedings against a range of behaviours that are causing distress or alarm to the target of the behaviour.
- ii. It is important to note that sexual violence is unlawful under criminal legislation such as the Sexual Offences Act 2003.
- iii. Reporting and Disclosure: Reporting means share information with a member of staff to initiate a process, such as accessing support or a University procedure. Disclosure means an individual may choose to tell a trusted person about the incident. A disclosure does not automatically result in a report, and individuals can disclose an incident to someone without this going any further. If an incident is disclosed to a staff member in the University, they will always aim to respect the right of the disclosing person to choose what they want to do next. The exemption is if duty of care obligations are triggered and there is the potential significant risk of harm.