



LEEDS
BECKETT
UNIVERSITY

Preventing and Addressing Bullying, Harassment and Sexual Misconduct Policy for Students

leedsbeckett.ac.uk

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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.

This policy aims to ensure that students are able to disclose and report any unacceptable behaviour and be supported throughout these processes.

Scope

This policy applies to bullying, harassment and sexual misconduct that is committed or is alleged to have been committed by any student, LBU member of staff, LBU appointee, or third party, 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;
- Via non-University online platforms including social media and messaging apps
- 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

The University is committed to preventing incidents of bullying, harassment, and sexual misconduct (including sexual violence); and to provide sufficient training and support to our staff and students to prevent such behaviours. The University also commits to make available timely support for those who have been affected by unacceptable behaviours; and to provide prompt and equitable methods of investigation and resolution (where possible). This includes enhanced training and support for those investigating and deciding on complaints or allegations of bullying, harassment, and sexual misconduct.

All those responsible for teaching, supervising, managing, and leading people are in a position of trust. This is also the case for student leaders such as those who lead clubs and societies or undertake roles for the University, for example, Student Ambassadors.

Monitoring

Disclosure and reporting data will be collected for the purpose of equality monitoring and understanding the impact of this policy. This is reported to the University Executive Team annually and the Equality, Diversity, and Inclusion Committee biannually. All data is anonymised to ensure individuals are not identified.

Procedure

Key Definitions

1. Bullying

- 1.1 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.

2. Harassment

- 2.1 The **Equality Act 2010** makes three types of harassment unlawful. These are:

- harassment related to a 'relevant protected characteristic'
- sexual harassment
- less favourable treatment of an individual because they submit to, or reject, sexual harassment or harassment related to sex or gender reassignment

'Relevant protected characteristics' are:

- age
- disability
- gender reassignment
- race
- religion or belief
- sex
- sexual orientation

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.

It is important to note that sexual violence is unlawful under criminal legislation such as the Sexual Offences Act 2003.

In determining whether behaviour amounts to harassment, the University will take into account its duties to secure freedom of speech and academic freedom and will apply a rebuttable presumption that students being exposed to any of the following is unlikely to amount to harassment:

- the content of higher education course materials, including but not limited to books, videos, sound recordings, and pictures.
- statements made and views expressed by a person as part of teaching, research or discussions about any subject matter which is connected with the content of a higher education course.

3. Sexual Misconduct

- 3.1 Sexual misconduct is any unwanted or attempted unwanted conduct of a sexual nature. It covers a spectrum including sexual violence such as rape and sexual assault, and sexual harassment.

4. Support and Advice

- 4.1 LBU is committed to providing support for all students affected by these issues, including the Reporting Party and the Reported Party.
- 4.2 Student Advice has highly experienced Student Harassment and Sexual Misconduct Advisers who can provide support and guidance on incidents of unacceptable behaviour. They provide options for accessing support as well as discuss reporting options both to the University and to the police. The Student Harassment and Sexual Misconduct Advisers can be contacted on studentsupportreport@leedsbeckett.ac.uk
- 4.3 Students whose academic work is affected by bullying, harassment or sexual misconduct should seek advice from their academic advisor or course administrator about the academic support available.
- 4.4 Confidential counselling and mental health support is available through Student Wellbeing. [Their website](#) provides information on how to access this support, along with helpful resources and details about external mental health services.
- 4.5 Leeds Beckett Student Union offer advocacy and student support, further information can be found on their [website](#).

5. Disclosing Bullying, Harassment or Sexual Misconduct

- 5.1 LBU's [Support, Report, Respect](#) provision is for students to request access to an adviser and to disclose an incident(s) of bullying, harassment or sexual misconduct.
- 5.2 Students can request support following an incident(s) from a Student Harassment and Sexual Misconduct Adviser via completion of an [online disclosure form](#). On receipt of the form, an adviser will reach out to the student to offer an appointment, or further support via email. Disclosure forms can also be completed on behalf of a student with their consent. A student disclosure will not instigate a formal investigation unless the student wishes.

6. Anonymous Disclosures

- 6.1 Disclosures can be submitted anonymously through Support, Report, Respect via completion on an [online disclosure form](#). However, these will not lead to formal action under University procedures except in exceptional circumstances.
- 6.2 Anonymous disclosures enable the University to build a picture of the types of unacceptable behaviour affecting our University community. Anonymised data collected is used to monitor trends at LBU and to inform proactive and preventative work.

7. Informal resolution

- 7.1 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.
- 7.2 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. Procedure for making an allegation of bullying, harassment or sexual misconduct

- 8.1 If a student feels they have experienced or witnessed bullying, harassment, or sexual misconduct by another student they can disclose using the Support, Report, Respect online system. Alternatively, they can contact the Student Casework Team directly, either by completing the [form for reporting student conduct](#) or by sending an email to: casework@leedsbeckett.ac.uk. Please see Section 4 for sources of help and advice in making a complaint.
- 8.2 Students who feel they have experienced or witnessed bullying, harassment or sexual misconduct by a member of University staff may make a formal report to HR through Support, Report, Respect or by emailing the Employee Relations Team directly: employeeelationsteam@leedsbeckett.ac.uk
- 8.3 Students 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 supervisor or personal tutor, or alternatively can disclose through the Support, Report, Respect online system. 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. The scope for the University to take action in relation to such conduct may be limited, but it will provide support to any affected student as set out in Section 4 above.

9. Formal Action

- 9.1 If a formal report is made, it will be taken forward through one of the existing LBU regulations or procedures.
- 9.2 For incidents where the Reported Party is a student, this may mean that action will be taken through the Student Code of Conduct. Support is available to any affected student as set out in Section 4 above.
- 9.3 Where a student wishes to make a report about a member of staff, they should make a complaint under the Student Complaints Procedure in the first instance. The complaints process may be suspended and referred to HR for consideration under the Formal Grievance

Policy or Disciplinary Policy and Procedure.

10. Outcome of a Formal Action

10.1 The Reported Party will be informed of the outcome of a disciplinary process in accordance with the relevant University procedure.

10.2 Anyone else directly affected by a decision made following a report of bullying, harassment, or sexual misconduct, including the Reporting Party and witnesses, 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 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 report from happening again.

10.3 The University will never use non-disclosure agreements (NDAs) in relation to any incident of bullying, harassment, or sexual misconduct.

11. Interim measures

11.1 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.

11.2 If the incident(s) is serious enough to warrant a potential suspension, standard procedures will be followed under the relevant disciplinary policy.

11.3 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.

11.4 For students this may involve, for example, a non-contact arrangement between the parties involved or an emergency suspension, pending the outcome of an investigation under the Student Code of Conduct.

12. Police investigations and judicial proceedings

12.1 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.

12.2 Where, following police advice or otherwise, LBU decides not to undertake its own investigation until the case has concluded, LBU reserves 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.

12.3 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.

- 12.4 An internal investigation is focused exclusively on whether a breach of the policy 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. Victimisation

- 13.1 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.
- 13.2 If a formal complaint of victimisation is made about a student's behaviour it will be investigated and may be dealt with in accordance with the Student Code of Conduct.

14. Freedom of Speech and Academic Freedom

- 14.1 One of the University's core values is upholding freedom of speech, academic freedom, and freedom from discrimination, in order to provide and encourage a supportive environment and infrastructure that promotes expression, debate and deliberations of all ideas and for peaceful protests within the law.
- 14.2 The University fosters an environment in which all of its staff and students feel able to exercise their right to free speech (including controversial, offensive, or unpopular opinions) within the law. Robust, challenging, and civil debate forms part of academic enquiry, even if viewpoints expressed are disagreeable or unpopular, as long as this is within the law. In exercising their right to freedom of speech, the University expects its staff, students, and visitors to be respectful of the rights to express different opinions and viewpoints, in line with the Code of Practice on Freedom of Speech and engage with intellectual and ideological discussions in a constructive, questioning, and peaceable nature. All speakers have a right to be heard when exercising their right to free speech within the law.

15. False, malicious, or misleading complaints

- 15.1 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.
- 15.2 Submitting a complaint that is malicious or providing false or misleading information in any investigation of a complaint is prohibited. If, following an investigation or hearing, a complaint is found to be false, misleading, or malicious, it will be dealt with in accordance with the Student Code of Conduct.

16. Confidentiality

- 16.1 Any information gathered or disclosed as part of this process will be treated confidentially and sensitively and in accordance with data protection legislation.
- 16.2 Confidentiality is very important in dealing with cases of alleged unacceptable behaviour. University staff will only divulge information to relevant people on a 'need-to-know' basis.

17. Equality Monitoring and Reporting

- 17.1 Anonymised data relating to incidents of bullying, harassment, and sexual misconduct (including data from the Support Report Respect platform) will be reported to the University

Executive Team annually, and to the University's Equality, Diversity, and Inclusion (EDI) Committee biannually.

- 17.2 Bi-annual reports to this committee will include data relating to student complaints, reports and disclosures of bullying, harassment, and sexual misconduct, as well as equality analysis in accordance with data protection requirements.

Related Policies and Documentation

Social Media Guidance
Student Code of Conduct
Safeguarding Vulnerable Groups Policy
Code of Practice on Freedom of Speech
EDI Policy
E6 Single Source of Comprehensive Information
Student Active Bystander e-learning
Student Consent e-learning

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