



LEEDS
BECKETT
UNIVERSITY

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

leedsbeckett.ac.uk

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Policy Statement

Purpose and Core Principles

Leeds Beckett University (the 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, abuse 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 by a colleague, contractor or visitor. This policy aims to ensure that colleagues and third parties are able to report any unacceptable behaviour and be supported throughout these processes.

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

Harassment, bullying or victimisation of any member of staff, of anyone they come into contact with during the course of their work, can be unlawful and will not be tolerated. We will take active steps to help prevent the harassment, bullying, victimisation and sexual misconduct of all staff. Anyone who is a victim, or witness to, harassment, bullying, victimisation or sexual misconduct is encouraged to report it in accordance with this policy. This will enable us to take appropriate action and provide support. Harassment, bullying, victimisation and sexual misconduct can result in legal liability for both the University and the perpetrator, whether they work for us, or are a third-party outside of our control.

Scope

This Policy applies to bullying, harassment, abuse and sexual misconduct (including sexual violence) that is committed or is alleged to have been committed by any colleague, LBU appointees, officers, casual workers, apprentices, volunteers, interns or third parties, irrespective of where and how this has occurred and the medium used. This also includes consultants, contractors and agency workers as well as suppliers, customers and visitors.

We recognise that bullying, harassment, victimisation or sexual misconduct can occur both in and outside the workplace, such as on business trips or at work-related events or social functions. The alleged misconduct may have occurred:

- On the University property;
- Via the University IT systems for example Teams, Outlook, Skype etc;
- Via non-University online platforms including social media and messaging apps
- Off the University property;
- In the UK or abroad.

This Policy also covers online abuse, sexual misconduct 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, abuse and sexual misconduct (including sexual violence) where reasonably possible; and to provide sufficient training for staff and preventative training programs for managers regarding such behaviours. The University 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, abuse, harassment and sexual misconduct (including sexual violence), to remedy any harm, and to prevent its recurrence. This includes completing risk assessments, enhanced training and support for those investigating complaints or allegations of bullying, harassment, abuse and sexual misconduct (including sexual violence).

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 are expected to respond appropriately to complaints by following our policies and procedures.

Human Resources has overall responsibility for the effective operation of this policy.

The EDI team has day-to-day responsibility for this policy, and you should refer any questions about this policy to them in the first instance.

This policy is reviewed annually by Human Resources.

Review

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

Equality monitoring and reporting data will be collected and monitored for the purpose of understanding the impact of the Support Report Respect provision and of this policy. This is reported on to the University Executive Team annually, and to 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 both personal strength and the power to coerce through fear or intimidation. Bullying usually involves a repeated course of conduct.
- 1.2 Bullying may include overbearing and intimidating levels of supervision or inappropriate derogatory remarks about someone's performance. However, legitimate, reasonable and constructive criticism of a worker's performance or behaviour, or reasonable instructions given to workers in the course of their employment will not amount to bullying on their own.

2. Harassment

- 2.1 Harassment is unlawful under the **Equality Act 2010** and is defined in the legislation as any unwanted physical, verbal or non-verbal conduct or attempted 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. 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, marital or civil partner status, pregnancy or maternity, race, colour, nationality, ethnic or national origin, religion or belief, sex or sexual orientation.
- 2.2 Harassment also includes treating someone less favourably because they have submitted or refused to submit to unwanted conduct of a sexual nature, or that is related to gender reassignment or sex.
- 2.3 A person may be harassed even if they were not the intended target. For example, a person may be harassed by racist jokes about a different ethnic group if the jokes create an offensive environment.
- 2.4 Harassment is unlawful and will not be tolerated. Incidents of harassment may lead to disciplinary action up to and including dismissed if committed:
 - In a work situation;
 - during any situation related to work, such as at a social event with colleagues;
 - against a colleague or other person connected to the University outside of a work situation, including on social media.
 - Against anyone outside of a work situation where the incident is relevant to your suitability to carry out your role.

- 2.5 We will take into account any aggravating factors, such as abuse of power over a more junior colleague, when deciding appropriate disciplinary action to take.
- 2.6 If any harassment occurs, we will take steps to remedy any complaints and prevent it from happening again.

3. Third-party harassment

- 3.1 Third party harassment occurs where a person is harassed by someone who does not work for, and who is not an agent of, the same employer, but with whom they have come into contact during the course of their employment. Third-party harassment could include, for example, derogatory comments about a person's age, disability, pregnancy, colour, religion or belief, sex or sexual orientation, from a client, student, customer or supplier visiting the University's premises, or where a person is visiting another location in the course of their employment.
- 3.2 Third-party harassment can result in legal liability and will not be tolerated. Although a member of staff cannot bring a claim for third-party harassment alone, it can still result in legal liability for an employer when raised in other types of claims. All staff are encouraged to report any third-party harassment they are a victim of, or witness, in accordance with this policy.
- 3.3 Any harassment by a member of staff against a third-party may lead to disciplinary action up to and including dismissal.
- 3.4 We will take active steps to try and prevent third-party harassment of all staff at the University.
- 3.5 If any third-party harassment occurs, we will take steps to remedy any complaints and to prevent it happening again. These may include warning the harasser about their behaviour, banning them from our campus, reporting any criminal acts to the police and sharing information with other departments.

4. Sexual Misconduct

- 4.1 Sexual misconduct means any unwanted or attempted unwanted conduct of a sexual nature. It includes, but is not limited to, sexual violence such as rape and sexual assault, 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 For completeness, sexual harassment means any unwanted or attempted unwanted physical, verbal or non-verbal behaviour of a sexual nature that has the purpose or effect of violating a person's dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment for them. It includes attention that denigrates or ridicules or is intimidating.

This may be physical, ranging from unwanted touching, groping or the invasion of personal space to sexual assault, rape or indecent exposure. A single incident can amount to sexual harassment.

- 4.4 A person may be sexually harassed even if they were not the intended target. For example, a person may be sexually harassed by pornographic images displayed on a colleague's computer in the workplace.
- 4.5 In this Policy, reporting 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 The University is committed to providing support for members of its community affected by these issues. This includes support and advice for colleagues from the Employee Relations Team, as well as the Equality, Diversity and Inclusion (EDI) Team within the HR Service.
- 5.2 The University will recruit and maintain a cohort of Dignity and Respect Advisers to offer confidential listening support and signposting information to colleagues affected by any of these issues. [Dignity and Respect Advisers](#) are independent from the Human Resources (HR) service and are trained to support and empower colleagues to choose from the options available to them - including informal and formal resolutions and extra support from other specialist services.

6. Reporting Bullying, Harassment, Abuse or Sexual Misconduct (including Sexual Violence)

- 6.1 The University's [Support, Report, Respect](#) provision is an online platform for colleagues to report an incident(s) of bullying, harassment, abuse or sexual misconduct (including sexual violence), including anonymously at any time.
- 6.2 Colleagues can choose whether or not to include their name and contact details as part of their report in order to access follow-up support from a Dignity and Respect Adviser, or to submit anonymously. Colleagues may wish to make a report anonymously, on the understanding that the University will not be able to contact them to offer support or take further action.
- 6.3 Submitting a report does not mean that formal action will be triggered. The exemption to this is if the report triggers the University'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.
- 6.4 Reports made by colleagues using the Support Report Respect platform are managed by the Equality, Diversity and inclusion (EDI) Team in Human Resources. The platform advises colleagues of their options whilst reporting the incident(s) which include requesting a conversation with the EDI Team, the Employee Relations Team and/or a Dignity and Respect Adviser to explore formal or informal routes of resolution.

7. Anonymous Reports

- 7.1 The University understands that there are many reasons why a colleague may wish to report an incident(s) of bullying, harassment and sexual misconduct anonymously. For this reason, the Support Report Respect platform offers colleagues the option to report anonymously.
- 7.2 Anonymous reports should be made on the understanding that the Reporting Party will not receive any contact from the EDI Team, as their name and contact details will be omitted. This means that the EDI Team will not contact the colleague to offer any follow-up support.
- 7.3 Where an anonymous report indicates that there is a culture of unacceptable behaviour within a team or department, the EDI Team will raise this with the relevant HR Business Partner and/or senior leadership within the School or Service as appropriate, to inform a proportionate approach whilst protecting the anonymity of the Reporting Party.

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 where it is clearly explained that their behaviour is not welcome and has caused discomfort. Colleagues are encouraged to speak to their manager or another trusted senior colleague if the behaviour of concern is from the manager, such as a HR Adviser, or a trade union representative who can provide confidential advice in resolving the issue formally or informally. Colleagues may also access support from a Dignity and Respect Adviser.
- 8.3 The University 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.
- 8.5 If you are not certain whether an incident or series of incidents amounts to bullying, harassment or sexual misconduct, you should initially contact your manager, an HR Adviser, or a trade union representative informally for confidential advice.

8.6 If informal steps are not appropriate, or have been unsuccessful, you should follow the formal procedure set out below.

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 the Support, Report, Respect platform.

9.2 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 or supervisor in the first instance. This may involve notifying third parties and using their complaints procedure; or notifying the University 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 while at the University while participating in a University activity, may make a formal complaint using the [whistleblowing policy](#) for employees whilst at the University. Third parties also have the option to submit a report to the Support Report Respect platform.

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.

9.5 A formal complaint should set out full details of the conduct in question, including the name of the harasser or bully, the nature of the harassment, bullying or sexual misconduct, the date(s) and time(s) at which it occurred, the names of any witnesses and any action that has been taken so far to attempt to stop it from occurring.

9.6 If you wish to make a formal complaint about victimisation, you should submit it in writing to your manager or an HR Adviser. The complaint should set out full details of the conduct in question, including the name of the person(s) you believe have victimised you, the reason you believe you have been victimised, the nature of the victimisation, the date(s) and time(s) at which it occurred, the names of any witnesses and action that has been taken so far to attempt to stop it from occurring.

9.7 As a general principle, the decision whether to progress a complaint is up to the person submitting the complaint. However, the University have a duty to protect all colleagues and may pursue the matter independently if, in all circumstances, we consider it appropriate to do so.

9.8 Colleagues who witness harassment, victimisation or sexual misconduct are encouraged to take appropriate steps to address it. Depending on the circumstances, this could include:

- Intervening when you feel able to do so;
- supporting the victim to report it or reporting it on their behalf;
- reporting the incident where you feel there may be a continuing risk if you do not report it; and
- cooperating in any investigation into the incident.

9.9 All witnesses will be provided with appropriate support and will be protected from victimisation.

10. Formal Action

10.1 If a formal complaint is taken forward, it will be taken through one of the existing University regulations or procedures. This may mean that formal action is taken via the Disciplinary Policy and Procedure or Grievance Policy and Procedure and staff are directed to the appropriate policy for procedures involving investigation of these matters including the right of appeal.

10.2 We will investigate complaints in a timely, respectful and confidential manner. Individuals not involved in the complaint, or the investigation should not be told about it.

11. Outcome of a formal grievance or disciplinary

11.1 Once the outcome of the formal process is known, the relevant manager will communicate the decisions and reasons for them with The Reporting Party and any person(s) directly affected by the outcome and decisions made in respect of incidents of harassment and/or sexual misconduct. This communication will be made within 10 working days of the formal internal process being exhausted, by way of either a formal letter via email/telephone call/ face-to-face meeting as pre-agreed with the Reporting Party. All parties informed of the decisions and reasons are expected to have a strict level of confidentiality.

11.2 If the complaint is not upheld, appropriate information will be shared with the Reporting Party and any person(s) directly affected by the outcome, decisions and reasons to minimise any adverse effects in accessing their work environment, or the University activity, where possible. However, there may be limits to the information that can be shared about the consequences to the Reported Party or any person(s) directly affected.

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

11.4 The extent of information provided under clause 11.1 will be determined on the facts of each individual case in accordance with the relevant legislation and will only be disclosed where it is lawful and reasonable to do so.

11.5 For the avoidance of doubt, The Reporting Party and persons directly affected by decisions made in respect of incidents of harassment and/or sexual misconduct include those who have alleged and/or experienced incidents of harassment or sexual misconduct and actual or alleged perpetrators.

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 Any interim measures will be proportionate to the nature of the risk(s) being managed and will be in accordance with the University's policies and procedures.
- 12.4 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, the University decides not to undertake its own investigation until the case has concluded, the University 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.
- 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 University 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. Any judgments reached as part of an internal investigation do not constitute a legal ruling on whether or not criminal activity has taken place.
- 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 the University'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 Victimisation includes subjecting a person to detriment because they have done, or are suspected of doing or intending to do, any of the following protected acts:
 - Bringing proceedings under the Equality Act 2010
 - Giving evidence or information in connection with proceedings under the Equality Act 2010.
 - Doing any other thing for the purposes of or in connection with the Equality Act 2010.
 - Alleging that a person has contravened the Equality Act 2010.

- 14.2 Victimization is unlawful and the University will not tolerate any form of victimization against someone who has raised a complaint, or supported a complaint, or for cooperating in an investigation, or challenging behaviour that may amount to bullying, harassment or sexual misconduct, or in each case is believed to have or is believed to be likely to take such steps.
- 14.3 If a formal complaint of victimization 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](#).
- 14.4 Victimization may lead to disciplinary action up to and including dismissal if it is committed:
- In a work situation
 - During any situation related to work, such as a social event with colleagues
 - Against a colleague or other person connected to the University outside of a work situation, including on social media.
 - Anyone outside of a work situation where the incident is relevant to your suitability to carry out your role.
- 14.5 The University will take into account any aggravating factors, such as abuse of power over a more junior colleague, when deciding the appropriate disciplinary action to take.
- 14.6 If victimization of staff occurs, we will take steps to remedy any complaints and prevent it from happening again.

15. Freedom of Speech and Expression and Academic Freedom

- 15.1 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.
- 15.2 The University has a duty to protect its staff from unlawful discrimination, harassment, intimidation, or threats of violence on the grounds of race, sex, age, religion or philosophical belief, sexual orientation, disability, gender reassignment, marriage and civil partnership, or pregnancy or maternity. However, the provisions of the Equality Act 2010 should not be interpreted to undermine freedom of speech and academic freedom. As a result, the working environment of staff may include exposure to research, course material, discussion, or speaker's views that they find offensive, contentious or unacceptable, but are nonetheless within the law, and unlikely to be considered unlawful harassment or discrimination under the Equality Act 2010.

16. False, malicious 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 malicious 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 malicious, it will be dealt with in accordance with the [Staff Grievance Policy](#) and [Staff Disciplinary Policy and Procedure](#) as appropriate.

17. Confidentiality

- 17.1 Any information gathered or disclosed as part of this process will be treated confidentially and sensitively and in accordance with data protection legislation.

17.2 Confidentiality is essential 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.

18. Related Policies, Documentation and Resources

Social Media Guidance

Staff Grievance Policy

Staff Disciplinary Rules and Procedure

Safeguarding Vulnerable Groups Policy

Code of Practice on Freedom of Speech

EDI Policy

Personal Relationships at Work Policy

E6 Single Source of Comprehensive Information

Essential colleague training - Addressing and Preventing Harassment and Sexual Misconduct at LBU

E-learning module - Investigation Skills: Harassment and/or Sexual Misconduct

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