

THE HARASSMENT, VIOLENCE AND SEXUAL MISCONDUCT POLICY 2024/25

APPROVED BY (SELT) ON (27 June 2024)

Applies to:	
Harrogate College	
Keighley College	
Leeds City College	
Leeds Conservatoire	X
Leeds Sixth Form College / Pudsey Sixth Form College	
Luminate Group Services	
University Centre Leeds	X

CHANGE CONTROL

Version:	1	
Approval route		
Approval committee (ELT, SELT, Board)	Date approved	Version
Heads of Department Meeting	(UC) 11/06/24 & (LC) 24/06/24	1
Academic Board	(UC) 13/05/24 & (LC) 24/06/24	1
ELC	24/07/24	1
SELT	27/06/24	1
Name of author:	Jo Tyssen	
Name of responsible committee:	Academic Board	
Related policies: (list)	Complaints Policy Complaints Process Student Guide to Complaints and Appeals Safeguarding Children and Vulnerable Adults Policy Promoting Positive Relationships and Behaviour Policy Student Charter Student Code of Conduct and Disciplinary Policy Staff/student relationship policy Whistleblowing Policy	
Equality impact assessment completed	Date:	06/10/23
	Assessment type	
<input checked="" type="checkbox"/> Full		<input type="checkbox"/> Part

	<input type="checkbox"/> Not required	
Environmental Impact Assessment Completed	Date:	
	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Not required	
Policy will be communicated via:	UCLeeds and Leeds Conservatoire websites and VLEs, training, induction talks	
Next review date:	October 2025	

Contents

Table of Contents

1. INTRODUCTION.....	5
2. POLICY STATEMENT	5
3. EQUALITY IMPACT STATEMENT.....	5
4. TIMELINE	5
5. POLICY AIMS/OBJECTIVES	6
6. RESPONSIBILITY.....	6
7. DEFINITIONS	7
7.2 Harassment.....	7
8. SEXUAL HARASSMENT	8
9. SEXUAL VIOLENCE.....	8
10. SEXUAL MISCONDUCT (TAKEN FROM OFFICE FOR STUDENTS STATEMENT OF EXPECTATIONS):	9
11. CONSENT.....	9
12. PRINCIPLES OF CHALLENGING/RESPONDING TO HARASSMENT OR SEXUAL MISCONDUCT –	10
13. RAISING A CONCERN AND MAKING A DISCLOSURE.....	11
14. ANONYMOUS REPORTING	12
15. WHAT HAPPENS AFTER A DISCLOSURE/REPORT?.....	12
16. OUTCOME OF INVESTIGATION.....	14
17. MAKE A REPORT TO THE POLICE:	14
18. IMMEDIATE THREATS TO SAFETY.....	15
19. FALSE, BAD FAITH OR MISLEADING COMPLAINTS.....	15
20. CONFIDENTIALITY.....	16
21. SUPPORT FOR THE REPORTING PARTY	16
22. SUPPORT FOR THE RESPONDING PARTY	17
23. KEY CONTACTS.....	18
24. REVIEW	18

1. INTRODUCTION

- 1.1 For the purposes of this Policy, University Centre Leeds and Leeds Conservatoire will be known as the 'Provider'.
- 1.2 The Provider is committed to a working and learning environment where people can achieve their full potential free of all types of harassment. The Provider recognises sexual harassment and sexual violence are prevalent in all areas of society, including Higher Education (HE), and can take many forms. The nature of sexual harassment can be difficult to recognise and, gone undetected, can result in a culture that tolerates such behaviour. This can lead to individuals feeling isolated and unsafe. The Provider recognises the importance of raising specific awareness of sexual harassment and sexual violence to promote a fully inclusive culture to enable issues to be tackled appropriately if they occur, resulting in a better environment for all.

2. POLICY STATEMENT

- 2.1 This policy sets out the Providers approach to preventing and addressing harassment, violence, and sexual misconduct. We are committed to creating and maintaining a safe, welcoming, and inclusive community which nurtures a culture of respect and consideration for all, and this policy covers behaviour by all members of the higher education community (prospective and current students, apprentices, permanent and temporary staff, contractors, and visitors).
- 2.2 We are committed to creating and maintaining a supportive and confidential environment where individuals feel confident and empowered to disclose and understand the options available to them.
- 2.3 We are committed to preventing and eliminating harassment and sexual misconduct. This policy has been informed by guidance from the Office for Students (OfS), Guild HE And Universities UK (UUK).
- 2.4 The HE Harassment, Violence and Sexual Misconduct Policy applies to bullying, harassment, violence, and sexual misconduct that is committed or is alleged to have been committed by any students, staff or third parties, irrespective of where and how this has occurred and the medium used – refer to section 6 of this policy for reference to locations.
- 2.5 This policy also covers online abuse and harassment such as through social media and other web-based platforms. This may include, but is not limited to, behaviours such as cyberbullying, unwanted sexting, doxing, and revenge porn.

3. EQUALITY IMPACT STATEMENT

- 3.1 This policy will be implemented in accordance with the Luminate Policy on Valuing Diversity and with consideration Office for Students, and the UK Quality Code for Higher Education.
- 3.2 Ensuring appropriate consideration for all students, staff and external parties attending the University Centre Leeds and/or Leeds Conservatoire.
- 3.3 Providing clear information for students on Harassment, violence, and Sexual Misconduct

4. TIMELINE

- 4.1 The Provider normally expects allegations of sexual misconduct, bullying, harassment and/or discrimination to be disclosed at the earliest opportunity from the incident taking place to allow for the most effective investigation to take place, in the form of an email to:

University Centre Leeds: hequality@ucleeds.ac.uk or
Leeds Conservatoire: complaints@leedsconservatoire.ac.uk

4.2 However, the Provider recognises that there may be circumstances where it may take longer to disclose an incident. The disclosure will be taken seriously and where possible, reasonable attempts will be made to obtain relevant information to determine the appropriate response.

4.3 Where disclosures fall within the scope of this policy, they will be dealt with in a timely manner. Where it may be necessary for matters to be referred to the Student Code of Conduct and Disciplinary Policy, the timescales set out therein will apply as far as it is reasonable.

5. POLICY AIMS/OBJECTIVES

5.1 The Provider will not tolerate unacceptable behaviour from students, staff, contractors, or visitors and this policy aims to ensure that students, staff and third parties are able to report any unacceptable behaviour and be supported in the process of resolving it.

5.2 Breaches of this policy by students or staff will be investigated under the relevant disciplinary procedure which could result in expulsion or dismissal and incidents which constitute a crime could be referred to the police dependent on circumstances.

6. RESPONSIBILITY

6.1 The Provider are committed to preventing incidents of bullying, harassment, violence, and sexual misconduct where reasonably possible, and to provide preventative training programmes for students and staff regarding such behaviours. We commit to making 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, violence, and sexual misconduct, to remedy any harm, and to prevent its recurrence.

6.2 There is no place for any form of bullying, harassment, violence or sexual misconduct in our community and we are all responsible for the way we interact with and treat others. All students, staff and third parties have a responsibility to ensure an educational and working environment where everyone is treated with respect and dignity and are expected to contribute to preventing unacceptable behaviours, through self-awareness and by modelling positive behaviours for others, raising concerns where appropriate.

6.3 This policy covers all students of the Provider including students with visiting student status, distance students and those undertaking degree apprenticeships. It also applies to staff, including agency. Temporary, casual and students employed by the Provider. The policy also applies to visitors.

It will apply to sexual misconduct which:

The incident does not have to meet all the below criteria:

- occurs on Provider property and/or land, or those leased;
- occurs whilst a student is engaged in any Provider or Students' Union related activity (including placements and trips);
- occurs via electronic means including, but not limited to internet, email, social media sites, chat rooms, text messages and instant messaging;
- results in a legal or police investigation, charge, or conviction of an offence;
- raises questions about the fitness of the student on a fitness to practice programme; or

- in the view of the Provider poses a serious risk or disruption to the University or members of its community.

7. DEFINITIONS

7.1 Bullying

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.

7.2 Harassment (taken from Office for Students statement of expectations):

Harassment (as defined by Section 26 of the Equality Act 2010) includes unwanted behaviour or conduct which has the purpose or effect of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment because of, or connected to, one or more of the following protected characteristics:

- Age
- Disability
- Gender reassignment
- Marriage or Civil Partnership
- Pregnancy and Maternity
- Race
- Religion or belief
- Sex
- Sexual orientation

Under this definition, we understand harassment to include domestic violence and abuse (which can also involve control, coercion, and threats) and stalking.

We would also consider harassment to include any incidents of physical violence towards another person(s), on the basis of:

- a protected characteristic and hate crimes, or criminal offences
- perceived by the victim or any other person to be motivated by hostility or prejudice,
- a person's disability or perceived disability;
- race or perceived race;
- religion or perceived religion;
- sexual orientation or perceived sexual orientation or transgender identity or perceived transgender identity.

8. STAFF AND STUDENT RELATIONSHIPS

8.1 The Provider will protect students from conflicts of interest and abuse of power that can arise from personal relationships between staff and students.

8.2 The Providers steps aim to protect students in personal relationships with staff against detrimental or favourable treatment. As a result, the Provider discourages personal relationships between students and staff.

8.3 Examples of this sort of treatment might include:

- Not receiving a positive review or reference, or receiving a negative review or reference
- Unfavourable treatment in academic assessments, for example, less access to support or feedback, less opportunity for extensions, lower grades or marks
- Not receiving funding for research
- Restricting access to resources
- Restricting participation in aspects of a student's education
- Receiving a positive review or reference
- Favourable treatment on academic assessments, for example greater access to support or feedback, more opportunity for extensions, higher grades or marks
- Being promised access to funding and resources
- Being promised introductions to others who could advance their academic or professional career.

9. SEXUAL HARASSMENT

- Sexual comments, such as: telling sexual stories, making lewd comments, making sexual remarks about clothes and appearance and calling someone sexualised names;
- Sexual “jokes” or taunting;
- Physical behaviour, such as: deliberately brushing against someone, interfering with someone's clothes, and displaying pictures, photos, or drawings of a sexual nature;
- Online sexual harassment. This may be standalone, or part of a wider pattern of sexual harassment and/or sexual violence. It may include:
 - consensual and non-consensual sharing of nude and semi-nude images and/or videos;
 - sharing of unwanted explicit content;
 - upskirting;
 - sexualised online bullying;
 - unwanted sexual comments and messages, including, on social media;
 - sexual exploitation; coercion and threats.

10. SEXUAL VIOLENCE

10.1 Sexual violence, categorised as sexual offences in the Sexual Offences Act 2003, falls under the following categories:

- **Rape or Assault by Penetration:** A person (A) commits an offence if they intentionally penetrate the vagina or anus of another person (B) with a part of their body or anything else, the penetration is sexual, B does not consent to the penetration and A does not reasonably believe that B consents. This can also include non-consensual condom removal (sometimes known as stealthing).
- **Sexual Assault:** A person (A) commits an offence of sexual assault if: they intentionally touch another person (B), the touching is sexual, B does not consent to the touching and A does not reasonably believe that B consents. This covers a range of behaviours and could include a single act of kissing someone without consent or touching someone's bottom/breasts/genitalia without consent. Or touching outside of designated areas that can reasonably be deemed sexual in nature,
- **Causing someone to engage in sexual activity without consent:** A person (A) commits an offence if: they intentionally cause another person (B) to engage in an activity, the activity is sexual, B does not consent to engaging in the activity, and A does not reasonably believe that B consents. This could include forcing someone to strip, touch themselves sexually, or to engage in sexual activity with a third party.

11. SEXUAL MISCONDUCT (TAKEN FROM OFFICE FOR STUDENTS STATEMENT OF EXPECTATIONS):

11.1 Sexual misconduct relates to all unwanted conduct of a sexual nature. This includes, but is not limited to:

- Sexual harassment (as defined by Section 26 (2) of the Equality Act 2010)
- Unwanted conduct which creates an intimidating, hostile, degrading, humiliating or offensive environment (as defined by the Equality Act 2010)
- Assault (as defined by the Sexual Offences Act 2003)
- Rape (as defined by the Sexual Offences Act 2003)
- Physical unwanted sexual advances (as set out by the Equality and Human Rights Commission: Sexual harassment and the law, 2017)
- Intimidation, or promising resources or benefits in return for sexual favours (as set out by the Equality and Human Rights Commission: Sexual harassment and the law, 2017)
- Distributing private and personal explicit images or video footage of an individual without their consent (as defined by the Criminal Justice and Courts Act 2015).

12. CONSENT

12.1 Consent is the agreement to participate in a sexual act where the individual has both the freedom and capacity to make that decision. Consent cannot be assumed based on a previous sexual experience or previously given consent, and consent may be withdrawn at any time. Consent to sexual activity may be given to one sort of sexual activity but not another, e.g. to vaginal but not anal sex or penetration with conditions, such as wearing a condom. Sexual intercourse without consent is a criminal offence.

- **Freedom to consent:** For consent to be present, the individual has to freely engage in a sexual act. Consent is not present when submission by an unwilling participant results from the exploitation of power, or coercion or force, regardless of whether there is verbal or physical resistance.
- **Coercion or Force** includes any physical or emotional harm or threat of physical or emotional harm which would reasonably place an individual in fear of immediate or future harm, with the result that the individual feels compelled to engage in a sexual act.
- **Capacity to consent:** Free consent cannot be given if the individual does not have the capacity to give consent. Incapacitation may occur when an individual is asleep, unconscious, semi-conscious, or in a state of intermittent consciousness, or any other state of unawareness that a sexual act may be occurring. Incapacitation may also occur on account of a mental or developmental disability, or as the result of alcohol or drug use.
- **Alcohol and/or Drug Use:** Incapacitation arising from alcohol or drug consumption should be evaluated on the basis of how the alcohol/drugs have affected the individual; signs of incapacitation may include, but are not limited to, one or more of the following: slurred speech, unsteady gait, bloodshot eyes, dilated pupils, unusual behaviour, blacking out, a lack of full control over physical movements, a lack of awareness of circumstances or surroundings, and/or an inability to communicate effectively. Intoxication is never a defence for committing an act of Sexual Violence and Misconduct, or for failing to obtain consent. If there is any doubt as to the level or extent of one's own or the other individual's incapacitation, the safest approach is to not engage in a sexual act.

13. PRINCIPLES OF CHALLENGING/RESPONDING TO HARASSMENT OR SEXUAL MISCONDUCT –

- 13.1 'Call it Out' campaign urges staff and students to call out any form of harassment of sexual misconduct. 'Call it out' aims to raise awareness of the help and support available if students face discrimination, prejudice, harassment, sexual misconduct or violence.
- 13.2 If you experience a situation that makes you feel uncomfortable, such as inappropriate, offensive, or unwanted behaviour, call it out.
- **Keep informed:** Increasing awareness of unacceptable behaviour
 - **Report it:** Speak to a trusted member of staff if you experience harassment
 - **Be an ally:** Support those around you by standing up for any form of harassment
 - **Access Support:** The Provider offers support to all students and staff who have experienced harassment of sexual misconduct.
- 13.3 It is **EVERYONE'S** responsibility to create a culture of safety in the Provider, and this involves all staff appropriately and restoratively challenging others (students and staff) if they hear/witness behaviour that constitutes harassment or sexual misconduct (including sexual harassment, sexual violence, or sexism).

General tips:

- It is important to challenge behaviours; sometimes this is best as a whole group discussion, but sometimes a private conversation is more appropriate.
- Avoid shaming students by challenging their behaviour; separating the action from the person by using an affective statement (see example below)
- Give those who have made comments a chance to back-track: explain, own, or modify their behaviour and apologise.
- It is sometimes more helpful to approach a topic in detail at a later time, instead of on the spot it is an opportunity for learning, but may require some thought/planning
- Always check in with the Reporting Party in private - are they okay? How have they been impacted by the behaviour? What can you do to support them?

Examples:

You see a student slap another student on the bottom. What do you do?

Remind students that our **bodies are our own**, and touching others deliberately without consent is against the law. Whilst most people will allow certain forms of touching from others in their day-to-day life (e.g. a handshake or a hug from a friend) we must always be respectful of others, and check that they are okay with physical contact.

Example of an affective statement:

When you... slapped Ricky on the bottom (behaviour)

I feel.. it was disrespectful and unacceptable (Impact)

What I'd like is that you always check first if someone is ok with physical contact before you touch them

You hear a student/staff member or third party call another student a 'slut,' 'bitch' or something similar. What do you do?

This behaviour is often called '**slut-shaming**,' and words like these have been used historically as a tool for criticising individuals who are perceived to violate patriarchal

expectations of behaviour and appearance related to sexuality, in an attempt to **shame and degrade them**. It is a form of gendered bullying, and a harmful act. **Never** dismiss this as 'banter' or a 'joke.'

Calmly and politely remind the student/staff member or third-party that language like that is not acceptable and explain **why**.

'Let's talk about why people think like that.'

'How do you think that comment will make the others/females around you feel?'

You witness a pattern of behaviour where a student is persistently not respecting others' personal space. What do you do?

A private conversation with this student/staff member or third party may be most appropriate in this instance, following a **conversation with the Reporting Party**. You may wish to **seek advice** from others, such as the safeguarding team or staff trained in restorative practice. Mediation may be appropriate here, if the respondent would like this.

14. RAISING A CONCERN AND MAKING A DISCLOSURE

14.1 Reporting harassment, violence or sexual misconduct means sharing of information with a staff member regarding an incident of bullying, harassment, violence, 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, violence or sexual misconduct and the Reported Party is the alleged source of the behaviour.

14.2 Any form of harassment, violence or sexual misconduct will be referred to the departmental Head/Deputy Head or equivalent for investigation and action. The department's Designated Safeguarding Officer (DSO) should also be informed by following the Luminare Safeguarding Policy and Process so a record can be made on the Child Protection Online Management Service (CPOMS). For Higher Education this will be SITs (University Centre Leeds) or Titanium (Leeds Conservatoire)

If the incident being disclosed is historical, the person who has experienced it can still disclose it to the Provider by accessing Student Support services.

14.3 Student/staff can raise a concern through the HE Quality Team. Reporting an incident does not create a formal complaint and does not mean that a formal action is automatically triggered. The person who has disclosed the incident will have the opportunity to be heard and to consider their options before proceeding with any formal steps. No action will be taken by the Provider unless there is a concern about immediate safety or if there is a duty under safeguarding.

14.4 Students or staff who feel they have experienced or witnessed bullying, harassment, violence, or sexual misconduct by a third party, or a member of the public are advised talking to their line manager, supervisor, or tutor in the first instance. This may involve notifying third parties and using their complaints procedure or notifying the police when involved members of the public.

14.5 Short term visitors to site must sign in with reception desk and should always be accompanied by a member of staff. Visitors who engage with the Provider online should similarly always do so in the presence of a member of staff. If a visitor is likely to access the Provider over several occasions, or needs unaccompanied access, then they should be subject to the same checks as a staff member (e.g. DBS) as indicated in the safeguarding policy. In this case they may be allowed unaccompanied access to site.

14.6 Informal reports relating to visits should be made in the same way as detailed in this policy. As far as practicable, an investigation will be undertaken as above (if the Reporting Party

wishes). Outcomes can include the visitor being banned from the Provider, either temporarily or permanently, and reports being made to the visitor's employer, if relevant. The Provider will support police investigations of visitor conduct on site.

- 14.7 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 the Provider, while participating in a Provider activity, may make a formal complaint using the Safeguarding Team for students and Whistleblowing Policy for employee or whilst at the Provider.
- 14.8 Where the person who has experienced bullying, harassment, violence, 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 Children and Vulnerable Adults Policy](#) should be referred to.

15. ANONYMOUS REPORTING

- 15.1 Anonymous reports are prohibited as part of this policy; the Provider supports students speaking out about their experiences and prevents the Reported for continuing with said behaviours with the Provider or other institutions. The exemption to this is if the report triggers the Provider's duty of care or safeguarding obligations, which means action may need to be taken, such as contacting the police, if there are strong grounds to believe that an individual is at significant risk of harm.

16. WHAT HAPPENS AFTER A DISCLOSURE/REPORT?

- 16.1 After disclosure there are several options available to the person who has disclosed their experience. They can choose the level and types of support that are right for them. After discussion with a Sexual Violence Liaison Officer or DSO, the person who has disclosed may choose to:

- **Take no further action at this time:**
 - In this case advice will be provided regarding the preservation of evidence which may be needed if they subsequently decide to make a report to the Police or to submit a formal complaint to the Provider. They will also be informed of the ongoing support available to them via the Student Support service.
 - Isolated incidents of harassment, violence or sexual misconduct may be dealt with internally, using restorative approaches and mediation wherever appropriate. A meeting must take place with the alleged Reported Party to discuss the incident, its impact, and the next steps. This must be recorded on **SITS/ Pro Monitor** as per the guidance as a 'Student Behaviour Agreement,' using the 'sexual harassment and violence' category of behaviour, and the relevant behaviour type, as outlined in the Pro Monitor Guidance.
 - Addressing issues in an informal way, seeking **informal resolution**, 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

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

- The Provider has the right to investigate all unacceptable behaviour, even if it is raised informally, and especially where we have cause to be concerned about harm to others and serious breaches of policy.
- **Make a formal complaint to the Provider:**
 - If the person who has disclosed chooses this option, they will be asked to confirm that they wish us to proceed with a formal investigation. Support will be available from the Student Support service.
 - The person who has experienced sexual misconduct may choose to make a formal complaint to the Provider under the HE Harassment, Violence and Sexual Misconduct Policy, and thereby seek a resolution via the Disciplinary Procedure. A formal complaint is different to disclosure; it is a document informing us that something has happened and that the person who has made the complaint wishes us to act. From this stage onwards, the person who has submitted the complaint is referred to as the Reporting Party, and the person who is alleged to have committed the misconduct is referred to as the Reported Party.

16.2 The complaint must be submitted in writing via email.

16.3 The complaints form does not need to include in-depth detail about the experience. There does however need to be enough information so that the Provider take the complaint forward and understand what has happened.

16.4 The complaints form will be referred to the Designated Safeguarding Officer. We will not take any action without the involvement of the Reporting Party unless there is an immediate threat to safety.

16.5 [The complaints process](#) is available on the link.

16.6 The Reporting Party has the right to withdraw their complaint and to stop the formal Disciplinary Process at any time.

16.7 [The disciplinary process](#) is available on the link.

16.8 If a formal complaint is taken forward, it will be taken through one of the existing Provider's regulations or procedures. For students, this may mean that action will be taken against the Reported Party through the [Student Code of Conduct or Student Conduct and Disciplinary Policy](#).

16.9 The Provider 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.

16.10 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 HE Student Code of Conduct and Disciplinary Policies and Procedure or.

16.11 It may be more appropriate in **more serious instances, or where there is an ongoing pattern of behaviour**, for the alleged Perpetrator to be issued a formal behaviour meeting. The Head of School/Department and Head of Safeguarding will jointly decide what stage of the disciplinary process will be applied.

17. OUTCOME OF INVESTIGATION

17.1 Interim Measures: Where an incident of peer-on-peer sexual violence is reported, the Safeguarding Team should be alerted immediately as per the standard protocols. Abuse that occurs online or outside of the Provider should not be downplayed and should be treated equally seriously. The Safeguarding Team will work collaboratively with the department DSO and Head of Department to investigate the incident and determine next steps. A note should be added to ProMonitor as a learner comment using the 'CPOMS alert' comment type to record that there has been an incident, but no details of this incident should be stored on ProMonitor. It will be recorded by the DSO on CPOMS.

17.2 The Reported Party should be advised to leave the campus during this initial process, however the management of this must be done sensitively. A decision must be made within 5 working days by the [Safeguarding Team](#) and Head of Department about an appropriate and safe plan for the Reported Party to either continue to work remotely, or to return to campus. If the Reported Party returns to campus during an ongoing investigation process, they must be removed from any classes they share with the Responding Party, where it is reasonable to do so. As with all safeguarding concerns, confidentiality is key, and the information will only be shared on a need-to-know basis, as decided by the [Safeguarding Team](#).

17.3 The next steps taken will be decided on a case-by-case basis, taking a 'trauma-led approach Reporting Party's. The Provider has a zero-tolerance policy to sexual violence, and reports of this may result in suspension of the alleged perpetrator, and/or a formal meeting. The Reporting Party will be given the opportunity to formally report the incident to the police, either through the Safer College Police Officers or by calling, 101.

18. MAKE A REPORT TO THE POLICE:

18.1 In this case no disciplinary action will normally be taken by the Provider whilst a Police investigation and legal proceedings are taking place. Support will however still be available from the Student Support service.

18.2 If the person who has disclosed has made an independent report to the police, they may still make a formal complaint to the Provider.

18.3 We do not have the legal investigatory powers of the Police and is not able to make a determination of criminal guilt. Any disciplinary action is undertaken as a breach of this HE Harassment, Violence and Sexual Misconduct Policy and is not a substitute for a Police investigation or a criminal prosecution.

18.4 The fact that criminal proceedings have been instituted or have concluded does not preclude the Provider from taking their own disciplinary action if it is thought fitting or necessary to do so. The fact that the Police are unable or unwilling to proceed does not preclude us from taking our own disciplinary action.

18.5 A case which does not progress through legal channels, where a decision to take no further action has been made, and/or a 'not guilty' verdict has been returned, does not mean that the person has made a malicious or vexatious report. The fact that criminal proceedings have returned a 'not guilty' verdict does not preclude the Provider from taking its own disciplinary action.

- 18.6 If a student has been convicted of a criminal offence or accepts a Police caution in relation to behaviour that falls within the scope this HE Harassment, Violence and Sexual Misconduct Policy, then the Provider will accept this as conclusive evidence that the behaviour took place. It may not be necessary for a further full investigation to take place and the complaint will be deemed proven and proceed directly to a disciplinary hearing.
- 18.7 Sometimes the Safeguarding Team will be required to make a referral to Early Help Scheme, the Police or Social Services to ensure the appropriate action and support are provided, even if this Reporting Party does not consent. Never promise confidentiality to students under the age of 18.
- 18.8 If the Reporting Party is 18 or older, the Provider cannot go against their wishes regarding making a report to the police, however internal investigations can still take place in order to protect the safety of all students.
- 18.9 Children and young people who abuse others will be responded to in a way that meets their needs as well as protecting others within the Provider community through a multi-agency risk assessment. The safeguarding team will be responsible for leading internally on the risk assessment. Alleged perpetrators of sexual harassment and violence may be required to learn/work from home or in a different setting whilst there is need for an investigation.
- 18.10 If a report is shown to be deliberately invented or malicious, the Head of Department should consider whether any formal action is appropriate against the individual who made it. The falsely accused student should be offered support.
- 18.11 Students are prohibited from discussing complaints or any kind with other students within the Provider.

19. IMMEDIATE THREATS TO SAFETY

- 19.1 If after reviewing a disclosure, the Sexual Violence Liaison Officer or DSO thinks that there may be an immediate threat to safety, they will refer the case for immediate action to a suitable member of the senior leadership team and/or DSL.
- 19.2 If it is decided that it is necessary to take precautionary action, they will use the [Student Code of Conduct](#) or [Student Code of Conduct and Disciplinary Policy](#) to restrict access to campus facilities or suspend the accused student, pending a disciplinary hearing.
- 19.3 If a suspension of rights is issued, the person alleged to have committed the misconduct will be informed in writing and, wherever possible, in person. They will be told what they need to do in order to comply with the suspension of rights.
- 19.4 If no suspension of rights is required, the person alleged to have committed the misconduct will not be informed of the disclosure unless the person who has disclosed chooses to submit a formal complaint to the Provider.

20. FALSE, BAD FAITH OR MISLEADING COMPLAINTS

- 20.1 The Provider operate on the understanding that complaints are made in good faith and will follow the duty to act fairly to both parties.
- 20.2 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 HE [Student Code of Conduct and Disciplinary Policy](#) as appropriate.

21. CONFIDENTIALITY

21.1 We recognise the importance of privacy for disclosures and formal complaints of cases of harassment and/or sexual misconduct. The Reporting Party, the Responding Party and senior staff handling the report should only divulge information to relevant people on a 'need-to-know' basis.

21.2 Confidentiality is not absolute secrecy. There may be circumstances where it is necessary or appropriate to share information either within the Provider or with external organisations/bodies, for example to:

- Allow a case to be appropriately considered and investigated;
- Ensure those who disclose an experience or are alleged to have committed misconduct receive appropriate academic and pastoral support; Safeguard members of the Provider community and fulfil their duty of care;
- Discharge the Provider duties or as required by law.

21.3 The outcome of an investigation, Discipline Committee hearing, or Appeal will be shared with both parties, and this will include setting out the rationale for the decision.

21.4 All personal data is recorded and held in accordance with the Data Protection Act 2018 and cases of sexual misconduct will be retained in line with the Luminare Education Group Retention Schedule.

21.5 We will retain anonymised data to understand patterns of behaviour and to inform future policy.

22. SUPPORT FOR THE REPORTING PARTY

22.1 The wellbeing of students who experience harassment or sexual misconduct is likely to be significantly impacted. They should be supported as much as possible by relevant staff involved in the process.

22.2 If the student would like a safe space to talk, access to counselling or to explore ways of coping, a referral can be made to the Wellbeing Team for support, via the online referral on the Wellbeing Web App - <https://wellbeing-luminare.nw.r.appspot.com/>

- [Rape Crisis \(England & Wales\)](#): Here you can find lots of information about how to get help if you have been raped or sexually assaulted, including how to access a rape crisis centre, plus access self-help tools and a live chatline.
- [Survivors West Yorkshire](#): Survivors West Yorkshire are a specialist sexual violence abuse support service, covering Bradford, Leeds, Huddersfield, Wakefield and Halifax. They offer a range of pathways to support, as well as self-help tools.
- [Victim Support - West Yorkshire](#): West Yorkshire Victim Support provides a free, confidential, victim-centred service which is open to anyone affected by crime, regardless of whether or not they have reported the crime to the police. This includes victims of rape and sexual assault.

- [GALOP](#): Galop is the UK's LGBT+ anti-abuse charity. They work with and for LGBT+ victims and survivors of interpersonal abuse and violence.
- [Childline](#): Childline have lots of information available to support you with anything sex and relationships, including when things go wrong or when people do things to you without your consent. It is free to contact them.
- [Survivors UK \(for men who have experienced rape and sexual abuse\)](#): Survivors UK are here to help sexually abused men as well as their friends and family, no matter when the abuse happened, and challenge the silence and attitudes. There are options for anyone over the age of 13.
- [1in6](#): 1 in 6 men have had unwanted sexual experiences. This can cause problems, even many years later. You don't have to just live with it. There are things you can do and people who can help. Learn methods and practical skills to help you feel better in the moment and improve your longer-term wellbeing
- [NAPAC - The National Association for People Abused in Childhood](#): The damage caused by child abuse doesn't always end in childhood. NAPAC offer support to adult survivors and training for those who support them.
- [The Hazlehurst Centre](#): The Hazlehurst Centre SARC offers a comprehensive service for anyone living in West Yorkshire, who has experienced sexual violence or sexual abuse. Clients can access The Hazlehurst Centre via the Police and other professionals, as well as via the self-referral pathway (booking an appointment at the SARC, without Police involvement).
- [IDAS](#): IDAS is a North Yorkshire based organisations working with victims of domestic abuse and sexual violence. They can provide support for people going through the criminal justice system and have a children and young people's service.

23. SUPPORT FOR THE RESPONDING PARTY

23.1 The Provider recognise that Reported Parties will also require support through the process. Student Services support can be provided for both the Reporting and Reported as detailed in the Key Contacts section.

- [Foundations UK](#): The Positive Choices programme is available for anyone, regardless of gender or sexual orientation aged 16 years and over who is a perpetrator of domestic abuse, including repeat offenders and adolescents violent toward parents, who wish to voluntarily address their abusive behaviour.
- [Respect](#): Respect Phonenumber is a team of friendly Advisors who will listen to you without judgment. Our team are available to offer you confidential and honest advice to help you stop being violent.
- [West Yorkshire Police](#): Support services for those looking to manage and change their behaviour.
- [The Change Programme](#): Support people and families in abusive or controlling relationships.
- [Rise](#): RISE empowers people to break their cycle of harmful behaviour and develop better relationships with their families and society. A large part of this is through our work in tackling domestic violence and abuse.

- [DVACT](#): Designed to support people to move forward with their behaviours and change, through a structured programme.

24. KEY CONTACTS

For questions related to harassment of sexual misconduct, contact your local Designated Safeguarding Officer or our Sexual Violence Liaison Officer

safeguarding@lcm.ac.uk
safeguarding@leedscitycollege.ac.uk,
safeguarding@keighleycollege.ac.uk, or
safeguarding@harrogate.ac.uk.

A reminder that these email addresses should not be used to raise a safeguarding concern.

You can find more information about harassment and sexual misconduct in education settings in this [government guidance](#).

25. REVIEW

October 2025 by Director of Quality and Standards and wider SLT, Safeguarding, Student Support and Registry personnel.

(Link): [COMPLAINTS POLICY AND PROCESS](#)

(Link): [STUDENT CODE OF CONDUCT AND DISCIPLINARY POLICY AND PROCESS](#)