

London Metropolitan University

Sexual Violence and Sexual Misconduct Policy

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1 Purpose Of The Policy

- 1.1 The purpose of this policy is to clearly articulate our approach to tackling all forms of sexual violence and misconduct. We set out our key principles we want to adopt and clearly state our definitions.
- 1.2 This policy and attached procedures clearly set out how we will:
 - a. provide an environment in which all members of our community feel safe and are respected
 - b. set out our expectations around the behavioural norms in relation to sexual violence and misconduct
 - c. support students who have experienced any form of sexual violence or sexual misconduct
 - d. respond to disclosed incidents of sexual violence and sexual misconduct.

2 Policy Statement

- 2.1 London Met is committed to ensuring that all members of our community have the right to work, live and learn free from all forms of sexual harassment, sexual misconduct, and sexual violence. We are committed to working together as a community of staff, students and visitors to foster an environment that is safe and respects the contributions that each and every one of our community makes.
- 2.2 London Met recognises that incidents of sexual violence and sexual misconduct occur in the higher education sector, between students, staff and students and between students or staff and others from outside of our community. We want to create a culture in which incidents of sexual misconduct and sexual violence are minimised, not tolerated and that people within our community feel safe disclosing and approaching us for support.
- 2.3 We want to create a supportive and responsive environment where everyone feels comfortable coming forward asking for support if needed. We understand that there has been an increase in disclosures across the sector and we encourage this increase as it is an indicator individuals feels safe in disclosing and will ensure that all disclosures are heard and taken seriously ensuring those reporting are supported. Suitable and timely action will be taken in response to any reports or disclosures of sexual misconduct or sexual violence in line with the policy below.
- 2.4 The University will ensure that there are suitable supports in place for all members of our community in the event of a disclosure or report. The University will also ensure that staff, SVMO's (Sexual Violence and Sexual Misconduct Officers) responding to a disclosure or report of sexual violence or sexual misconduct have suitable training and resources.
- 2.5 Disciplinary action will be taken where any allegations of sexual misconduct or sexual violence are upheld following a formal complaint. Precautionary measures may also be taken at the point of a formal complaint in order to safeguard our community. A clear statement on behavioural expectations for all students, staff and visitors has been developed.
- 2.6 The University will ensure that there are suitable reporting mechanisms so that members of our community can safely disclose and report any incidents. We will continually monitor the disclosures and reports so that we can better understand the nature and extent of sexual misconduct and sexual violence experienced

within our community and to allow us to be appropriately educated and resourced to tackle the issues.

2.7 In developing this policy the University has consulted widely within its community with students and staff and sought external input.

3 Scope of the policy

3.1 This policy relates to all incidents of sexual misconduct and sexual violence as defined in section 4. Please note that this is an indicative, not an exhaustive list.

3.2 This policy applies to all members of our community and relates to sexual misconduct or sexual violence perpetrated by;

- a. a student against a student or a member of staff;
- b. a member of staff against a student or a member of staff;
- c. a student or staff member against a third party

3.3 Whilst the University is limited in its actions where sexual violence or sexual misconduct is perpetrated by someone outside of our community those individuals affected can still disclose and receive support and signposting to external reporting mechanisms.

3.4 This policy applies to sexual violence or sexual misconduct that may take place on or off the University premises or out of hours in the context of 'normal University business' such as whilst on a field trip, on social media, during offsite meetings or training, during placement or a work related, industry event or social event organised by the University

3.5 Acts of non-sexual violence and non-sexual misconduct and / or harassment are dealt with under the harassment and bullying policy and disciplinary policy (staff) and General Student Regulations (students).

3.6 Some incidents of sexual misconduct and sexual violence may also constitute a criminal offence under law. As such, some incidents may be addressed through external criminal proceedings and / or internal disciplinary proceedings.

3.7 Within this policy where consent is referenced, this is taken to be the legal definition of consent, *i.e. a person consents, if they agree by choice and have the freedom and capacity to make that choice. (Sexual Offences Act, 2003)*

4 Definitions

4.1 For the purposes of this Policy, 'Sexual Misconduct' is defined as any unwanted conduct of a sexual nature which occurred in person (on or off university grounds) or through other forms of communication, e.g. online. It includes, but is not limited to, the following behaviours;

4.2 Sexual misconduct involving sexual contact:

- a. Engaging, or attempting to engage in a sexual act(s) with another individual without consent
- b. Penetration of the anus, vagina or mouth with any body part or other object without consent
- c. Kissing without consent
- d. Sexually touching another person (including through clothes) without their

consent. 'Sexually touching' includes any intentional physical contact that was sexual or sexually motivated and in which the other person did not consent to being touched in this way, this can include touching, pinching, groping, smacking, stroking their hair, touching their body or deliberately rubbing or brushing up against them or standing too close to them

- e. Lifting or removing clothes without consent
- f. other acts of a sexual nature, without consent, or a change in previously agreed contraception arrangements

4.3 Sexual misconduct not involving physical contact

- a. Conduct or behaviour of a sexual nature which creates (or could reasonably be considered to create) an intimidating, hostile, degrading, undermining, humiliating, or offensive environment for others, including making unwanted remarks of a sexual nature
- b. Indecent exposure
- c. Repeatedly following another person without good reason, or repeatedly harassing them e.g. by sending unwanted communications of a sexual nature or watching/spying on a person/forcing contact through any means including social media
- d. Arranging or participating in events, communications or conversations aimed at degrading or humiliating those who have experienced Sexual Misconduct and Violence, including but not limited to themed social events or initiations, or remarks about these e.g. on social media
- e. Making unwarranted and unsolicited noises to another person such as wolf-whistling, catcalling or sex-based noises such as sexual grunting or moaning
- f. Making unwanted remarks that may reasonably be perceived to be of a sexual nature, for example, making sexual remarks about a person's body, asking questions of a sexual nature, making sexual comments, innuendo or telling sexual jokes
- g. Suggestive looks, staring or leering

4.4 Sexual Misconduct online or in a virtual space

- a. Recording and/or sharing intimate images or recordings of another person without their consent
- b. Showing or sending sexual images to another person with the intention to sexually harass, abuse or incite harassment or abuse
- c. Filming or photographing under a person's clothes without their consent to capture images of their body or underwear ("upskirting").
- d. Repeated, unwanted and unsolicited contact of a sexual nature with another person by text message, e-mail, social media or in any online or digital space
- e. Storing or viewing material of a sexually inappropriate nature on University IT equipment

4.5 Other key definitions include

- a. **Reporting Party** is, for the purposes of this Policy, the person(s) who has been the subject of the alleged incident of Sexual Misconduct or Sexual Violence
- b. **Reported Party** is, for the purposes of this Policy, the person(s) whose behaviour it is alleged amounted to an incident of Sexual Misconduct or Sexual Violence
- c. **Disclosure**, for the purposes of this Policy, involves an individual telling

anyone who is part of the University about an experience of Sexual Violence or Sexual Misconduct

- d. **Report** for the purposes of this policy is a written complaint made to the University by a member of our community for the purposes of initiating an investigation process by the University with potential action against the reported party
- e. **SVMO's** – Sexual Violence and Sexual Misconduct Officers who are the members of staff who have received advanced sexual violence and sexual misconduct training and who can provide a primary point of contact, information and support for students disclosing sexual assault
- f. **Third party** - someone who is not a part of the University community, i.e. not a staff member or a student
- g. **Vexatious reporting** - involves the creation of persistent, unwarranted reports made under the Sexual Violence and Sexual Misconduct Policy, or a refusal to accept any reasonable decisions arising from the application of the accompanying procedures to this Policy
- h. **Malicious reporting** occurs when an individual shares allegations of Sexual Misconduct and Sexual Violence that the individual knows to lack a basis in fact.

5 Our Commitment

5.1 The University believes in the following set of principles and these are our commitment. These reflect our commitment to establishing a culture of support and respect. All members of our community have a responsibility for upholding the Principles;

- a. To communicate this policy and all relevant procedures widely to all of our community, with all staff understanding their role in us addressing our principles
- b. We will take pride in creating and maintaining an inclusive environment which upholds the dignity of all, treating all members of our community with dignity and respect at all times
- c. We recognise the significant impact of Sexual Misconduct and Sexual Violence has on all those impacted by it, regardless of the incident and when it occurred. We fully acknowledge and are sympathetic to the potential detriment to studies, social interaction and employment
- d. We strive to maintain equality and diversity within our community and aim to sustain an inclusive, safe and supportive environment where a culture of prevention will be promoted through relevant, appropriate and consistently applied education and training delivered in a sympathetic way that has impact
- e. We will actively respond to all reports of Sexual Misconduct and Sexual Violence in a timely, confidential and appropriate manner. Whilst recognising that some experiences may constitute a criminal offence, we will ensure that, in all cases, reports are carefully and thoughtfully addressed by relevant staff, in partnership with the Reporting Party, through a process that is transparent and clearly communicated to all of the individuals involved. We will respect the right of the individual disclosing an experience to choose how to take forward a disclosure
- f. All reports will be treated confidentially and considered under the accompanying procedures will be assessed on the balance of probabilities in line with [General Student Regulations](#) and sector guidance
- g. We believe that no person should suffer the effects of Sexual Misconduct and Sexual Violence alone, and will ensure that there is dedicated specialist support for all individuals involved

- h. We will continue to learn and develop our approach to support, prevention and training
- i. We will keep our governing body updated and informed with our policy and approach, reporting statistics and updates frequently.

6 Equality and Diversity

6.1 Sexual misconduct and sexual violence can be experienced by any individual, regardless of sex, gender, sexual orientation, relationship status, age, disability, faith, ethnicity, nationality and economic status. Women, members of the LGBTQ+ community, and individuals with disabilities are disproportionately affected by experiences of sexual violence. Experiences of sexual misconduct and sexual violence may also intersect with other forms of harassment and discrimination.

7 Responsibilities

7.1 **The University's Board of Governors** will have oversight of this Policy and will routinely be given information on our approach and any actions (as necessary).

7.2 **The Pro-Vice Chancellor (Student Services)** has overall responsibility for the policy, procedure and strategic and operational oversight of the University's responsibilities around sexual violence and misconduct.

7.3 **The Pro-Vice Chancellor (Student Services) and the Head of Student Services** will act as the University Designated Lead Sexual Violence and Sexual Misconduct Officers (LeSVMO)

7.4 **Sexual Violence and Sexual Misconduct Officers (SVMO's)** will form the main point of contact in the event of a disclosure of sexual violence or misconduct. They will act under the direction of the Head of Student Services and within the code of confidentiality and information sharing in place within Student Services.

7.5 **Leaders and Line Managers** both academic and PSD, have a duty to familiarise themselves with this policy, and to make every effort to ensure that sexual misconduct does not occur, particularly in the areas of work for which they are responsible.

7.6 **Members of staff and the student community** are required to respect the age, beliefs, convictions and sexual orientation of others and not behave in ways which cause offence, or which in any way could be considered to be sexual misconduct. Each member of staff and all students have a responsibility to ensure colleagues, clients, students, and visitors are treated with dignity and respect.

7.7 **The Director of HR** has key responsibilities in the event of a disclosure and/or report involving allegations of staff sexual violence or misconduct.

8 Reporting and support

8.1 It is important to distinguish that disclosing and reporting are separate actions that a member of London Met community can make in the event that they experience an incident of sexual violence or sexual misconduct.

8.2 Where a member of our community, staff or student, wishes to disclose they are encouraged to do so via our Report and Support tool. This can either be done so anonymously or with contact details. Only authorised staff have access to information on this platform and disclosures will be treated sensitively and in line

with our procedures.

8.3 Upon receiving a disclosure a SVMO will reach out to the reporting party offering support and to discuss possible reporting options which includes the following;

- a. Report to the Police
- b. Make a report to the University for action under internal University [procedures](#)
- c. Make no report of the incident and/or
- d. Receive advice on internal and external supports that are available

8.4 Where a member of staff receives a disclosure regarding an incident involving either a member of staff or a student they are to encourage the individual to disclose or report via the Report and Support tool. Staff who are in receipt of a disclosure should ensure they follow the SVM disclosure guidance for staff document.

8.5 If there are concerns of a safeguarding nature at the point of disclosure staff and students are reminded to follow the [University safeguarding procedure](#). If a member of staff in receipt of a disclosure feels there is an immediate risk to life, likelihood of violence or other emergency situation you must contact 999 and raise this immediately with a LeSVMO.

8.6 A disclosure becomes a report when the reporting party wants action to be taken as part of the disclosure. In this case the following will apply;

- a. Where the incident of sexual violence or sexual misconduct involves a member of staff a formal complaint will be made and this will be dealt with through the [staff disciplinary procedure](#).
- b. Where the incident of sexual violence or sexual misconduct involves a student this matter will dealt with under the [Student Regulations sec16 Student Conduct](#).

8.7 This policy should be read in conjunction with

- a. Sexual Violence and Sexual Misconduct – Procedure for Students
- b. Sexual Violence and Sexual Misconduct – Procedure for managing reports involving members of staff

9 Related Information

9.1 The following policies and procedures should be viewed in line with this policy;

Safeguarding Policy	Student, staff and visitor safety is paramount; through enacting this policy the University will seek to safeguard all, especially those who are most vulnerable
Staff Disciplinary Policy	Reports of sexual violence, harassment and/or misconduct involving staff may result in investigations under the relevant staff disciplinary procedures
General Student Regulations – Student Conduct	Reports of sexual violence, harassment and/or misconduct involving students may result in investigations under the student regulations
Staff Harassment Policy	Experiences of sexual violence, harassment and/or misconduct may intersect with other

Equality and Diversity Policy	forms of discrimination and harassment This policy sets out how the University intends to meet its equality commitments in respect of staff and students
Fitness to Study	This policy outlines the procedure in the event that a student's health and wellbeing is having a detrimental affect and as a result they may not be fit to study. It is designed to ensure a consistent and sensitive approach to managing situations and seeks to safeguard our students. The policy may run concurrently or may signpost into this policy
Student Complaints Policy	This policy sets out how the University will investigate student complaints, the actions it might take and the timelines students should expect for investigation
Data Protection Policy	This policy sets out how we process, store and report data, including personal and sensitive data.