

# **Sexual Misconduct Policy for Students**

**Effective from September 2023 to Present**

Potential applicants should be aware that this policy is under review in light of newly introduced regulatory requirements from the Office for Students. It is anticipated that it will be republished before 31 October 2025. Once republished a summary document will be included on the University website summarising changes made.

<b>Purpose of Policy</b>	This policy sets out the University's commitment to prevent and to protect students from behaviour that constitutes sexual misconduct.
<b>Internal services involved</b>	Academic Registry Student Services
<b>Related regulations, policies and procedures</b>	Procedure for Reporting & Responding to Incidents of Harassment, Sexual Misconduct & Domestic Abuse Domestic Abuse Policy for Students Harassment Policy for Students Student Disciplinary Procedure Fitness to Practise Procedure Student Complaints Procedure Mitigating Circumstances Procedure Safeguarding Procedure UPrivacy Notice
<b>Enquiries to</b>	Student Casework Team: <a href="mailto:StudentCasework@lancashire.ac.uk">StudentCasework@lancashire.ac.uk</a>
<b>Senior Managers responsible</b>	Academic Registrar Director of Student Services
<b>VCG Lead</b>	Pro-Vice Chancellor (Students & Teaching)

<b>Version</b>	<b>Approved</b>	<b>Effective from</b>	<b>Revisions made</b>	<b>Next Review</b>
1	May 2023	September 2023		May 2025

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## **A. Policy Statement.**

- A1. The University of Lancashire is committed to creating a positive and inclusive environment, where all members of our diverse community can feel a sense of belonging, and where everyone can feel safe and supported and can flourish in education, at work and for life.
- A2. We recognise that sexual misconduct, including sexual harassment and sexual violence, are serious issues for higher education institutions and wider society. Sexual misconduct can be experienced by anyone, regardless of how they choose to identify. Some individuals may be vulnerable or find it more difficult to seek help based on their protected characteristics or where there is power imbalance in the relationship.
- A3. We understand that sexual misconduct can have a profound and enduring impact on the lives of individuals, the wider University community and beyond. Sexual violence can impact the victim's sense of self more negatively than other violent acts. A student's education may be affected as well as their mental, emotional and physical wellbeing.
- A4. We are committed to preventing and eliminating all forms of sexual misconduct through a whole-university approach. This means that our efforts to tackle sexual misconduct are linked to our initiatives to promote student and staff wellbeing, deliver engaging education activities and create innovative preventative campaigns.
- A5. All members of our community have responsibilities and are expected to play an active part in ensuring that their interpersonal relationships and interactions are characterised by mutual respect, open communication and clear consent.
- A6. We will adopt a trauma-informed approach so that students feel able to trust the University, its staff and processes. We understand that for students to share their experience and access support, there must be safety, trust, choice, collaboration and empowerment.

## **B. Scope and Purpose**

- B1. This Policy applies to all current and former University students, including delegates on short courses and professional development activities, distance learners and degree apprentices based at any University campus.
- B2. It will apply wherever the incident occurred, whether on any University campus or elsewhere including, for example, in any accommodation or workplace or during an off-campus activity such as a placement, field trip, overseas visit or sporting activity.
- B3. It is acknowledged that our community exists in the digital world as well as the physical world and that sexual misconduct can also take place via e-mail, text message, instant messaging, social media, websites, chat rooms or online forums. An example of this would be intimate image abuse or 'revenge porn' where intimate images may be shared via the internet.
- B4. This is one of three University policies addressing **Harassment, Sexual Misconduct and Domestic Abuse**, which demonstrate our commitment to tackling these unacceptable interpersonal behaviours which often intersect with one another, for example, sexual misconduct may also involve harassment, stalking and coercive behaviour.
- B5. These policies are implemented by the **University Procedure for Reporting and Responding to Incidents of Harassment, Sexual Misconduct and Domestic Abuse** (the Procedure) which sets out the **pathways** for students to share and/or report their experience of sexual misconduct and the **process** that will be followed.
- B6. Sexual misconduct covers a range of unacceptable behaviours of a sexual nature including sexual harassment and sexual violence. The behaviours described in this Policy are intended to help students to understand what we define as sexual misconduct and what would constitute a breach of the University regulations.
- B7. Students are encouraged to trust themselves and reach out for emotional and practical support if something feels wrong, even if the behaviour doesn't match one of the definitions below.
- B8. We understand that whilst a student may choose to share their experience of sexual misconduct immediately after the incident, it is common for incidents to be reported some time afterwards because of the emotional impact or because it was not clear to the victim at the time that the incident was

wrong

- B9. Where the responding person is a University student, the matter will normally be progressed in line with the University's internal **Student Disciplinary Procedure** or the **Fitness to Practise Procedure** if the student is on a professionally regulated course. Where the responding person is a member of University staff, a contractor or visitor, the report will normally be progressed in the first instance in line with the **Student Complaints Procedure**.
- B10. Some incidents of sexual misconduct may also constitute a criminal offence and may be addressed through criminal proceedings or internal disciplinary proceedings or in some cases both. Any internal proceedings would normally put 'on hold' until the criminal proceedings are concluded. Further information about the distinction between criminal and internal disciplinary proceedings and how this is managed are set out in the **Procedure**.

## C. What is Sexual Misconduct?

### Definition

Sexual misconduct is defined as any unwanted or attempted unwanted conduct of a sexual nature which occurs in person or by correspondence, telephone, text, e-mail, or other electronic and/or social media.

### Types of Behaviour

The following is a list of examples of behaviour that may constitute sexual misconduct. This list is not exhaustive, however it is indicative of behaviour that would be considered unacceptable by The University:

- engaging or attempting to engage in a sexual act without consent
- threatening or abusive behaviour of a sexual nature
- kissing another person without consent
- inappropriately showing sexual organs to another person
- recording and/or sharing intimate images of another person without their consent
- sending unsolicited messages or images of an explicit nature, often referred to as 'sexting'
- sharing or threatening to share intimate images of another person with the intent to cause distress, often referred to as 'revenge porn'
- taking a photograph under another person's clothing without their permission, often referred to as 'upskirting'
- putting drugs and/or alcohol into someone's drink or body without their knowledge, often referred to as 'spiking'
- 'stalking' including repeatedly following a person without good reason
- inappropriate comments, jokes, wolf-whistling, banter or name-calling
- intimidation or promising benefits in return for sexual favours
- sexual harassment as defined by section 26 (2) of the Equality Act 2010 i.e. conduct of sexual nature, including making unwanted remarks of a sexual nature, which has the purpose or effect of violating a person's dignity or which creates an intimidating, hostile, degrading, humiliating or offensive environment, where it is reasonable in the circumstances for the conduct to have that effect
- engaging in any event, business or other activity which may cause degradation and humiliation of a sexual nature e.g. social events or initiations
- unwanted conduct of a sexual nature that is related to gender reassignment or sex, which if rejected by the student, results in them being treated less favourably by a member of University staff.

## Consent

The common feature in all these behaviours is a lack of informed consent.

**Consent** is the clear and unambiguous agreement to participate in a sexual act, where the person has both the freedom and the capacity to make that choice. Consent cannot be assumed based on previous experience and may be withdrawn at any time. It can be considered in two stages:

- a. Where the individual has the **capacity**, specifically the age and the understanding to choose whether to take part in the activity at the time. An individual is incapacitated when asleep, unconscious, semiconscious or in any other state of unawareness that the sexual act may be occurring, which may be the result of alcohol or drugs. Intoxication does not automatically imply lack of capacity, which is a matter of fact to be proven on the evidence provided in each case.
- b. Where the individual has the **freedom** to engage in a sexual act and was not constrained in any way. Consent cannot be assumed based on a lack of verbal or physical resistance, and is not present where there is coercion, force, threat, intimidation or where there is the exploitation of a power imbalance.

If the person has both the **capacity** and **freedom** to consent, the key question is whether they agreed to the activity by choice.

Information about sexual misconduct and consent can be viewed at: [Sexual Violence & Consent - Report + Support - University of Central Lancashire \(lancashire.ac.uk\)](https://www.lancashire.ac.uk/sexual-violence-consent-report-support)

## Other behaviours

The following behaviours are also captured under this Policy:

**Coercion** is any act 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 is compelled to engage in a sexual act.

**Complicity** is any act that knowingly helps, promotes, or encourages any form of sexual misconduct by another individual.



**Retaliation** includes any intimidating, threatening or coercive words or actions made in response to a report of sexual misconduct by anyone involved, including witnesses, friends and relatives.

## D. Our Principles

### Support

- We will provide **security measures** to help keep students and other members of our community safe. Our expert and approachable Security Team is available 24 hours a day and the **SafeZone App** provides an extra layer of safety.
- The **Report & Support** Online Tool enables current and former students to report sexual misconduct, with the choice to access support from a Student Wellbeing Advisor or to make an anonymous report.
- We will provide a safe space for students to reach out for practical guidance and emotional support from our expert and professional **Student Wellbeing Advisors** who have received training from specialist external providers, including accredited Sexual Violence Liaison Officer training, and who can help students to access free counselling and mental health support.
- We will ensure that students who have experienced sexual misconduct are not penalised academically. Support will be offered to address any impact on their academic studies, including applying for **Mitigating Circumstances**.
- We will engage with local partners and external agencies to ensure we have an effective and consistent approach to preventing and responding to all forms of sexual misconduct.
- We will facilitate referrals to relevant external specialist support services who can meet the needs of students from a range of diverse backgrounds, including **Rape Crisis** or **Lancashire Victim Services**, who may assign an Independent Sexual Violence Advisor (ISVA) to provide support to the reporting student.
- Support will be provided to all parties involved. Where the reporting and responding persons are both students, they will be assigned separate Student Wellbeing Advisors to ensure impartiality and will be signposted to the Students'

Union Advice Centre for independent support where the disciplinary process is initiated.

## Response

- We will provide clear and consistent advice on reporting pathways and will empower students to choose which options are best for them. We understand that sometimes, a student may simply wish to be heard and obtain support.
- We will respond to reports through processes that are transparent, fair and clearly communicated to both the reporting and responding persons who will both be informed of progress in the case.
- We will prioritise the safety and wellbeing of the reporting student through risk assessments which also address the reasonable needs of everyone involved and the need to balance support and restriction, involving all connected agencies
- We will ensure that investigations and hearings are carried out with due diligence and sensitivity, where there is an understanding of the effects of trauma and an atmosphere of trust.
- We will hold to account any individual who is found to have committed sexual misconduct. This may include the application of restorative and punitive sanctions, including exclusion from The University in serious cases. We will listen to the voice of the reporting student when considering sanctions.
- We will not use non-disclosure agreements or confidentiality clauses in cases of sexual misconduct. It is important that all our students and staff feel safe and supported and we would consider the use of such clauses to be wholly unacceptable.
- We will communicate outcome decisions clearly with the aim of delivering effective redress and increasing feelings of safety at The University for anyone affected by sexual misconduct.
- We will respect the sensitivity of cases of sexual misconduct and their consequences, and will treat all cases confidentially, in line with our **Data Protection Policy, Safeguarding Policy** and **Privacy Notice**.

## Education

- We will co-ordinate innovative campaigns which will seek attract a diverse audience, with the aim of promoting healthy relationships and encouraging students to trust themselves and reach out for support when something feels wrong, see: **'When it feels wrong, it's wrong.'**
- We will deliver engaging educational activities for students so they understand what sexual misconduct is and that it is not tolerated, what consent is and when it is and isn't given, and how to challenge problematic behaviour by being an active bystander.
- We will ensure that all staff are aware of this Policy and know how to respond sensitively where a student shares their experience of sexual misconduct and signpost them to support.
- We will ensure that all staff receive effective and appropriate training to enable them to perform their roles in a professional and compassionate way, and to challenge any unconscious bias or unhelpful myths around sexual misconduct.
- We will evaluate the impact of our work in this area in terms of changing attitudes and behaviours. This will be informed by consultation with students as well as the latest research and sector guidance, and we will review our procedures in the light of this learning.

## E. Support

Students can reach out for support at The University by:

- Visiting [reportandsupport.lancashire.ac.uk](https://reportandsupport.lancashire.ac.uk) to request support or report anonymously
- Getting in touch with the Counselling, Mental Health and Wellbeing team at The University by:
  - attending the Student Support drop-in in the Preston Campus Student Centre, 10am-4pm Monday to Friday,
  - calling (+44) 1772 893020,
  - emailing [Wellbeing@lancashire.ac.uk](mailto:Wellbeing@lancashire.ac.uk) or
  - completing the online self-referral form on the [mental health and wellbeing page](#)

- Contacting security outside of normal opening hours on (+44) 1772 892068. Deaf users please text 07891 679 537

## **F. Procedure**

The **Procedure for Reporting and Responding to Incidents of Harassment, Sexual Misconduct and Domestic Abuse** includes information on:

- Reporting Pathways
- Risk Assessments
- Investigations
- Disciplinary Process
- Monitoring and Review
- Equality and Diversity
- Confidentiality and Information Sharing