

This policy is subject to approval by Council in March 2022

Loughborough University Sexual Harassment, Violence and Misconduct Policy

1. Scope of this Policy

1.1. This policy applies to all registered students, staff and visitors (in person and remote) to Loughborough University. For the sake of clarity this includes academic and professional services colleagues, sports coaches (whether in a salaried or voluntary capacity), visiting academic staff, third party contractors on site or any other individual engaged in activity at the University.

1.2. This policy sets out the following:

- Loughborough University's expectations of behaviour by our students, staff and visitors;
- Loughborough University's approach to preventing sexual harassment and violence;
- Loughborough University's approach to reports of sexual harassment and violence from students, staff or visitors.

2. Definition of Sexual Harassment and Violence

2.1. Sexual harassment and violence (sometimes referred to as sexual misconduct) is any unwanted behaviour of a sexual nature, including behaviour which has the purpose or effect of violating the recipient's dignity and/or creating an intimidating, hostile, degrading, humiliating or offensive environment. Sexual harassment and sexual violence can have a traumatising and damaging effect on those who experience it.

2.2. Sexual harassment and violence can be perpetrated by any individual, this includes within the context of an intimate relationship between partners of any gender and/or sexual orientation.

2.3. Sexual harassment and violence can take many forms and may include, but is not limited to, the following:

- rape (as defined by the Sexual Offences Act 2003)
- sexual assault, including by penetration or groping (as defined by the Sexual Offences Act 2003)
- unwanted sexual advances, propositions and/or demands for sexual favours
- sexual harassment (as defined by Section 26 (2) of the Equality Act 2010). This includes, but is not limited to, the following; catcalling and wolf-whistling, leering and suggestive gestures and remarks (including online), making sexualized comments (including jokes), asking intrusive personal questions, upskirting, and

displaying or sharing sexual material without consent

- posting pornographic material in shared spaces (physical and/or virtual)
- sending sexually explicit e-mails, texts or other communications
- stalking in person or online
- catfishing, or employing deception in order to induce someone into sexual activity
- sexual coercion (i.e. unwanted sexual activity which happened as a result of being pressured or coerced through non-physical means).

2.4. Loughborough University defines consent as follows: Consent is affirmative, conscious, voluntary, and revocable. Consent to sexual activity requires of each person an affirmative, conscious, and voluntary agreement to engage in sexual activity. It is the responsibility of each person to ensure they have the affirmative consent of the other to engage in the sexual activity. Lack of protest, lack of resistance, or silence do not, alone, constitute consent. Affirmative consent must be ongoing and can be revoked at any time during sexual activity. The existence of a previous or current intimate relationship does not alter the nature of consent.

2.5. Loughborough University is aware that staff and students may be engaged in sex work. Sex work is defined as the exchange of [sexual services](#), performances, or products for material compensation. It includes activities of direct physical contact between buyers and sellers as well as indirect sexual stimulation. Sex work only refers to voluntary sexual transactions; the term does not refer to [human trafficking](#) and other coerced or non-consensual sexual transactions. However, Loughborough University recognises that sex workers may also be subject to sexual harassment and violence.

2.6. Loughborough university is aware that staff and students may feel unable to access support in relation to sex work due to stigma or fear. We understand the wide range of issues and impact relating to sex work and will support students and staff to navigate these offering support in a holistic way, including financial or housing advice, emotional or practical support.

3. Policy Statement

3.1. Loughborough University will challenge sexual harassment and violence in all its forms and will create an environment in which all members of its community can learn, work and live in an environment free from sexual harassment and sexual violence.

3.2. Loughborough University will ensure appropriate governance structures are created to support and drive the delivery of these policy aims. These will be kept under review annually.

3.3. Loughborough University is committed to creating a culture where acts that

constitute sexual harassment and/ or sexual violence are well understood and regarded as unacceptable, in order to reduce the likelihood of their occurrence. This will include setting out clear expectations of its students, staff, and visitors in respect of sexual misconduct, including the abuse of power.

- 3.4. Loughborough University will work to promote understanding of consent, particularly in relation to the issue of capacity when an individual may have become incapacitated through alcohol or drug use.
- 3.5. Loughborough University will provide clear, timely information to students, staff and visitors about their options in relation to incidents of sexual harassment and violence.
- 3.6. Loughborough University will take prompt and appropriate action against individuals suspected of sexual harassment or violence including potential disciplinary action as set out in [Ordinance XVII – Conduct and Discipline of Students](#) in the case of students and the [Staff Disciplinary Policy and Procedure](#) in the case of staff. Further detail is set out in Section 5 below.
- 3.7. Loughborough University will ensure that staff responsible for investigating complaints of sexual violence will be appropriately trained, experienced and supported in carrying out their work.
- 3.8. Loughborough University will actively encourage individuals who are the victims of sexual harassment and violence to report such incidents. In recognition of how difficult it can be to report we will create a culture where reporting such incidents is sensitively and appropriately supported and we will routinely seek feedback on the experience of reporting in order to continuously improve. Loughborough University will ensure that all staff have access to relevant information to enable them to deal appropriately and sensitively with a report of sexual harassment and/or violence.
- 3.9. Loughborough University will ensure that staff in ‘first responder’ roles are provided with training to enable them to support, signpost and advise an individual who may be the victim/survivor of sexual harassment and or violence. We will also ensure these staff are provided with support to manage the impact of such work on their wellbeing.
- 3.10. Loughborough University will build partnerships with local specialist services and stakeholders to ensure that there are consistent and prompt referral pathways for individuals who have experienced sexual harassment and/or violence.
- 3.11. Loughborough University will collect relevant data to enable the monitoring of allegations of sexual harassment and/or violence. This information will be kept securely and confidentially and in line with Loughborough University’s [Data Protection Policy](#). This will include anonymised data presented on an annual basis to relevant members of Loughborough University’s Senior Leadership team and/or Loughborough University’s governing bodies.
- 3.12. Loughborough University will assess the implementation and effectiveness of

this policy through annual review.

- 3.13. Loughborough University will review existing resources annually, with adjustments made as necessary.

4. Responding to Disclosures of Sexual Harassment and Violence

4.1. The following section outlines the principles which underpin the reporting of incidents of sexual harassment and violence at Loughborough University.

- Reports from students will be dealt with by Student Services.
- Reports from and about staff will be dealt with by Human Resources and Organisational Development (with appropriate input from Student Services if the report is made by a student).
- There may be cases where individuals are subject to both the processes outlined above, for example students who also have contracts of employment with the University.

4.2. Any individual reporting an allegation of sexual harassment or violence will be treated with respect and dignity. They will be listened to supported and provided with information and advice about the options available to them.

4.3. Any individual reporting an allegation of sexual harassment or violence will be provided with information on their rights and the options open to them, including:

- making a complaint to the police
- making a complaint internally to the University (see section 5 below)
- accessing a Sexual Assault Referral Centre; or
- choosing to take no action.

4.4. In each case the risk present to both the complainant and the respondent will be assessed and appropriate action taken to manage any risks. Our first priority will be to ensure the safety of those involved.

4.5. Action will only be taken with the consent of the complainant, except where the University has reasonable grounds to believe either:

- that there is an unmanaged risk to the individual or other members of the University community, or;
- that there is a safeguarding risk to children or vulnerable adults.

In this case action may be taken without the complainant's consent, such as informing the police or other authorities. In instances where there is a reasonable belief of a safeguarding concern, any actions taken will be in line with the guidance set out in [Loughborough University's Safeguarding Policy](#).

4.6. If a complainant does not wish to contact the police but wishes the police to be

aware of the incident, they may ask a third party to report it. This could be a member of University staff but does not have to be. A third-party report does not have to reveal the identity of the complainant and can give as little or as much detail about the incident as the individual wishes. Further information is provided at [Appendix 1](#).

- 4.7. Confidential and sensitive information regarding a disclosure will be recorded securely and shared between Loughborough University and external services only with the knowledge and agreement of the complainant, except for the circumstances outlined in 4.5 above. This includes the sharing of information between Loughborough Students' Union and Loughborough University.
- 4.8. Any further sharing of information regarding a disclosure will only be made with the express permission and agreement of the complainant, or by lawful requirement in line with the University's [Data Protection Policy](#)

5. Disciplinary Action in Respect of Allegations of Sexual Harassment and Violence

- 5.1. Student disciplinary matters will be dealt with under [Ordinance XVII](#). Staff disciplinary matters will be dealt with under [Ordinance XXXV](#) for staff covered by [Statute XXI](#) and the University's [Staff Disciplinary Policy and Procedure](#) for all other staff.
- 5.2. In dealing with cases of sexual harassment and/or violence, Loughborough University acknowledges that a parallel complaint about the incident(s) may also be investigated by the police. We will seek to ensure that the University's disciplinary investigation does not interfere with or compromise any ongoing police investigation. Where appropriate we will seek guidance from the police on this matter.
- 5.3. In accordance with the relevant disciplinary procedure, where criminal proceedings for serious offences are underway, the University will normally defer disciplinary action until such time as the criminal proceedings have concluded.
- 5.4. During the investigatory phase of any criminal or disciplinary proceedings, the University may choose to apply restrictions to the respondent to safeguard both parties, to minimize the likelihood of further contact between the two parties and/or at the request of the investigating authorities. In doing so, the University will act proportionately, reasonably and on the presumption of innocence on the part of the respondent. Such action will be taken in accordance with the relevant disciplinary procedures as referred to in 5.1 above.
- 5.5. At the conclusion of criminal proceedings the University may choose to take disciplinary action in respect of the allegation. This will be investigated as set out in the relevant disciplinary procedures referred to in 5.1 above.
- 5.6. Where there is no police investigation, either because no complaint has been made to the police or because the police have not progressed an investigation, the

complainant will be asked whether they wish to make a formal complaint to the University. If they wish to, the matter will be investigated as per the procedures set out in 5.1 above.

- 5.7. As the burden of proof for the University's internal disciplinary procedures (balance of probability) is lower than that of the criminal investigations (beyond reasonable doubt) the University may find a respondent guilty of an offence under its disciplinary procedures even where a police investigation concluded that there was no case to answer.
- 5.8. The complainant will be advised of the outcome of any investigation or formal action, including whether any disciplinary action has been taken against the alleged perpetrator in accordance with the relevant disciplinary procedure.

6. Links to other Relevant University Policies and Guidance

[Harassment and Bullying Policy](#)

[Ordinance XVII: Conduct and Discipline of Students](#)

[Loughborough University Data Protection Policy](#)

[Loughborough University's Staff Disciplinary Policy and Procedure](#)

Document Version Control

Version	5.1
Creation Date	22/09/15
Owner	Director of Student Services

Change History

Change Date	Changed by	Changes
15/10/15	Manuel Alonso	Addition of Section on Linked Policies Redrafting of Section 4: Reporting of Sexual Assault and Sexual Harassment Insertion of point 3.4 Creation of Appendix 1
21/10/15	Manuel Alonso	Amendments to wording of 3.7 to delete 'will work to'. Amendments to the wording of 4.4. Amendments to wording of 5.2.
22/10/15	Manuel Alonso	Amendment to 3.10 to insert the word 'Loughborough'. Small typographical changes throughout.
08/12/15	Manuel Alonso	Changes to 5.1, 5.5 and 5.6.
11/12/15	Manuel Alonso	Amendments to 5.1, 5.3 and 5.6 following discussion with Chief Operating Officer
15/01/16	Manuel Alonso	Inserted contact details for Urgent Care Centre in the Further Contacts section.
26/01/16	Manuel Alonso	A number of substantive amendments in the light of feedback from colleagues following consultation.
03/02/16	Manuel Alonso	Insertion of paragraph 4.5 (previous paragraph now becomes 4.6) following comment from Senate on 03/02/16.
17/06/16	Manuel Alonso	Amended contact details for Juniper Lodge in Section 6 and Appendix 3. Amended flowchart with contact details included. Addition of contact details for Quetzal in Appendix 3.

06/03/17	Andria Iacovou/ Manuel Alonso	<p>Substantial revisions as follows:</p> <p>Renaming of policy to include Sexual Violence as a term.</p> <p>Revisions to the definition of Sexual Violence and consistent use of Sexual Violence throughout the policy.</p> <p>Insertion of 3.12 specifying annual review.</p> <p>Amendment of 5.1 to better reflect current practice in University disciplinary investigations of cases.</p> <p>Amendment of the guidance section to include a form on which to record disclosures, updated contacted details for support services and specific guidance to follow up the offer of support in writing.</p> <p>Updated flowchart.</p>
10/08/18	Carys Page/ Manuel Alonso	<p>Substantial Revisions as follows:</p> <p>Revisions to the definitions of Sexual Violence, including insertion of 2.1 to reflect how Sexual Violence can be committed within the context of an intimate relationship.</p> <p>Minor Revisions to 3.8 and 3.9 regarding the first responder disclosure training and information that is available to staff members.</p> <p>Insertion of 3.11.1 to include the annual reporting of anonymised data to Loughborough University Senior Leadership and/or Loughborough University Governing Bodies.</p> <p>Insertion of 3.12 to include the annual review of Sexual Violence related resources.</p> <p>Insertion of 4.4 to include the use of risk assessment matrixes as and when necessary.</p> <p>Amendments to 4.5 to include references to Loughborough University's Safeguarding Policy.</p> <p>Updates to Disclosure Template</p> <p>Updates made to Appendix 2: Hall Warden contact details.</p> <p>Minor amendments to numbering.</p> <p>Small typographical changes throughout.</p>
11/10/19	Carys Page	<ul style="list-style-type: none"> • Removal of Flowchart • Amendment of Disclosure template – a link has been provided to the Duty, Assessment and Inclusion Referral form.

10/02/20	Manuel Alonso	<ul style="list-style-type: none"> • Substantial Revision to the policy to expand the scope to include students, staff and visitors. • Removal of the link to the Duty, Assessment and Inclusion Referral form in recognition of the Online Reporting Tool being available. • Significant revision of Appendix 1: Staff Guidance in recognition of the Online Reporting Tool and creation of the Duty Assessment and Inclusion Team. • Removal of list of Wardens.
30/04/21	Manuel Alonso	<ul style="list-style-type: none"> • Major revisions to: <ul style="list-style-type: none"> ○ Expand the policy to cover staff incidents. ○ Reflect the terminology and definitions used in the OfS statement of expectations for preventing and addressing harassment and sexual misconduct affecting students in higher education.
10/01/22	Manuel Alonso	<ul style="list-style-type: none"> • Revisions to incorporate comments from the campus unions.