

# Staff Sexual Harassment & Misconduct Policy and Procedures

## 1. Principles, scope, and linked policies

**1.1** As an organization, LIS approaches questions of sexual harassment with the utmost seriousness. We are committed to providing a safe and respectful environment where our whole community is able to study, work and live free from sexual harassment. LIS expects all members of the community to treat each other with respect, courtesy, and consideration.

**1.2** Our overarching principles are as follows:

### **Prevention**

We have mandatory training for staff.

We promote a culture of respect.

We have visible and accessible policies, processes, and language emphasising our approach.

### **Intervention**

We have clearly accessible reporting procedures.

We have a transparent investigation process to address complaints promptly and fairly.

### **Support**

We offer immediate and ongoing support mechanisms for victims, witnesses, and others affected by harassment.

We protect against retaliation for those reporting incidents.

We offer guidance and training for staff involved in managing complaints.

### **Confidentiality**

Ensuring confidentiality is a key principle in creating a culture where those affected feel safe to make a disclosure about sexual harassment and misconduct.

**1.3** This policy covers all staff at LIS. As such, it includes staff on all types of contracts.

**1.4** Staff experiencing sexual harassment have legal rights. Where required, LIS will engage with external investigations by the police and statutory and voluntary agencies as required. For reference, [Appendix 1](#) provides a summary of legislation that provides protection under this policy.

**1.5** For Staff, incidents and behaviours that may constitute sexual harassment will be investigated in line with the procedure stated in this policy. Cases of harassment will be classified as “gross misconduct”.

**1.6** To ensure that the policy is publicly accessible, LIS’s Sexual Misconduct Policy is published on the policy page of the LIS website and on the LIS intranet. The policy will be covered at induction (for staff).

## 2. Key Definitions

### 2.1 Sexual Harassment

2.1.1 Sexual harassment describes a range of words, behaviours and/or conduct of a sexual nature that are unwanted and uninvited.

2.1.2 Examples of sexual harassment include, but are not limited to:

#### *Verbal Harassment*

- Making sexually explicit comments, jokes, or remarks.
- Inappropriate comments about someone's body or appearance.
- Repeatedly asking someone on a date after being refused.
- Making degrading or demeaning remarks about someone's gender or sexual orientation.
- Spreading sexual rumours or gossip.

#### *Non-Verbal Harassment*

- Leering or making sexually suggestive gestures.
- Sending unsolicited sexual messages, images, or videos (including via email, text, or social media).
- Displaying sexually explicit images or objects in shared spaces.
- Using offensive emojis or innuendos in digital communication.

#### *Physical Harassment*

- Unwanted touching, hugging, or kissing.
- Inappropriate or excessive physical contact, such as brushing up against someone deliberately.
- Blocking someone's path or invading their personal space in a way that feels intimidating.
- Sexual assault or coercion.

#### *Abuse of Power or Authority*

- Offering benefits (e.g., promotions, grades, or favourable treatment) in exchange for sexual favours.
- Threatening negative consequences (e.g., demotion, poor grades, or exclusion from opportunities) for refusing sexual advances.
- Using a position of authority to manipulate or exploit someone sexually.

#### *Environmental Harassment*

- Creating a hostile or uncomfortable environment through sexualised behaviour or comments.
- Allowing or encouraging a culture where inappropriate behaviour is normalised or ignored.
- Failing to remove offensive material or stop harassment when it's reported.
- A single incident and / or persistent behaviour can both amount to harassment.

2.2 Reporting Party. The individual who has made the allegation of alleged (or criminally proven) sexual misconduct and reports it to the School.

## 3. Disclose, Report, and Support

3.1 No-one is under any obligation to disclose any incident of sexual harassment. However, if a member of staff believes that they have experienced sexual violence or sexual harassment, LIS encourages staff to act promptly and not wait until the situation is repeated or exacerbated. It is important that affected individuals feel that they should not have to tolerate such behaviour.

- 3.2** We recognise the significant negative effects that experiencing sexual harassment can have upon individuals and it is important that anyone affected by sexual violence or sexual harassment should seek support as soon as possible.
- 3.3** Allegations of sexual harassment can be distressing for both the victim and the alleged perpetrator. LIS will ensure that all parties concerned are supported in a non-judgemental way. All reports will be handled sensitively, with information shared on a need-to-know basis.
- 3.4** If required and requested, the Head of HR can signpost or refer staff to external organisations including the police
- 3.5** In the event of a disclosure about an incident of harassment, all parties will have equitable access to appropriate support prior to any decision to launch a formal investigation, for the duration of any investigation and following its outcome.
- 3.6** LIS recognises the potential for vexatious or malicious reporting of sexual misconduct. Staff will always listen to and respond to reports in a non-judgmental way.

## **4. Confidentiality**

- 4.1** Ensuring confidentiality is a key principle in creating a culture where those affected feel safe to make a disclosure.
- 4.2.** The School will take all reasonable steps to protect the confidentiality and privacy of those who make a disclosure falling within the scope of this policy. However, there may be circumstances where the School is required to share information internally or with external agencies, such as the Police, in order to protect an individual at risk.
- 4.3.** The School may be required to break confidentiality and share information internally or with external agencies if:
- the person is a child or young person under 18 who has experienced, or is at risk of, significant harm; or
  - information is provided about a child or young person under 18 who has experienced, or is at risk of, significant harm; or
  - that person is an adult at risk as set out in the School's Safeguarding Policy who has experienced, or is at risk of, significant harm; or
  - information is provided about a person who may be an adult at risk who has experienced, or is at risk of, significant harm; or
  - it is believed that there is a risk of significant harm occurring to any individual; or
  - it is believed that there is a risk to the public or students or staff; or
  - the disclosure is otherwise required by law or in accordance with the School's duties and obligations under data protection law.
- 4.4** There may also be circumstances where the School needs to share certain information internally. This could include (but is not limited to):
- conducting the investigation
  - preventing or detecting criminal behaviour or misconduct;
  - ensuring appropriate information about support services is passed on;
  - data collection;
  - managing conflicts of interest;

- seeking advice from other School departments;
- protecting others.

## 5. Procedure for Reporting Sexual Harassment

- 5.1 Reports should be made to the Head of Finance & HR. Reports can be made in person or by emailing [karen.tanner@lis.ac.uk](mailto:karen.tanner@lis.ac.uk). In their absence or if the report concerns the Head of Finance & HR then the report should be made to the Chief Operations Officer.
- 5.2 Investigations of allegations of sexual harassment by staff on staff, will be made by the Head of Finance & HR in line with the procedure stated in this policy.

## 6. Training

- 6.1 All staff will receive Sexual Harassment training which will be refreshed annually. The Head of Finance & HR and Designated Safeguarding Lead (DSL) will undertake Level 3 Safeguarding training which will be refreshed annually.

## 7. Procedure for Investigating Reports

### 7.1 Introduction

- 7.1.1 Should a sexual harassment incident be reported, each case will be treated consistently and fairly. You will be given the opportunity to provide your version of events and any extenuating circumstances will be considered. Your rights will be upheld at all times, and you will have the following rights :
- You will *normally* have the right to know the case against you (however, where key details about the case against you risk the right to confidentiality for either party, some details might be withheld)
  - You have the right to reply
  - You have the right for due consideration of your case
  - You have the right to be accompanied
  - You have the right to appeal
- 7.1.2 The Head of Finance & HR will:
- provide feedback at early steps to support employees
  - ensure that all cases are thoroughly investigated
  - avoid any discrimination
  - prepare carefully and be consistent
  - keep adequate records
  - adhere to this procedure
- 7.1.3 It is normally the Reporting Party's decision whether or not to report a crime to the police. However, in some circumstances, it is a legal requirement for the School to report incidents to the police, for example in relation to the protection of children or safeguarding of other vulnerable persons.

In addition, circumstances may arise where failure to report a matter to the police may be against the public interest or the interest of the School community, for example, when significant violence has been used which may subsequently put the reporting party or others at risk. In such a case, the Head of Finance & Human Resources and Registrar, in consultation with the CEO and/or the Chair of the

Board, will make the decision whether the matter should be reported to the police, taking into account any potential harm to the reporting student from unauthorised disclosure, including further distress to the student.

- 7.1.4. The School recognises that it is not placed to undertake a criminal investigation. It will, however, cooperate fully with any associated police investigation and subsequent legal proceedings. The School may also undertake separate disciplinary proceedings where such measures are indicated by the behaviours and circumstances. The School will not undertake any investigations or actions which may hamper any police investigation. Therefore, disciplinary proceedings will normally be placed on hold once the police are involved.
- 7.1.5 A decision by the Police or Crown Prosecution Service to take no further action in relation to a criminal matter or an acquittal at a trial does not preclude the School from taking action under this policy and does not mean the Reporting Party has made a vexatious or malicious report.
- 7.1.6 The School does not have the legal investigatory powers of the Police, and cannot determine criminal guilt. The internal process cannot be regarded as a substitute for a Police investigation or criminal prosecution.
- 7.1.7 In all cases, if the Reporting Party requires immediate medical attention, the emergency services should be called on 999.

## **7.2 Investigation**

- 7.2.1 Upon receiving a report of sexual harassment by a member of staff, LIS will ensure that a thorough investigation is carried out. This is a fact-finding process and may necessitate the gathering of detailed information as well as the carrying out of formal interviews, taking of written statements, etc.
- 7.2.2 A proper investigation is an integral part of the process and, depending on the findings, may require you to be suspended on contractual pay whilst this is carried out.
- 7.2.3 Suspension on pay is not considered to be a sanction taken under this policy. It is there to ensure that issues are dealt with in a fair and reasonable manner, and adequate protection is given to all employees. Suspension will not normally last for more than 10 days and you will be given a letter explaining the suspension arrangement, including the requirement not to attend work but be available for meetings e.g., investigatory meetings.
- 7.2.4 Investigation Steps:**
- Review by Head of Finance & HR to establish the situation.
  - If a student makes a direct accusation to an LIS employee, the Designated Safeguarding Lead (DSL) from the Student Support Team will provide an initial report to the Head of Finance & HR and support the student throughout the process. The DSL will require transparency in the proceedings to uphold the institution's duty of care toward students.
  - If the nature of the harassment is extreme, an investigator or a panel of investigators may be appointed. The investigator/s may or may not be a member of LIS staff.
  - Suspension on full pay may be considered for the staff member under investigation if the nature of the sexual harassment is extreme, involves a student or remaining on campus puts the alleged victim at potential further risk of harm.
  - Detailed investigation - this is a fact-finding process and will necessitate the gathering of detailed information as well as the carrying out of formal interviews and taking of written statements. The detailed information may come from any written document, LIS forms of communication (e.g Teams or Email, etc), other LIS or non-LIS communications as necessary.

- Upon conclusion of the full investigation, the Head of Finance & HR will consider all the information received and form a conclusion.
- The decision will be notified to all parties involved in the report.
- Where the matter has been substantiated, the staff member will receive an appropriate sanction as stated further below in section 6.2.
- Depending on the nature of the harassment, a report may be made to the appropriate authorities.

### 7.3 Sanctions

7.3.1 The two sanctions that may be implemented are:

1. Final written warning

A final written warning will be applied where the matters of concern are substantiated. A record of the final written warning will be given to you and a copy will be retained on your personnel file for 12 months unless there is repetition of misconduct within this period. If there is further misconduct, the procedure will escalate to step two. This can happen before the end of the final written warning period. You will be informed of your right of appeal and that further misconduct within the specified period may result in your dismissal.

2. Dismissal or action short of dismissal

You will normally be dismissed for an act of gross misconduct. LIS may enter the process at sanction 2 and dismissal for first offence may occur. You will be issued with a letter setting out the reasons for dismissal and other arrangements including in relation to your final pay and your right to appeal. Alternative to dismissal, LIS may decide that suspension without pay, transfer or demotion are appropriate sanctions.

### 7.4 Appeals

7.4.1 At every step, you have the right to appeal a sanction. If you wish to appeal you should do so in writing within 5 working days of the decision to be appealed, setting out your reasons for appeal.

7.4.2 You will be invited to attend an appeal hearing at which you have the right to be accompanied by a work colleague or trade union representative. The hearing will be held by a manager of a more senior level than the manager who held the disciplinary hearing. You will be given the opportunity to give the reasons you believe the sanction should be overturned which could include that it was too severe, inappropriate or because new information has come to light. A decision will be made on whether the disciplinary sanction is to be upheld or overturned and delivered to you within 7 days of the hearing. In exceptional circumstances, the sanction may also be increased. The decision of the appeal panel will be final.

### 7.5 Third Parties

7.5.1 LIS reserves the right to engage an independent third-party to assist at any stage of the disciplinary procedure.

## 8 Personal relationships between Staff and Students

8.1 We are committed to protecting students from any actual or potential conflict of interest and/or abuse of power that may arise from intimate personal relationships with staff.

8.2 Personal relationships between staff and students are prohibited. Staff must not therefore enter into a romantic or sexual relationship with a student who is registered with the School.

- 8.3 In the event that a relationship pre-exists then the staff member must inform their line manager so that any conflict of interest can be appropriately managed.

## **9 Non-disclosure agreements**

- 9.1 The School will not use non-disclosure agreements (NDAs) in relation to complaints of sexual harassment, abuse, misconduct, or other forms of harassment and bullying.

## **10 Monitoring and Review**

- 10.1 This policy will be reviewed annually by the Equality, Diversity and Inclusion Committee.

## Appendix 1 – Related Legislation

The Equality Act 2010 provides protection for everyone from discrimination and makes it unlawful to harass or discriminate against someone on the grounds of the nine protected characteristics of age, race, religion or belief, sex, sexual orientation, pregnancy & maternity, marriage & civil partnership, disability, gender, and gender reassignment. The legislation defines harassment as ‘unwanted conduct’ including that of a sexual nature, which has “the purpose or effect of creating an intimidating, hostile, degrading, humiliating or offensive environment”.

Other key legislation that provides protection under this policy includes:

- i. The Protection from Harassment Act 1997 – pursue a course of conduct which amounts to harassment which includes the offence of stalking
- ii. Criminal Justice Act – harassment can be a criminal offence and give rise to a civil claim
- iii. Health and Safety Act 1974 – the provision of a safe working environment
- iv. Criminal Justice and Public Order Act 1995 – anti-social and criminal behaviour including matters such as obscene communications
- v. Human Rights Act 1998 - sets out the fundamental rights and freedoms that everyone in the UK is entitled to
- vi. Telecommunications Act 1984 – improper use of public telecommunications system, such as sending messages that are grossly offensive, indecent, menacing or knowing false
- vii. Malicious Communications Act 1998 – sending communications which conveys indecent or grossly offensive, threatening or information that is known to be false.