



Harassment and Sexual Misconduct Policy

Introduction

London School of Commerce & IT (LSCI) is committed to providing a safe and respectful environment where the student and staff is able to study, work and live free from sexual misconduct. The College takes any incidents of sexual misconduct very seriously and is committed to handling all reports sensitively, efficiently and in a timely manner. LSCI will provide emotional support to its students and staff if they have been impacted by sexual misconduct.

Scope

This policy applies to all members of the College including current students, employees, contractors, suppliers and visitors. Sexual harassment is not permitted in the College campus and everyone is expected to treat all members of the College with dignity and respect.

This policy provides support and advice in the event of sexual harassment in learning environments, working environments, social activities and on and off campus when activities are linked to the College such as work placements and trips.

LSCI recognises that individuals whose social and cultural characteristics intersect, e.g. gender, disability, LGBT, religion and different ethnic groups, are potentially more vulnerable to sexual harassment and may require additional support.

Our Commitment

London School of Commerce & IT commits to ensuring the following:

- Creating a culture free from sexual misconduct where the student and staff will behave with dignity and respect to each other, understand boundaries and individuals affected speak up and get help.
- Taking all reasonable steps to meet LSCI's statutory obligations to eliminate and prevent sexual harassment, and address any inappropriate behaviours efficiently to prevent issues from escalating.
- Providing a physical environment where all facilities and spaces on campus are safe and welcoming.
- In case of sexual harassment does occur, appropriate support will be provided.
- Handling all allegations of sexual misconduct sensitively and investigating them efficiently. During the investigation the individual rights of those involved, including those against whom an allegation has been made will be protected.

- Any sort of sexual misconduct will be treated as a serious disciplinary offence and will be dealt with LSCI's Disciplinary Policy and Procedure, as appropriate.
- Making all the student and staff aware of this policy, how individuals are expected to behave and which behaviours are not acceptable.
- Providing awareness sessions and training on what constitutes inappropriate and unacceptable behaviour under this policy and how to access appropriate support.
- Discussing all issues related to the harassment and sexual misconduct in LSCI decision making committees.
- Reviewing incidents annually by the Human Resources Team to identify any trends that need to be addressed.

Key Definitions related to harassment and sexual misconduct

Harassment

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:

- i. age
- ii. disability
- iii. gender reassignment
- iv. race
- v. religion or belief
- vi. sex
- vii. sexual orientation

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

OfS also consider harassment to include any incidents of physical violence towards another person(s) on the basis of a protected characteristic, and hate crimes, such as those criminal offences which are perceived by the victim or any other person, to be motivated by hostility or prejudice, based on a person's disability or perceived disability; race or perceived race; or religion or perceived religion; or sexual orientation or perceived sexual orientation or transgender identity or perceived transgender identity.

Sexual misconduct

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

- i. Sexual harassment (as defined by Section 26 of the Equality Act 2010)
- ii. Unwanted conduct which creates an intimidating, hostile, degrading, humiliating or offensive environment (as defined by the Equality Act 2010)
- iii. Assault (as defined by the Sexual Offences Act 2003)
- iv. Rape (as defined by the Sexual Offences Act 2003)
- v. Physical unwanted sexual advances (as set out by the Equality and Human Rights Commission: Sexual harassment and the law, 2017)

- vi. 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)
- vii. 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).

Harassment and sexual misconduct can take place through any medium, including, for example, online.

Getting support if you believe you have experienced harassment and/or sexual misconduct

LSCI encourages its students and staff to act promptly and not to feel that this was your fault or that you have to wait until the situation is repeated or exacerbated. LSCI recognises that any incident is unacceptable and might be distressing. It is important that you don't feel that you should have to tolerate such behaviour and that you have the support of the College to decide if and how you want to take any action. In addition, it will enable the College to make arrangements and to put support in place if required, including, where possible, measures to protect the personal safety of all involved at all times.

If you believe you have been subjected to harassment and/or sexual misconduct, there are a number of options available to you to get help.

Reporting an incident for action to be taken

There will be occasions when you will want to report an incident. All reports will be taken seriously and will be investigated within the time limits set out in the policy with due consideration to all parties.

Reporting the incident to the police - there are some incidents of sexual violence or sexual harassment which are so serious that individuals will be liable to prosecution under the law and you may choose to use this channel. These include (but are not limited to) sexual assault, stalking and rape. Call the police on 999 immediately considering the urgent nature of the assault.

If a police investigation is commenced, the College will consider whether an internal investigation is required or if already underway whether the internal investigation should be paused whilst the police investigation is undertaken. Adjustments may be required during this time period to protect the College and the individual(s) involved. By way of example only:

- For students this could include suspension of studies, separating the students involved in the learning environment etc and/or removal of the student concern from the College campus.
- For employees, this could include temporary redeployment, amending work duties and/or working from home and paid suspension from work.

Full consideration will be given to the facts and circumstances of each particular case when considering how and when investigations should be undertaken, any necessary adjustments and any disciplinary or other sanctions.

If you are a student:

Report the incident to Student Welfare Officer either face to face or via the College phone or email studentsupport@lsci.org.uk

Seek advice or discuss the matter with your lecturer, the Principal or the Dean and / or anyone else with whom you feel comfortable;

Report it to the Student Welfare Officer by email stating that this is **highly confidential**.

Call the police on 999 in the case of emergency or call 101 if not urgent.

If you are an employee:

Report the incident to the Principal or the Dean;

Seek advice or discuss the matter with your line manager or a colleague, or anyone else with whom you feel comfortable;

Call the police on 999 in the case of emergency or call 101 if not urgent.

If you witness an incident of harassment and sexual misconduct, you are also encouraged to report it using the same channels listed above.

Getting emotional support

It is important that anyone affected by harassment and/or sexual misconduct should seek support as soon as possible.

If you are a student, you can get help and support from the Student Welfare Officer; email studentsupport@lsci.org.uk.

If you are an employee, you can get help and support from the Human Resources Team.

Students and employees can also seek support from a number of external agencies – see details in Appendix C.

Supporting a student or employee who discloses an incident of sexual violence or sexual harassment

The most important consideration is that any individual who experiences sexual or sexual harassment should be encouraged to report the incident as soon as possible. However, they should not be pressured into making a report if they don't feel comfortable doing this - the decision of the individual needs to be respected.

Disclosing an incident of sexual violence or sexual harassment can be very distressing and the way and to whom an individual chooses to do so will vary depending on a range of factors, including who they feel comfortable with and how sensitive they feel the issue is.

In addition, an employee, another student or a visitor may observe an incident of sexual violence or sexual harassment and be unsure how to intervene.

If someone shares an incident of sexual violence and / or harassment that they have experienced, it is best to respond in the following way:

- Reply in good faith on the basis that they are telling the truth;

 - Do not make any assumptions - there are many myths within society that lead to victim blaming and it is best to listen non-judgementally;

- Direct them to specialist services either on or off campus;

 - Do not act without their consent unless the individual or others are still at risk, or they need urgent medical attention.

Key to this meeting will be to reassure the individual that support is available and explain how they can report the incident. The individual should be encouraged to make notes of any incidents so that they can give examples, including any dates and times and details of any witnesses present. Taking photos or screenshots of offensive written or visual material can also be very helpful.

The member of staff should make notes following the meeting of what was discussed with any advice given and any follow up required and email them to the individual. They should keep a copy of the e-mail in a secure location in case it is needed in the future. In addition, they should report it to the Student Support and Welfare Team and / or HR as appropriate who should assess whether there is any action that needs to be taken as a matter of priority. They may also need to inform other relevant staff if appropriate.

For more information, see the flowcharts in appendices B and C.

Sexual harassment and sexual assault in employment and educational settings

Sexual harassment and assault are among offences that cause the most detriment to victims. I feel it is necessary to help to raise awareness of the existence of sexual harassment and sexual assault, prohibited by the Equality Act 2010 and the Sexual Offences Act 2003. The following link will demonstrate the nature of sexual harassment and sexual assault could be prevailing in employment and educational settings.

<https://www.youtube.com/watch?v=1gtpkxWtF0>

Understanding sexual harassment in the workplace

This following video is for employees, HR professionals, business owners, and anyone else who works a job. You will have a clear understanding of sexual harassment in the workplace.

<https://www.youtube.com/watch?v=LvIGAY3SqK8>

Sexual Violence Basic Awareness Training

There are free training sessions available on Sexual Violence Basic Awareness. Please follow the link below and register yourself for various basic awareness training courses.

<https://courses.idas.org.uk/courses/sexual-violence-basic-awareness-training/>

There are also paid training courses available if anyone would like to attend these trainings.

Sexual Harassment Training For Employees

<https://www.highspeedtraining.co.uk/business-skills/sexual-harassment-training-for-employees.aspx>

Sexual Harassment in the Workplace Online Training Course

<https://www.elearningatwork.co.uk/courses/hr-compliance-staff-induction/sexual-harassment-in-the-workplace>

Confidentiality

Information submitted will remain confidential as far as is consistent with other people's rights to know of any allegations made and / or evidence held against them. By reporting an incident, you are giving the College permission to inform other employees / organisations of the incident, investigate the incident and to discuss them with appropriate people. It might also be necessary to provide details of the incident to any relevant department and to request any relevant information. The person being investigated is normally asked to respond. Where it is necessary to interview witnesses, the importance of confidentiality will be emphasised. It should be explained to everyone involved in the process that any breach of confidentiality may lead to disciplinary action. Where you are not comfortable disclosing details, you will be asked to declare this so that the College can advise to what extent they can investigate the incident.

You should be aware that there are also times when confidentiality will need to be broken under the terms of the Data Protection Act 1998 such as in the event of an identified risk to you or where there is a criminal investigation and you may be required to give evidence.

In addition, employees are expected to raise any reports of sexual violence and sexual harassment with the Principal/Dean or the HR Team and it is important that this is conveyed to the individual.

If the student or employee does wish the College to take action by submitting a complaint, they will need to disclose the identity of the individual they are complaining about.

Data recording

All sexual violence or sexual harassment incidents which are reported should be recorded, along with any relevant outcome. Any student incident should be forwarded to the Student Welfare Services and any employee incident recorded by HR. This data will be reviewed by Student Services and HR annually and any trends monitored and addressed.

Appendix A: General Information about sexual violence and sexual harassment

Sexual violence is any unwanted or uninvited sexual act or activity. There are many different types of sexual violence and they include but are not limited to: rape, sexual assault, sexual harassment, coercion, gas lighting, forced marriage, so-called honour-based violence and ritual abuse, child sexual abuse, female genital mutilation, trafficking and sexual exploitation. Sexual violence can be psychological and/or physical. For a definition of these incidents, see glossary below.

Sexual Harassment describes a range of words, behaviours or conduct of a sexual nature that is unwanted and uninvited. It is often intended to or has the effect of creating an intimidating, degrading, humiliating or offensive impact and is an abuse of personal or institutional power. It is often based on a person's gender although rarely about sexual desire.

It can be physical ranging from unwanted touching, groping or the invasion of personal space to sexual assault, rape or indecent exposure. It may also be verbal and may include unwanted personal comments, catcalling, belittling, suggestive, lewd or abusive remarks, or sexual slurs, explicit 'jokes' or innuendo, and compromising invitations, including demands for sexual favours.

Sexual harassment does not necessarily occur face to face and can be in the form of emails, visual images (such as sexually explicit pictures on walls in a shared environment), social media, telephone, text messages and image-based sexual abuse such as revenge porn and up-skirting. It may be perpetrated knowingly or unknowingly by anyone, towards anyone, regardless of gender or sexual orientation.

The limit of what and how much behaviour is acceptable is up to the recipient to decide. A single incident and / or persistent behaviour can both amount to harassment.

Consent is providing permission for something to happen or agreeing to do something with a full understanding of the facts and without coercion.

In cases of sexual activity, consent cannot be presumed but must be explicitly given each time verbally or non-verbally. Consent cannot be deemed to have been given if it is provided under pressure such as fear of violence or assessment of their studies or blackmail, or in situations where someone is not capable of providing it such as when they are drunk or under the influence of drugs, asleep or unconscious or physically or mentally are unable to make a choice and understand the consequences. Consent can be withdrawn at any time.

Glossary of different types of sexual violence and sexual harassment

This is not intended as an exhaustive list of all types of sexual violence and sexual harassment incidents.

Child sexual abuse	Child sexual abuse is a form of child abuse in which an adult or a young person uses a child for sexual stimulation. Types of child sexual abuse include engaging in sexual activities with a child (whether by asking or pressuring, or by other means), indecent exposure), child grooming, child sexual exploitation or using a child to produce child pornography.
Coercion	The intimidation of an individual to compel them to do some act against their will by the use of psychological pressure, physical force, or threats.
Doxxing	This is the internet-based practice of researching e.g. through social media websites and broadcasting private or identifying information about an individual or organisation. It can be carried out for various reasons including inflicting harm, coercion and harassment.
Female genital mutilation	Female genital mutilation is a procedure where the female genitals are deliberately cut, injured or changed, but there's no medical reason for this to be done. It is usually carried out on young girls between infancy and the age of 15, most commonly before puberty starts. It's illegal in the UK and is child abuse.
Forced marriage	A forced marriage is where one or both individuals do not (or in cases of people with learning disabilities or reduced capacity, cannot) consent to the marriage as they are pressurised, or abuse is used, to force them to do so. It could be physical – for example, threats, physical violence or sexual violence, emotional and psychological – for example, making someone feel like they are bringing 'shame' on their family. It is recognised in the UK as a form of domestic or child abuse and a serious abuse of human rights.
Gaslighting	An elaborate and insidious technique of deception and psychological manipulation, usually practiced by an individual towards another over an extended period.
Honour based violence	Honour based violence is a term used to describe violence committed within the context of the extended family which are motivated by a perceived need to restore standing within the community, which is presumed to have been lost through the behaviour of the victim. Most individuals affected are women or girls, although men may also be at risk.
Indecent exposure	Indecent exposure is the deliberate exposure in public or in view of the general public by a person of a portion or portions of his or her body, in circumstances where the exposure is contrary to local moral or other standards of appropriate behaviour.

Rape	Rape is a type of sexual assault usually involving sexual intercourse or other forms of sexual penetration carried out against an individual without their consent. It can be carried out by physical force, coercion, abuse of authority, or against a person who is incapable of giving valid consent such as an individual who is unconscious, incapacitated, has a learning disability or is below the legal age of consent.
Revenge porn	Revenge porn is the distribution of sexually explicit images or videos of an individual without their permission. The sexually explicit images or videos may be made by a partner of an intimate relationship with or without the knowledge and consent of the subject. The uploading or possession of the material may be used by the perpetrator to blackmail the individual into performing other sex acts, to coerce them into continuing the relationship, or to punish them for ending the relationship.
Ritual abuse	Any form of physical, sexual or psychological mistreatment of an individual or group of individuals as part of a religious, cult, or secular ritual that involves the use of ritual. This type of abuse is often systematic and long-lasting.
Sexual assault	Sexual assault is an act in which an individual intentionally sexually touches another individual without their consent, or coerces or physically forces somebody to engage in a sexual act against their will. It is a form of sexual violence which includes rape, groping, child sexual abuse or the torture of an individual in a sexual manner.
Sexual exploitation	Sexual exploitation means taking the advantage of sexuality and attractiveness of an individual to make a personal gain or profit. It is the abuse of a position of vulnerability, differential power, or trust for sexual purposes.
Stealthing	Stealthing or non-consensual condom removal, is the practice of a man covertly removing or damaging a condom during sexual intercourse, when his sex partner has only consented to condom-protected sex. Such behaviour may be regarded as sexual assault or rape and is a form of reproductive coercion.
Trafficking	Human trafficking is the trade in humans for various purposes including sexual slavery and commercial sexual exploitation for the trafficker or other. It can include the provision of a spouse in the context of a forced marriage,
	and often targets women and children although not always.
Upskirting	Upskirting is the practice of taking photographs without permission under a woman's skirt or man's kilt capturing an image of the crotch area, underwear, and sometimes genitalia. It could comprise a photograph, a video or an illustration.

Appendix B Flow chart signposting / accessing support for employees

Responding to Sexual Violence Care Pathway

Disclosure

- CLEAR: never promise absolute confidentiality. If there is risk of harm to the colleague or others, you would have to break this.
- SAFE: take the colleague to a warm, quiet, safe space – where you will not be interrupted – after first informing a colleague.
- REPORT: You may feel that the police should be called, especially if the colleague is harmed, but this is not your choice unless there is obvious risk to the colleague or others.
- ACCOMPANY: if the colleague is accompanied, check this person is still welcome. Would the colleague prefer to speak to someone of a different gender?
- LISTEN: listen to the colleague without overreacting or asking questions – your role is to support – not to investigate or to counsel at this stage. Any suspicion of coaching/influencing/interpreting their account can be detrimental to a future case.
- TIME: allow them time to talk. Concentrate on what they are saying, not on what you are going to say/do.
- Notes: either during your conversation, or immediately afterwards, write down the facts that have been provided. Do not include opinion. Ask the colleague, if possible, to agree to any notes. With the colleague's consent, forward these notes to HR.
- OPTIONS: make it clear to the colleague that they do not have to disclose their circumstances to the police.
- SUPPORT: advise the colleague that they can receive support from the University even if they do not want to pursue formal complaint processes.

Appendix C: External support agencies who provide help and support

The lists of useful contacts given below is correct at the time of writing (September 2019). Please check the web for up-to-date contact information. Please note that London School of Commerce and IT does not endorse or take responsibility for the information provided by external organisations.

External Services

Equality and Human Rights Commission is the statutory body responsible for protecting, enforcing and promoting equality across nine protected characteristics — age, disability, gender, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion and belief, and sexual orientation — www.equalityhumanrights.com

National Union of Students represents students across the UK to shape the future of education and create a better world. They promote, defend and extend student rights and fight discrimination, isolation and injustice including sexual violence and sexual harassment. For more information – see <https://www.nus.org.uk/>

Specialist Agencies

The Haven Paddington Sexual Assault Referral Centre is a specialist centre for people who have been raped or sexually assaulted. They provide forensic medical examinations, counselling, tests and treatments. They are open 24/7. Call 020 33121101.

Hillingdon Women's Centre provides support to vulnerable women on a range of issues including sexual assault. They provide counselling, legal services, a refuge and empowerment. Email: info@hillingdonwomenscentre.org or call 01895 259 578.

Samaritans provides free confidential emotional support 24/7 to those experiencing despair, distress or suicidal feelings. Call: 116 123 or email: jo@samaritans.org.

Survivors UK provides specialist services and awareness raising activities to support boys and men who have been raped and sexually abused. For more information see - <https://www.survivorsuk.org/>.

Victim Support provides free confidential support to those affected by crime including sexual violence and sexual harassment. Call for free on 0808 1689111 or request support online via www.victimsupport.org.uk.