

Dignity at King's Prevention of Bullying, Harassment and Sexual Misconduct Policy

Policy Category General Subject: Prevention of Bullying, Harassment and Sexual Misconduct

Approving Authority University Executive

Responsible Officer Senior Vice-President (Operations)

Responsible Offices: Human Resources & Students & Education Directorate

Related Procedures

- King's Community Charter
- Statement on Freedom of Expression
- Grievance Procedure: Research, teaching-only and Professional Services Staff
- Academic Staff Regulation pertaining to Grievance Procedure
- Disciplinary Procedure: Research, teaching-only and Professional Services Staff
- Academic Staff Regulation pertaining to Disciplinary & Related Procedures
- Prevention of Bullying, Harassment and Sexual Misconduct - Student Procedure
- Prevention of Bullying, Harassment and Sexual Misconduct - Staff Procedure
- Process for managing anonymous reports from Report + Support
- Non-Academic Misconduct Procedure

Related Policies

- Non-Academic Misconduct Policy
- Equality, Diversity & Inclusion Policy
- Safeguarding Policy
- Personal Relationships between Staff and Students

All policies, procedures and support articles relating to the prevention of bullying, harassment and sexual misconduct can be found in one place on our website <https://www.kcl.ac.uk/about/bullying-harassment-and-sexual-misconduct>

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1. Purpose & Scope

1.1. Statement of Commitment

King's College London is committed to creating an inclusive and respectful environment for all members of our community. We believe that all individuals have the right to work, learn, study, and live in an environment free from bullying, harassment and sexual misconduct.

This policy will be applied in a way that respects freedom of expression and the lawful expression of protected beliefs.

This policy seeks to ensure compliance with the Office for Students (OfS) Condition of Registration E6 and the Worker Protection (Amendment of Equality Act 2010) Act 2023. It outlines the University's commitment to preventing and addressing bullying, harassment and sexual misconduct, enabling a culture where all individuals are valued and supported to succeed.

Instances of bullying, harassment and sexual misconduct will be taken seriously and students and staff who make complaints of bullying and harassment will be provided with support.

We are committed to:

1. Effective strategies to prevent and manage negative or harmful behaviour.
2. Establishing clear standards for behaviour.
3. Providing simple and consistent channels for reporting inappropriate behaviour.
4. Ensuring that allegations of bullying, harassment and sexual misconduct are taken seriously and that students and staff who make complaints of this nature are provided with support.
5. Ensuring that all members of the King's Community can easily access information about the University's policies and procedures related to harassment and sexual misconduct.

1.2. Scope

This policy applies to all members of our university community.

King's staff are required to act in accordance with this policy. However, this policy does not form a part of the contract of employment, and it may be amended at any time.

This policy applies to situations occurring on campuses, online and off campus when on university business, including external, international, academic or research events, and social functions related to the University.

This policy may also apply if the claimant is not a member of the King's community, but the alleged bully or harasser is.

The University is committed to promoting an inclusive environment for all staff and students, including those with physical or mental ill health. This is set out in more detail in the University's [Staff Disability Policy](#) and [Student Disability and Inclusion Policy](#). Under the Equality Act (2010) and Office for Independent Adjudicator Guidelines, if the alleged harassment includes unwanted behaviour related to disability, additional support will be offered throughout any necessary investigations.

1.3. Definitions

Disclosure involves an individual choosing to tell anyone who is part of the university community about their experience of harassment or sexual misconduct.

Report is sharing the information with a staff member of the University regarding an incident of harassment or sexual misconduct. The individual is initiating the process by completing a report on the Report + Support platform.

Reporting Party is the person(s) who has been the subject of the alleged incident of harassment or sexual misconduct.

Reported Party is the person(s) whose behaviour it is alleged to have amounted to an incident of harassment or sexual misconduct.

Bullying is offensive, intimidating, malicious or insulting behaviour, involving the misuse of power that can make a person feel vulnerable, upset, humiliated, undermined or threatened.

Power does not always mean being in a position of authority but can include both personal strength and the power to coerce through fear or intimidation.

Bullying can take the form of physical, verbal and non-verbal conduct. Non-verbal conduct includes postings on social media outlets.

[What is bullying? - Report + Support - King's College London](#)

Harassment has a number of relevant meanings. The first is unwanted conduct related to certain protected characteristics under the Equality Act 2010 (age, disability, gender reassignment, race, religion or belief, sex, and sexual orientation), or unwanted conduct of a sexual nature, which either:

- has the purpose or effect of violating an individual's dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment for them or,
- has the effect of violating an individual's dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment for them.

Decisions about whether the unwanted conduct has had this effect, will be made by considering the perception of the complainant and all the other circumstances of the case and considering whether it is objectively reasonable for the conduct to have had that effect.

Harassment may occur physically, verbally or non-verbally and it can be intentional or unintentional.

Harassment may also occur when someone is treated less favourably than they would otherwise be treated because they have previously submitted or refused to submit to unwanted conduct of a sexual nature, or unwanted conduct related to gender reassignment or sex, which had the purpose or effect described in the definition.

A further type of harassment, arising from the Protection from Harassment Act 1997, occurs when:

- someone pursues a course of conduct (two or more instances of verbal or non-verbal conduct and/or speech), which amounts to harassment or another,
- they either:
 - know that this course of conduct amounts to harassment; or
 - Ought to know that it amounts to harassment (because a reasonable person in possession of the same information would think that the course of conduct amounted to harassment).
- they cannot show that the course of conduct was reasonable in the circumstances of the case.

Harassment of this kind may include causing alarm or distress to another person but the conduct in question must, when considered objectively in all circumstances of the case, be oppressive and unacceptable.

Under the Equality Act 2010, harassment relating to one or more protected characteristics is illegal. The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, marriage and civil partnership, sex and sexual orientation.

The University considers all harassment to be unacceptable, whether the alleged harassment relates to a protected characteristic (for example, harassment related to weight and body size, or social class or caste).

The expression of protected beliefs does not in itself constitute harassment or misconduct, even if others find such views offensive, provided the expression is lawful and not objectively unreasonable.

A complete list of definitions and examples of bullying, harassment and other unacceptable behaviours is available on King's Report + Support platform.

Sexual Misconduct and Harassment

Sexual Misconduct is a form of harassment and is unacceptable behaviour of a sexual nature. It can include:

- Sexual harassment (unwanted behaviour of a sexual nature).
- Sexual violence.
- Intimate partner violence.
- Sexual assault.
- Grooming (when a person builds a relationship with another person such as a child, a vulnerable person or a person in a lesser position of power, so that they can abuse them and manipulate them into doing things)
- Coercion or bullying with sexual elements.
- Sexual invitations and demands.

- Comments.
- Non-verbal communication (body language)
- Creation of atmospheres of discomfort.
- Promised resources or advancement in exchange for sexual access.

The term ‘sexual harassment’ captures only some of the possible abuses of power that may occur. Sexual misconduct more specifically raises issues of unequal relationships, consent, and the prevention of equal access to education, opportunities and career progression.

Sexual Harassment can be defined as:

- conduct of a sexual nature that has the purpose or effect of violating someone's dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment; and
- less favourable treatment related to sex or gender reassignment, that occurs because of a rejection of, or submission to, sexual conduct

Examples of Sexual Harassment and Misconduct

Sexual harassment can occur in many forms, and can take place either at work, outside work, in person, or online. While this is not an exhaustive list, examples include:

- physical conduct of a sexual nature, unwelcome physical contact or intimidation.
- persistent suggestions to meet up socially after a person has made clear that they do not welcome such suggestions.
- showing or sending offensive or pornographic material by any means (e.g. by text, video clip, email or by posting on the internet or social media).
- unwelcome sexual advances, propositions, suggestive remarks, or insults related to a person's sex, perceived sex or gender reassignment.
- offensive comments about appearance or dress, innuendo or lewd comments.
- leering, whistling or making sexually suggestive gestures; and
- gossip and speculation about someone's sexual orientation or transgender status, including spreading malicious rumours.

Consent is the agreement by choice where the individual has both the freedom and capacity to make that choice. Consent cannot be assumed based on a previous sexual experience, or previously given consent, or from the absence of complaint, and each new sexual act requires a re-confirmation of consent as the foundation of a healthy and respectful sexual relationship. Consent may be withdrawn at any time before or during a sexual act.

Freedom to consent: for consent to be present, the individual must freely engage in a sexual act. Consent cannot be inferred from a lack of verbal or physical resistance.

Consent is not present when submission by an unwilling participant results from coercion, force, threat, intimidation or the exploitation of power. **Coercion** is when someone is pressured unreasonably for sex, which can include manipulation. **Force** includes any physical or emotional harm 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.

Capacity to consent: free consent cannot be given if the individual does not have the capacity to give consent. An individual is incapacitated when asleep, unconscious, semi-conscious or in a state of intermittent consciousness, or any other state of unawareness that a sexual act may be occurring. Incapacitation may occur on account of a mental or developmental disability, or as the result of alcohol or drug use.

Freedom of Expression

Freedom of Expression is a broad concept that King's regards as being, freedom of conscience and belief, the freedom to assemble and protest, and academic freedom.

This includes the lawful expression of views on sex and gender, including gender-critical beliefs, which are protected under the Equality Act 2010 and relevant case law.

These freedoms or rights apply within the parameters of UK law and are also upheld by Article 10 of the Council of Europe's European Convention on Human Rights which the UK has signed. UK Universities are required to promote and protect free expression within the law, although may apply some proportionate restrictions under specific circumstances.

King's seeks to provide an open, safe and intellectually vibrant environment to explore ideas, generate and critique evidence, express opinions and debate a wide variety of topics. King's respects and affirms the right of our students and staff to express views and opinions and promote information in their day to day lives, both on and off campus, if it is within the parameters of the law.

We expect the students and staff of King's to engage with civility, being mindful of our common humanity and the dignity and privacy of others. Protests are a permissible form of free expression, and the University works with protestors to manage the time, place and manner of protest, so that protestors can be heard without creating a health & safety risk, disrupting the regular operation of the University or denying the right to free expression of others.

It is unlikely that students being exposed to any of the following would amount to harassment: content of Higher Education course materials (including but not limited to books, videos, sound recordings and pictures) and statements made and views expressed by a person as part of teaching, research or discussions about any subject matter connected with the content of a HE course.

Our [Statement on Freedom of Expression published jointly with King's College London Students' Union](#) and the [King's Community Charter](#) sets out our shared values and principles.

2. Who is Responsible for this Policy?

2.1. King's College London

King's aims to embed inclusion in our practice and culture to provide an excellent student experience and to be an employer of choice. Leaders at King's are committed to fostering environments free of bullying, harassment and sexual misconduct, ensuring that colleagues have the resources, support and access to training, to address issues that arise, including monitoring the effective use of reporting mechanisms, access to useful data, and support with embedding preventative measures within their faculties and directorates.

In line with the Worker Protection (Amendment of Equality Act 2010) Act 2023, King's upholds its legal duty to proactively take reasonable steps to prevent sexual harassment of its employees.

King's recognises that bullying, harassment and sexual misconduct can be the result of organisational and cultural issues as well as individual ones.

In addition to the negative impact on individuals and the King's community, bullying, harassment and sexual misconduct may have a negative impact on the University's reputation and our relationships with partners and funding organisations. This policy also recognises and responds to expectations and specific requirements set as part of grant conditions and we also set expectations for these partners.

King's will:

- Provide training and education to staff and students on preventing, identifying and responding to bullying, harassment and sexual misconduct.

- Take appropriate action when reports of bullying, harassment and/or sexual misconduct are received, including, when required, a formal investigation and disciplinary action.
- Offer support services to those affected by bullying, harassment and/or sexual misconduct, including counselling and specialist support organisations.

2.2. Heads of Departments, Managers and Supervisors

All Heads of Department, managers and supervisors have a responsibility to demonstrate and promote good practice to ensure a studying and working environment that creates an inclusive, respectful, and safe environment for every member of our community. They are required to implement this policy in their area, and to ensure that all their staff and students are aware of this policy.

When bullying, harassment and/or sexual misconduct has been reported or alleged, Heads of Department, managers and supervisors should promptly explore what has happened to remedy the situation by:

- Contacting either Human Resources (if staff) or Student Conduct & Appeals (if students) for advice on the application of this policy if necessary, and
- Support any student or member of staff who makes a complaint, or about whom a complaint is made, throughout the process.
- Seek to protect the complainant(s) from victimisation by colleagues and students

2.3. King's Staff

The following may be treated as misconduct under the University's disciplinary regulations for academic staff and disciplinary policy and procedures for research, teaching only and professional services staff :

- Failing to comply with this policy,
- Making false or malicious allegations under this policy, or
- Retaliating against or victimising students or staff who make complaints or participate in good faith in investigations under this policy.
- Disciplinary action will not be taken solely on the basis of the lawful expression of protected beliefs, unless such an expression also constitutes objectively unreasonable or unlawful conduct.

2.4. King's Community

As outlined in our [Community Charter](#), King's College London is committed to creating an inclusive, accessible and engaging environment that promotes equality of opportunity for everyone in our community.

We ask that all members of our community commit to:

1. Create an inclusive, respectful, and safe environment for every member of our community, to ensure that everyone feels valued, listened to and can contribute to work and study with honesty.
2. Seek out and engage with diverse people and opinions, demonstrating empathy and open mindedness, expecting to challenge and be challenged, in upholding inclusion and freedom of expression.
3. Be a supportive member of our community and speak up for others, challenging unacceptable behaviour when safe to do so.
4. Work and study with integrity, being professional in our communications and mindful of others' time, privacy and personal circumstances.

If members of the King's community witness bullying, harassment or sexual misconduct, and it is safe to intervene, they are encouraged to be active bystanders.

Staff are strongly encouraged to attend Active Bystander training, offered through Organisational Development. All students, including Postgraduate Research (PGR) students, are provided with training at enrolment and re-enrolment which includes guidance around positive bystander interventions.

3. What To Do

3.1. Options

Below is a list of actions individuals may take if they witness or experience bullying, harassment and/or sexual misconduct. There are a range of steps and actions that can be taken to reach a positive resolution, and these will be different in each situation. For instance, there will be some instances where early intervention (see 3.2) is not appropriate or where an individual may not feel safe or comfortable in engaging in a formal process. While early intervention can be a very effective way to reach a positive resolution, such steps are not required before formal action is taken.

3.2. Early Intervention

Early intervention is not obligatory and will not always be appropriate, but it can lead to a resolution where an honest and constructive conversation is possible. Such conversations may enable the person who experienced the bullying or harassment to explain how and why something was hurtful and enable the alleged perpetrator to understand how their behaviour has been perceived and the impact this has had (previously stated: *to understand the consequences of their actions*).

If a member of the King's community believes they or another member of the King's community has been bullied or harassed, they may choose the following approaches to early intervention:

If they are a member of staff:

- Seek an initial discussion with their own, or the alleged perpetrator's, line manager or supervisor, with the purpose of facilitating a constructive conversation to help address the situation.
- If they do not feel comfortable approaching the relevant line manager or supervisor, they may ask for support from their HR Business Partner.
- They may instigate an initial discussion with the alleged perpetrator to raise their concerns, where this is appropriate.
- If they do not feel comfortable approaching the relevant line manager or supervisor, they can share their concerns through [Report and Support](#).

A student may choose to:

- Have an initial discussion with their own, or the alleged perpetrator's, line manager, supervisor, personal tutor or student advisor, to facilitate a constructive conversation or help address the situation.
- Have an initial discussion with the alleged perpetrator to raise their concerns, where this is appropriate and/or
- In the event that they do not feel comfortable with the routes above, submit a report via [Report and Support](#).
- Students may also contact KCLSU's Advice Team.

3.3. Reporting

[Report + Support](#) is a platform available to all members of the King's community.

Reports can be made at any time and alongside any of the other listed actions within this policy. Reports help us to identify patterns and inform wider preventative and proactive initiatives. Members of the King's community can tell us what happened by making an anonymous report, or a named report that includes their contact details. If a member of the King's community makes a named report, they can choose whether they want to access support only; or support plus informal action; or support and a formal investigation.

King's has a duty of care to investigate when we receive an anonymous report that contains incidents of a serious nature such as sexual assault, physical assault, or activity that could pose significant risk to the health, safety and wellbeing of students and/or staff.

Any anonymous report that could pose a significant risk to the King's community and identifies a staff member will be sent to the Senior HR Business Partner for the relevant Faculty or Directorate to review with the appropriate line manager and agree next steps.

In cases that do not meet the threshold above, no action will be taken until two or more reports are received regarding a named individual. At that time, the reports should be shared with the relevant Senior HR Business Partner to confirm whether an investigation under the Disciplinary Policy & Procedure. If no investigation is underway, the Senior HR Business Partner will inform the named staff member's line manager, as per the Process for managing anonymous reports from Report + Support regarding staff members.

Due to the nature of these reports, data will be held as outlined in the [King's College London | Records Retention Schedule](#)

3.4. Mediation (for staff)

Mediation is an informal, voluntary process where a neutral third party is appointed to support the parties involved in a dispute in reaching a satisfactory outcome. The purpose of mediation is to create a safe environment where parties can communicate and work towards the restoration of a positive working relationship. Human Resources can arrange mediation if it is appropriate and if all parties are comfortable engaging in it. An individual can request mediation without making a formal complaint.

3.5. Staff Grievances

Staff may use the Report + Support platform to raise any concerns about bullying, harassment and sexual misconduct, whether from experience of experiencing or witnessing behaviours that would seem to meet this test.

There may also be other instances, outside of Report + Support, where a manager, with the support of the HR Business Partner team, would investigate instances of bullying, harassment or sexual misconduct and specifically:

Grievances may be raised by staff who believe they have been bullied or harassed, or who consider that another member of the King's community has been bullied or harassed, and managers may engage the disciplinary procedures to deal with occurrences of bullying, harassment or sexual misconduct, when they become aware of such incidences. It is not necessary for a grievance to have been issued for a manager to take this step.

In addition, the relevant policies are:

- Grievance Procedure: Research, Teaching-only and Professional Services Staff
- Academic Staff: Grievance Regulation
- Disciplinary Procedure: Research, Teaching-only and Professional Services Staff; and
- Academic Staff: Regulation pertaining to Disciplinary and Related Procedures.

3.6. Student Conduct & Appeals (SCA)

Student Conduct and Appeals (SCA) investigates formal complaints of instances of bullying, harassment or sexual misconduct relating to students.

Students who wish to make a formal complaint in relation to bullying, harassment or sexual misconduct should do so via Report and Support or a Stage 2 Complaint.

Where necessary and appropriate, the HR Business Partnering team and SCA will work together on cases involving both staff and students.

Students can review the procedures followed by SCA on our website [www.kcl.ac.uk/about/bullying-harassment-and-sexual-misconduct] and can also contact KCLSU Advice for support and guidance.

Postgraduate Research (PGR) students may be both a student and a member of staff. PGR students may address complaints to SCA or use the grievance or staff misconduct complaint procedures if appropriate.

King's recognises the complexities in relation to PGR students. KCLSU Advice offers support and guidance to PGR students and has dedicated PGR Staff to support enquiries.

4. Support

Bullying and harassment can cause humiliation, isolation, loss of confidence and serious harm to mental health and wellbeing in both the short-term and longer-term. A range of support and advice services are available to members of the King's community who have experienced, witnessed or been accused of bullying and harassment.

For urgent help or support, members of the King's community are urged to contact emergency services in the first instance: [Report and Support - I need urgent help](#)

All external support and services are described and can be accessed through King's Report + Support platform: [Report and Support - Where can I get help outside of King's?](#)

While the above links outline the sources of support for the King's community at university level, many local departments and faculties also offer additional support so please check your local intranet pages or other normal communications channels for further information.