

Response to Bullying, Harassment and Sexual Misconduct Policy

1. Scope and Purpose

- 1.1. This policy relates to students of the University of Lancaster. Lancaster is committed to providing a progressive, collaborative and healthy environment for working, learning and visiting. It values and promotes personal dignity for all members of its community and will promote a zero tolerance approach to bullying, harassment or sexual misconduct.
- 1.2. The purpose of this policy is to assist in the promotion of an inclusive and constructive environment on campus, as well as in external relationships connected with the University, in which bullying, harassment and sexual misconduct are recognised as unacceptable. It also is designed to give individuals the confidence to complain in the knowledge that their complaints will be taken seriously and due process followed in resolving the matter.
- 1.3. This policy fully recognises the interconnection between the University and the Students' Union and the necessary co-operation between these two for the proper support and implementation of this policy.
- 1.4. This policy outlines procedures and provides definitions of key terms. Guidance notes on various aspects of operation, including support arrangements, are provided alongside this policy.

2. Commitment

- 2.1. Lancaster University is committed to the principles of equality. As part of this principle it and seeks: (a) to recruit and develop students from a diverse range of backgrounds; and (b) promote a supportive and inclusive culture in which everyone feels valued and can perform to their full potential.
- 2.2. All students are expected to promote an environment where bullying, harassment and sexual misconduct does not happen. Immediate action, as described in this policy, should be taken if bullying, harassment or sexual misconduct is suspected or identified. Allegations received either formally or informally through this policy will be taken seriously and dealt with promptly and sensitively.
- 2.3. Lancaster University has a legal obligation to ensure that harassment on the grounds of a protected characteristic does not take place, as this is discrimination under the Equality Act 2010. Lancaster University is also legally obligated to provide a duty of care which includes safeguarding those that are vulnerable. All students also have personal liability under legislation (Protection from Harassment Act 1997 and Equality Act 2010) and the University will engage with external investigations by the police and other enforcement bodies as appropriate and necessary.

- 2.4. Allegations of behaviours and actions which meet the definitions detailed in appendix 2 will be taken very seriously and will trigger a disciplinary investigation being undertaken. No one will be disadvantaged for making complaints in good faith. However, where it is established that complaints are frivolous or malicious the University is likely to take disciplinary action against the complainant.

3. General Principles

- 3.1 To enable appropriate actions to be taken, any individual witnessing or experiencing bullying, harassment or sexual misconduct has an obligation to let the University know at the earliest opportunity. To facilitate this, the University will provide multiple means to report, including anonymous reporting.
- 3.2 The University will take steps to prevent bullying, harassment and sexual misconduct by addressing inappropriate behaviours and discussing concerns promptly to prevent issues from escalating. Awareness sessions may be used as a means of communicating appropriate behaviours under this policy students are advised to seek clarification on any aspect of this policy that they do not understand.
- 3.3 The University will support those involved in incidents of bullying harassment and sexual misconduct, as will the Students' Union.
- 3.4 The University will provide appropriate and up to date information regarding support processes and referral agencies via its website to provide advice on where to go for help.
- 3.5 The University will handle all allegations seriously and will promptly investigate a complaint while protecting the individual rights of those involved, including those against whom an allegation has been made. Where criminal investigations are involved, this may delay an internal investigation due to the need to protect all parties from accusations of interference that could affect a legal outcome. Where a criminal investigation does not touch on the alleged disciplinary breach, for example where the alleged breach of the University rules has come as a consequence of the potential criminal offence, the University may conduct its investigation and any subsequent procedures concurrently.

4. Definitions – what is bullying, harassment and sexual misconduct?

- 4.1 Bullying or harassment is behaviour or actions that are unwelcome, unwarranted and causes a detrimental effect to the wellbeing of the victim.
- 4.2 Bullying may be characterised as intimidating, malicious or insulting behaviour and abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient. This can be either physical or psychological in nature.
- 4.3 Harassment, as an element of bullying, is specifically defined under the Equality Act 2010 as unwanted conduct related to a relevant protected characteristic that has the

purpose or effect, assessed from the individual's perspective of violating dignity or creating an intimidating, hostile degrading or humiliating environment for that individual.

- 4.4 Sexual misconduct is a broad term used to encompass a range of behaviours including sexual harassment, non-consensual sexual contact (sexual assault), and non-consensual sexual penetration (rape).
- 4.4 Sexual misconduct can occur between individuals who know each other, have an established relationship, have previously engaged in consensual sexual activity, and between individuals who do not know each other. Sexual misconduct can be committed by persons of any gender identity, and can occur between people of the same or different sex.
- 4.5 Harassment, bullying and sexual misconduct can apply to a group of people as well as individuals.
- 4.6 Victimization is when a person is mistreated because they have made a complaint of discrimination, harassment or bullying or have supported another person in making a complaint.
- 4.7 A zero tolerance approach demonstrates the University's commitment to prevent bullying, harassment and sexual misconduct occurring within the University. It reflects an approach in which the University proactively works to educate and inform, as well as taking all accusations seriously and acting on them appropriately without preconception or bias.
- 4.8 A single incident can constitute bullying, harassment or sexual misconduct if sufficiently grave.
- 4.9 Freedom of speech is recognised as important at the University. However, this does not extend to speech which constitutes bullying or harassment, and the same zero tolerance approach will be taken. For the purpose of this policy, harassment will be determined by its effect on the recipient. The University will treat each instance on its own merits.
- 4.10 More detailed definitions are included in appendix 2.

5. Reporting bullying, harassment and sexual misconduct

- 5.1 In the event that an individual feels that they are experiencing bullying, harassment or sexual misconduct they have a number of options open to them.
- 5.2 If they feel they can, they can speak directly to the individual concerned and/or write to them explaining their experience and requesting that the actions or behaviour stop. Alternately, or subsequently if they achieve no success, they can speak to someone else both to obtain another perspective and to ensure that someone else knows who

will support them. The University and the Students' Union provide experienced persons from whom advice can be sought through Student Based Services and LUSU Advice respectively. There is no requirement that these steps are followed, and individuals should do so only where they feel comfortable.

- 5.3 Where either the matter is considered to be very serious, the methods above do not achieve success, or where an individual does not feel comfortable to pursue them, an individual should submit a formal complaint. A complaint can be made in person by contacting a member of staff. The individual can speak to any member of staff with whom they are comfortable, however, they will need to refer you to specialist member of staff who can support you. Alternatively, the individual can speak directly to a trained member of staff which includes your College Welfare Officers and the Counselling and Wellbeing Team ([hyperlink the CMHT contact pages here](#)). Support can be provided based on needs (see Guidance Notes).
- Alternatively if an individual would prefer to submit online this can be done via either: the UniSafe App on iLancaster or
 - a student complaint form available [here \(hyperlink\)](#).
- 5.4 In the event that an individual does not wish to be identified, the University provides two methods to report allegations anonymously. Individuals can report anonymously via the Unisafe App on iLancaster. Individuals may also submit unsigned letters to The Base. Where an individual reports an incident relating to them, but does not want to be identified as part of a formal complaint, the University's ability to address the issue may be limited.
- 5.5 Students may also report incidents through the Students' Union. Where the incidents associated with these reports can be supported informally, as described in 5.2 above, the Students' Union will manage this within their own structures and systems, drawing on advice from the University as required. If the matter is considered to be very serious or the methods above do not achieve success, Students' Union will advise students of the procedures described in the sections 6 below.
- 5.6 In situations where the University is provided with information that suggests that there may be a risk to an individual or the community at large, in consultation with safeguarding officers, it may take such precautionary actions that:
- Act to safeguard the University community by conducting a discrete investigation (following the procedure as detailed below);
 - Put additional compulsory training in place where it is deemed necessary;
 - Take other action(s) that is deemed reasonable to protect individuals and/or the university community.
- 5.7 The University's expert support service for those who have experienced traumatic events is the Counselling and Mental Health Team. Where a student reports an incident to a member of the College Advisory Team, an academic (including academic tutors) or other member of professional staff, while the sensitive nature of the information will be respected, information may need to be passed to the Counselling

and Mental Health team so that the University is confident that the correct information and support is provided.

- 5.8 This policy particularly recognises that any information disclosed to the Counselling and Mental Health Team including College Welfare Officers will be treated sensitively and, as much as is reasonable, as a confidential disclosure, subject to standard counselling restrictions and legal requirements to which the University is subject (Link to counselling page).
- 5.9 This policy also recognises that the Students' Union and the Chaplaincy Team are legally separate from the University and that information will be passed subject to data sharing agreements.
- 5.10 Anyone reporting an incident will be provided with appropriate support, managed via a single point of contact, including necessary adjustments to academic programme, accommodation arrangements, etc. Details are provided in guidance (link). Such support will require communication of requisite information to appropriate members of the University. This will be handled with sensitivity and care.

6 Procedure for managing bullying, harassment and sexual misconduct complaints

- 6.1 If reporting procedures detailed in section 5 above do not achieve success or the incident is considered too serious to be subject to those processes, a complaint can be made in person by contacting a member of staff. Any member of staff from whom you are comfortable seeking help, however, they will need to refer you to specialist member of staff who can support you. Alternatively, you can speak directly to a trained member of staff which includes your College Welfare Officers and the Counselling and Wellbeing Team (hyperlink the CMHT contact pages here). the individual can also submit a complaint using an online form available via the Unisafe app on iLancaster or at via the student complaint form (link).
- 6.2 Third party or bystander submissions can also be submitted via the above methods and will be considered; however, these will only be taken forward as a formal complaint with the consent of the individual against whom the alleged incident was perpetrated.
- 6.3 The complaint should include: the nature of complaint with references to dates, times and places (where possible) in relation to specific incidences of bullying, harassment and/or sexual misconduct. Where any unsuccessful attempts to resolve the matter have been attempted, these too should be detailed. The names of any witness(es) to the incident(s) should also be included. Witnesses can request anonymity and this will be granted if appropriate; however, it is not encouraged under the interests of openness and natural justice.
- 6.4 Support in submitting a complaint is available from the LUSU Advice, the Counselling and Mental Health team and the College Welfare Officers (links).

- 6.5 The complaint will be acknowledged by the Complaints Co-ordinator normally within five working days and the individual referred to relevant support services, including a single point of contact, to agree any necessary adjustments (see guidance notes).
- 6.6 The University has the authority, where an allegation is of such a serious nature amounting to gross misconduct under the relevant disciplinary rules and procedures that consideration will be given to immediate action under those procedures which may include immediate suspension from work or study under agreed procedures.
- 6.7 The complaint will be considered initially by the Bullying, Harassment and Sexual Misconduct Panel (BHSMP). The panel will consist of one member of Student Based Services and one member of Strategic Planning and Governance. Where the incident additionally involves a member of staff the panel will include representation from Human Resources. Where an incident appears to require actions to be taken in relation to staff this will be taken forward by Human Resources using existing arrangements.
- 6.8 On the basis of the paperwork submitted the Bullying, Harassment and Sexual Misconduct panel, normally within ten working days of submission, will consider the case and make one of the following preliminary judgements:
- 1 No case to answer
 - 2 Case to be recommended for mediation
 - 3 Case to answer managed through standard disciplinary procedures.
 - 4 Case to answer requiring additional measures

1. No case to answer

Those cases where the complaint paperwork does not present, on the face of it, a case for any action to be taken.

2. Case to be recommended for mediation

Those cases where it is considered that mediation may be an effective way to resolve the situation.

3. Case to answer managed through normal disciplinary processes

Those cases which do not involve aspects for which specialist training is required for case handling. This would most commonly relate to cases of bullying and harassment.

4. Case to answer requiring additional measures

Those cases which do involve aspects for which either additional persons or specialist training is required for case handling or for which additional measures, such as those

required under safeguarding, are required. This would most commonly refer to cases of sexual misconduct or those involving hate crimes.

Guidance on the work of the Bullying, Harassment and Sexual Misconduct Panel is attached.

- 6.9 In complaints alleging hate crime, sexual offences or other criminal offences the Police and/or other agencies may be informed. Where the offence is against a member of the university community, Lancaster University will normally allow them to decide if they want to report the matter to the Police and/or other agency and then support them should they decide to do so. Exceptionally, the University may report to an external agency without the consent of the individual. Such reports will require the approval of the Provost for Colleges, the Student Experience and the Library (or nominee). In all cases where a report is provided without consent reasons and justification will be provided in writing.
- 6.10 Where the Bullying, Harassment and Sexual Misconduct panel considers that mediation could be effective, one member of the panel will approach the person who submitted the complaint (the complainant) to discuss this option. If the complainant does not want to consider mediation then the case will return to the panel and be considered as a first submission. However, if the complainant is agreeable, the panel member will then speak to the individual against whom the complaint has been made (the respondent). So long as all parties agree a mediation event will be set up. Mediation outputs are not binding until all parties agree. The complainant may ask for the complaint to be reconsidered by Bullying, Harassment and Sexual Misconduct panel as a first submission at any point during the mediation process.
- 6.11 Where there is no case to answer the individual who submitted the complaint will receive a written explanation of the decision. The individual may then resubmit once for reconsideration. A resubmission will be treated like a first submission with a response from the Bullying, Harassment and Sexual Misconduct panel ordinarily within ten working days. If, after consideration of the resubmission, the decision remains no case to answer then the University will consider the matter complete and supply a completion of procedures letter to allow access to the Office of the Independent Adjudicator.
- 6.12 Where it is considered that there is a case to answer managed through standard procedures the case will be referred to: the University Dean for processing under the non-academic disciplinary regulations.
- 6.13 Where it is considered that there is a case to answer requiring additional measures, the Bullying, Harassment and Sexual Misconduct panel will refer it to a nominated investigator who will have been appropriately trained in relation to the nature of the complaint. The investigation should not normally take more than twenty working days.

- 6.14 The investigation will conclude with a report which will include details of the facts of the case along with any submissions from the complainant, the respondent as well as any witnesses. This report will not make recommendations to the panel; it will only present materials.
- 6.15 Following the investigation, the Investigator will present the findings to a Panel consisting of the University Dean (Chair), Head of Colleges and Student Experience/Head of Student Wellbeing Services (Deputy Chair), and an appropriately trained member of staff unrelated to the case. The Complaints Co-ordinator will also be in attendance along with a note taker. Additional members may be co-opted by the Panel for particular expertise. The date for the Panel meeting will be set at the outset of the investigation and all written submissions will be submitted to the panel, the complainant and the respondent at least five working days prior to the panel meeting. Guidance on the conduct of the meeting will be provided to all parties. Both the complainant and the respondent will be invited to attend the panel hearing and can either be accompanied or represented, however, they will not be required to attend together.
- 6.16 The complainant and respondent will receive a written decision that addresses the points they have made, gives reasons for the conclusion reached and describes available next steps, including decision review, within five working days of the meeting. Witnesses will also receive a communication from the panel detailing that the case has been completed and whether it has been upheld or not. Further details, such as sanctions, will not be included.
- 6.17 The outcomes of this process is to address the issues and to provide solutions. To achieve this, the panel has delegated authority from the University to require changes to arrangements, to consider compensation where appropriate, and to take other actions as deemed appropriate. Further details are set out in the guidance notes.
- 6.18 Should it be the conclusion of the process that disciplinary action is required against an individual this will be referred to the University's student discipline regulations.
- 6.19 Records of meetings will be stored confidentially in Student Based Services but will not be integrated with any individual's personal record file.
- 6.20 This process will adhere to the following timescale for delivery.

Process	Time frame (in working days after submission)
Individual submits complaint	As soon as possible after the incident
Formal acknowledgement provided.	5 days
Decision by BHSMP	10 days
Investigation set up	10 days
Panel date agreed	15 days
Investigation completed	30 days
Circulation of panel paperwork	30 days

Panel meeting	35 days
Communication of panel outcomes	40 days

Where possible actions will be taken more quickly; exceptionally more time may be needed, particularly where the nature of the allegations are very complex or take place out of term time or during periods of University closure, in which case all parties will be informed by the Complaints Co-ordinator of the nature and duration of any delay.

7. Reviews under this policy

7.1 Where an individual is not satisfied with the process they may ask for a review. Reviews will be considered only where the individual can evidence that:

- They were prejudiced by a failure of the University's officers to follow the procedures as set out above or;
- There was a breach of the requirements of natural justice or;
- exceptionally, substantial new evidence, not previously available is identified.

7.2 An intention to review must be submitted in writing to a nominated senior officer, as identified in the decision report, within 10 working days of receipt of the outcome. A timeframe for production of evidence will then be agreed between the nominated senior officer and the member of staff or student.

7.3 If valid procedural grounds have been determined then the nominated senior officer (or nominated representative) will consider the review.

7.4 The decision of the nominated senior officer (or nominated representative) will be final and will consist of one of the following decisions:

- the confirmation of the original decision;
- the referral back to an earlier level of the process (if the process has not been followed or if new evidence is made available).

7.5 At the completion of procedures a completion of procedures letter will be provided including information on how to access the Office of the Independent Adjudicator. Only in the event of significantly compelling new evidence would a case be re-opened following completion of procedures.

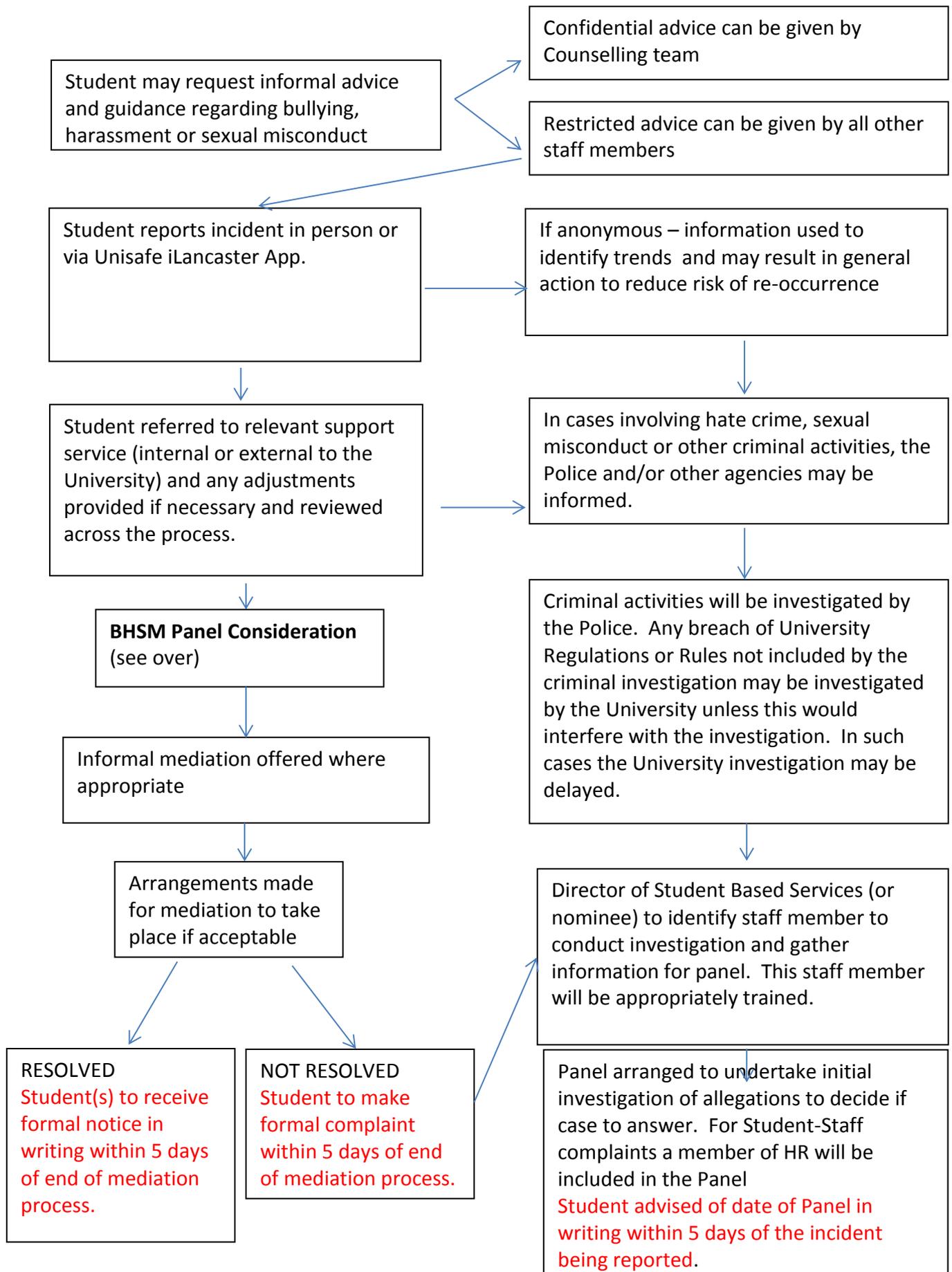
8. Monitoring of this policy

8.1 The Divisions of Strategic Planning and Governance and Student Based Services, along with the Provost for Colleges, the Student Experience and the Library, will keep the implementation of this policy under review in relation to the student elements, monitor its use annually and bring matters for consideration, as required, to the Colleges and Student Experience Committee.

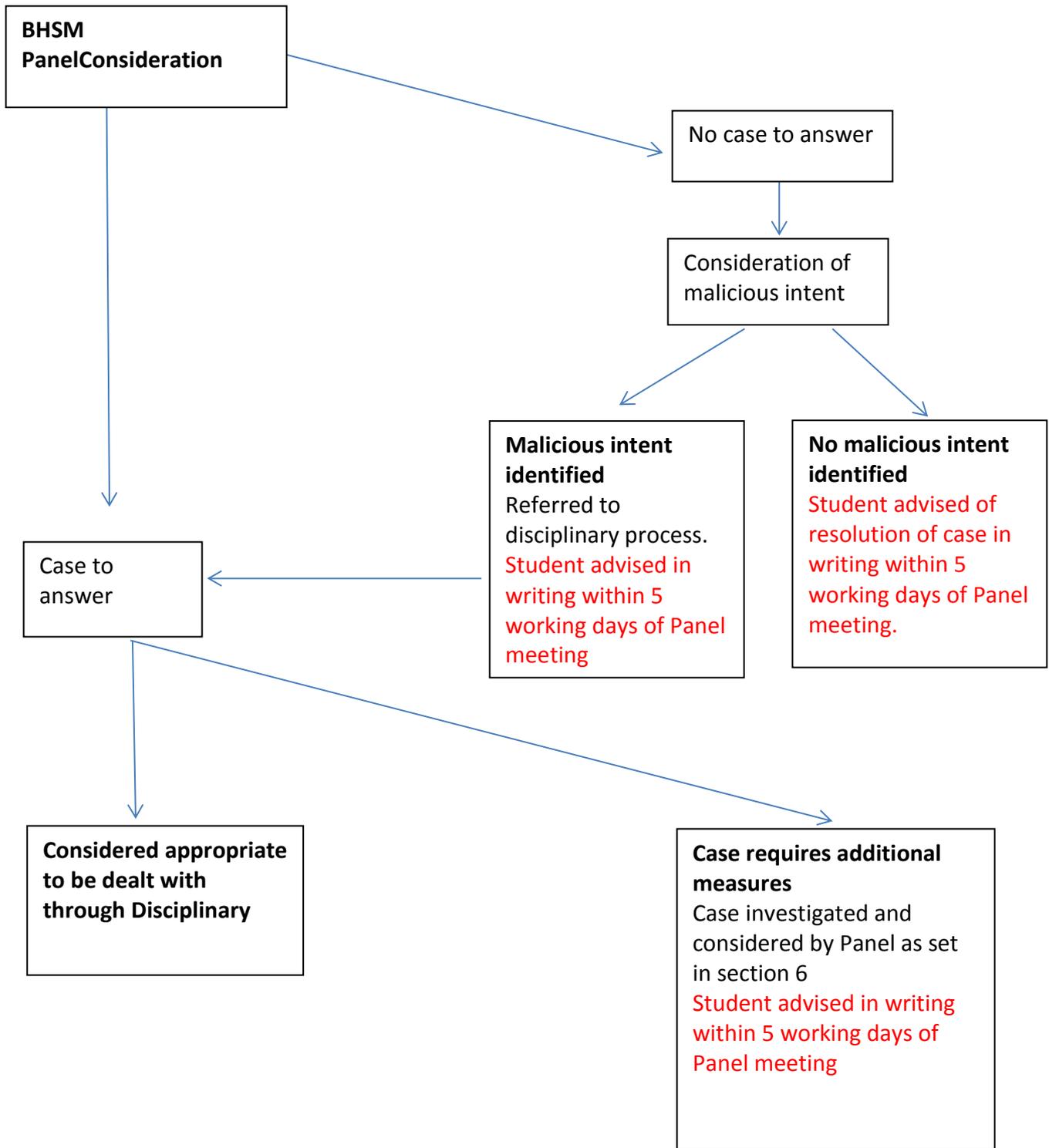
8.3 The Division of Strategic Planning and Governance will this review with additional anonymised materials gathered from Human Resources and produce an annual report.

Appendix 1: Flow Charts

Procedure flowchart for students (over 2 pages)



Continued from above



Appendix 2: Definitions

1. These definitions expand on those provided in section 4 of this policy.

Bullying and Harassment

2. Bullying or harassment is behaviour or actions that are unwelcome, unwarranted and causes a detrimental effect. Bullying and harassment may be verbal, nonverbal, written, or physical.
3. Unacceptable behaviour, under these categories may include but is not limited to:
 - Spreading malicious rumours or insulting someone particularly on grounds of protected characteristics. The University will consider acts as bullying that are outside the legal definition of harassment under equality legislation;
 - Ridiculing or demeaning behaviour including displaying inappropriate material that could offend someone in relation to protected characteristics;
 - Exclusion from work opportunities or events that could disadvantage someone unfairly;
 - Systematic belittling, intimidation or exclusion;
 - Constantly criticising or removing duties and responsibilities without good reason;
 - Unfair treatment that discriminates against people with protected characteristics for example telling racist or homophobic jokes in the office or in student accommodation;
 - Misuse of power or position in, for example, line management or supervision;
 - Making threats without foundation or inciting others to do so;
 - Inappropriate acts towards students/staff/visitors including racist, sexist or homophobic behaviours.
 - Any other action which is done with the intention to harm dignity, safety and well-being.

Such actions will not be tolerated anywhere including in, for example, the classroom, the laboratory, the office, sporting events, social events, or in cyberspace.

4. The following are not acceptable excuses for actions which may harm dignity, safety and well-being:
 - A 'clash of personalities';
 - It is deemed to be character building;
 - It is a manifestation of an individual's 'management' or 'leadership' style;
 - It was provoked by the victim.
5. Bullying or harassment does not include:
 - Managers giving reasonable instructions to staff;
 - University staff giving reasonable instructions to students.

Sexual misconduct

6. Sexual misconduct can occur between individuals who know each other, have an established relationship, have previously engaged in consensual sexual activity, and between individuals who do not know each other. Sexual misconduct can be committed by persons of any gender identity, and can occur between people of the same or different sex.
7. Prohibited behaviours with regard to sexual misconduct include but are not limited to:
 - Creating a hostile environment/sexually hostile environment
 - Domestic/relationship violence
 - Stalking
 - Invasion of privacy
 - Sexual misconduct including:
 - Non-consensual sexual contact (sexual assault),
 - Non-consensual sexual penetration (rape).
 - Engaging in sexual activity without obtaining effective consent
 - Coercion
 - Sexual exploitation
8. The following definitions are provided for information and guidance and will be used when any investigation is being undertaken. This list is not intended to be exhaustive and all incidents will be dealt with on an individual basis.

Coercion

Coercion is forcing another person to act based on fear of harm to self or others. Means of coercion may include, but are not limited to, pressure, threats, emotional/psychological intimidation, or the use of physical force.

Domestic Violence/Relationship violence in intimate relationships

Domestic/Relationship violence is defined as actual or threatened psychological or physical violence, intimidation, or other forms of physical or sexual abuse that would cause a reasonable person to fear harm to self or others. For this policy, “intimate relationship” means marriage, domestic partnership, engagement, casual or serious romantic involvement, and dating, whether in a current or former relationship.

Effective consent

When engaging in sexual behaviour of any kind it is important to obtain the informed and effective consent of each partner. Effective consent must be obtained for each instance and each escalation of sexual activity. Obtaining effective consent is the responsibility all parties involved.

Effective Consent is:

- Informed;
- freely and actively given on each occasion/activity;

- mutually understandable words or actions that indicate a willingness to participate in agreed upon sexual activity.

Consent is not effective when:

- there is only silence or passivity;
- the use of intimidation, coercion, threats, force, or violence negates any consent obtained;
- it is obtained from an individual who is incapable of giving consent due to one or more of the following or other reasons:
 - a relevant mental, intellectual, or physical disability;
 - is under the legal age to give consent;
 - is asleep, unconscious, or physically helpless;
 - is incapacitated by alcohol or other drugs;

Consent to sexual activity at one time does not imply consent to the same or other sexual activity at any other time. A person can withdraw consent at any time.

Responsibility for obtaining effective consent

For the purpose of this policy the responsibility for obtaining effective consent is held by all parties involved. Failing to obtain effective consent is a violation of this policy.

Individuals involved in sexual activity assume responsibility for their behaviour and must understand that the use of alcohol or other drugs does not reduce accountability for their actions. When involved in sexual activity the question is whether a sober and reasonable person in the same position should have known whether another person gave, or was able to give, effective consent.

Refusal, lack of consent, or non-consent may be expressed in many ways, verbally or physically. Physical resistance is not necessary to communicate a lack of consent. It is not necessary to resist physically or express verbally to indicate a lack of consent.

Force

Force may include words, conduct, or appearance. Force includes causing another's intoxication or impairment through the use of drugs or alcohol. Coercion, intimidation, and non-physical threats can all be forms of force.

Hostile environment

A hostile environment is created if conduct undertaken is sufficiently severe, persistent or pervasive to limit the recipient's ability to participate in or benefit from their environment or creates a hostile or abusive environment.

Incapacitation

Incapacitation is the physical and/or mental inability to make informed, rational judgments and decisions. States of incapacitation include sleep and blackouts. Where alcohol or other substances are involved, incapacitation is determined by how the substance impacts a person's decision-making capacity, awareness of consequences, and ability to make informed judgments.

In evaluating whether a person(s) was incapacitated for purposes of evaluating effective consent, the following will be considered:

(1) Did the person(s) initiating sexual activity know that their partner(s) was/were incapacitated?

if not,

(2) Would a sober, reasonable person in the same situation have been able to recognise that the partner(s) were incapacitated?

If the answer to either of these questions is “yes,” effective consent was absent.

For purposes of this policy, incapacitation is a state beyond drunkenness or intoxication. A person is not incapacitated merely because they have been drinking or using drugs.

The standard for incapacitation does not turn on technical or medical definitions, but instead focuses on whether a person has the physical and/or mental ability to make informed, rational judgments and decisions. A person must look for the common and obvious warning signs that show that a partner may be incapacitated or approaching incapacitation. Although every individual may manifest signs of incapacitation differently, typical signs include slurred or incomprehensible speech, unsteady gait, combativeness, emotional volatility, vomiting, or incontinence. A person who is incapacitated may not be able to understand some or all of the following questions: “Do you know where you are?,” “Do you know how you got here?,” “Do you know what is happening?,” “Do you know who else is here?”.

Because the impact of alcohol and other drugs varies from person to person, one should be cautious before engaging in sexual contact or intercourse when either party has been drinking alcohol or using other drugs. The introduction of alcohol or other drugs may create ambiguity for either party as to whether effective consent has been sought or given. If one has doubt about either party’s level of intoxication, the safe thing to do is to forgo all sexual activity.

Invasion of privacy

This includes, but is not limited to, recording, photographing, or transmitting images or other personal aspects, including those of private sexual activity and/or the intimate parts of another person without effective consent; allowing third parties to observe images, including private sexual acts without effective consent; engaging in voyeurism without effective consent.

Retaliation

Retaliation includes threats, intimidation, reprisals, and/or adverse employment or educational actions against a person based on their report of prohibited conduct or participation in the investigation, report, remedial, or disciplinary processes provided for in this Policy.

Non-consensual sexual penetration (rape)

This is defined as the sexual penetration of any orifice with a body part or other object without effective consent. This could be committed by force, threat, intimidation, coercion, or through exploitation of another's mental or physical condition (such as lack of consciousness, incapacitation due to drugs or alcohol, age, or disability) of which the respondent was actually aware or which a reasonable person in the respondent's position should have been aware.

Malicious complaints

Where, after investigation, it is found that a complaint was made with intent to harm their/its reputation or standing was without basis in fact, the complainant may be referred for disciplinary action.

Sexual assault

Non-consensual sexual contact (sexual assault) is defined as any physical contact with another person of a sexual nature without that person's effective consent. The touching of a person's intimate parts (such as genitalia, groin, breast, buttocks, mouth, or clothing covering same); touching a person with one's own intimate parts; or forcing a person to touch another's intimate parts would be violations of this policy if they occur without effective consent.

Sexual assault is also defined as the sharing of private, sexual materials, either photos or videos, including digital, of another person without their consent and with the purpose of causing embarrassment or distress.

Sexual exploitation

Sexual exploitation is taking sexual advantage of another person and includes, without limitation: indecent exposure; causing or attempting to cause the incapacitation of another person in order to gain a sexual advantage over him or her; causing the prostitution of another person; and knowingly or recklessly exposing another person to a significant risk of sexually transmitted infection.

Stalking

Stalking is a course of conduct involving more than one instance of unwanted attention, harassment, unwanted physical or verbal contact, use of threatening words and/or conduct, or any other course of conduct directed at an individual that could be reasonably regarded as alarming or likely to place that individual in fear of harm or injury, including physical, emotional, or psychological harm. Stalking can be undertaken by any means, including social media etc.