



# **Student Bullying, Harassment and Sexual Misconduct Policy**

## Introduction and Key Principles

1. The Guildhall School works to provide an environment where all students and staff are supported to feel safe, respected, and able to challenge inappropriate behaviours whenever they occur. Our key principles make it clear that bullying, harassment, and sexual misconduct in all its forms will not be tolerated.
2. We are committed to preventing and eliminating all forms of bullying, harassment, and sexual misconduct. This means working with the Students' Union, students and staff to raise awareness of harmful and abusive behaviour, for continual attention to and, where appropriate, improvement of the culture at the School.
3. We recognise the significant negative effects that bullying, harassment or sexual misconduct can have upon individuals, and we commit to supporting them. We also recognise that there are barriers to formally reporting incidents of bullying, harassment and sexual misconduct internally (and externally) and want to work with students and staff to remove these where we can.
4. Our policy and procedures provide a supportive and confidential way to allow individuals to feel confident and empowered to disclose their experiences. We will endeavour to respond appropriately and effectively to any breaches of the Student Bullying, Harassment and Sexual Misconduct Policy and associated regulations (see [Regulation 5A: Student Code of Conduct and Disciplinary Procedure](#) and [Regulation 5D: Student Complaints](#)).
5. The Guildhall School holds the following key principles that underpin our commitment to ensuring a culture of support and respect where bullying, harassment and sexual misconduct in any form is not tolerated. All members of the School have a responsibility to uphold these principles:
  - 5.1. We will always treat all members of our community with dignity and respect, and it is expected that all members of our community and visitors will share in this responsibility for fostering and sustaining a safe environment in which to study, train, learn and work.
  - 5.2. We acknowledge that anyone can be subjected to bullying, harassment and/ or sexual misconduct regardless of sex, gender, sexual orientation, relationship status, age, (dis)ability, faith/belief, ethnicity, race, nationality, and/or economic status
  - 5.3. We recognise the significant impact of all experiences of bullying, harassment and/ or sexual misconduct and acknowledge the bravery it takes for individuals to disclose their experiences.
  - 5.4. We will handle all disclosures of bullying, harassment and/ or sexual misconduct, including those that may constitute a criminal offence, with care and respect. We will do so within the power and capacity of the

School. We will respect the choices of those who formally report as to what they may want to happen as a result of the disclosure but there may be circumstances in which the School may have a legal duty to report disclosures externally (such as to the Police) for reasons such as safeguarding.

- 5.5. All School staff are informed of this policy and if appropriate to their role will be expected to undertake training.
- 5.6. The process for investigating and determining outcomes should be timely, fair and transparent and refer to other policies and regulations of the School where appropriate.
- 5.7. All parties involved in investigations will be provided with internal support for the duration of the case or will be signposted to external specialist agencies.
- 5.8. We will seek to learn from experience, enabling the School to both shape and respond to national and international policy and practice, and to provide regular assurance to School wide committees and the wider School community, that specific incidents and broader cultural issues are appropriately monitored and addressed appropriately.

## **Policy Overview and Aims**

6. This policy applies to all members of our School community and relates to bullying, harassment and/ or sexual misconduct allegedly committed by:
  - 6.1. A student against a student or a member of staff
  - 6.2. A member of staff against a student
  - 6.3. A student against a third party
7. The [Student Code of Conduct and Disciplinary Procedure \(Regulation 5A\)](#) sets out the specific detail of how an investigation will be conducted when an allegation of bullying, harassment and/ or sexual misconduct is made against a student. It provides the main source of information for a responding student to refer to.
8. The [Student Complaints Regulation \(Regulation 5D\)](#) sets out the specific detail of how an investigation will be conducted when an allegation of bullying, harassment and/ or sexual misconduct is made by a student against a member of staff.
9. This policy is relevant to all members of the School community whilst they are registered as a student or employed as a member of staff in their capacity either as the reporting person or responding person. It is also relevant for those staff investigating allegations.
10. All students and staff members who have experienced bullying, harassment and sexual misconduct will have equality of access to both internal and external specialist support, regardless of when the experience occurred.

Cases can only be investigated by the School when the responding person is registered as a student with, or employed by, the School and when a formal report is received. The School cannot investigate cases against former students, former members of staff or third parties.

11. The policy relates to all incidents of bullying, harassment and/ or sexual misconduct as defined in the paragraphs under the sub-heading *Definitions* of this document, that occurred on or off campus, in campus or private accommodation, in person or online.

## Definitions

12. The definitions provided in this policy are intended to support understanding and awareness. They are not exhaustive. If you have experienced something that has made you feel uncomfortable, unsafe, or disrespected, even if it does not appear in this list, you are encouraged to seek advice and support. You do not need to label your experience or decide whether it meets a formal definition to access help.

13. Some of the behaviours described may constitute criminal offences under UK law. Where relevant, this is indicated in the definitions. However, the School's investigatory and disciplinary processes are distinct from those of the criminal justice system and operate within the parameters of this policy and the expertise available within the institution. We are informed by sector guidance in this area (see Appendix 1) and current relevant legislation (e.g. regarding safeguarding responsibilities or data protection). The following paragraphs set out a list of potential unacceptable behaviours with definitions.

14. **Bullying** is offensive, intimidating, malicious or insulting behaviour, which may include an abuse or misuse of power, through means that threaten, undermine, humiliate, denigrate, take advantage of, or injure the recipient. Causing offence may be a deliberate act or it may not be. It is the impact on the individual which is the key consideration.

15. **Harassment** is unwanted conduct related to a relevant protected characteristic that has the purpose or effect of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that person. The unwanted conduct can be physical, verbal or non-verbal. **Unlike bullying, harassment is legally defined in the UK and included as a form of discrimination in the Equality Act (2010).**

16. The following non-exhaustive list gives examples of behaviour that may also constitute harassment or bullying:

16.1. offensive or inappropriate comments, body language, jokes, innuendos or gestures

16.2. openly hostile, insulting, abusive or embarrassing comments or

criticism

16.3. persistently demeaning, ridiculing, excluding or isolating someone

16.4. threats to disclose, or disclosing, private or personal information, including photographs

16.5. comments, notes, publications or posts on social media that are derisory, disparaging, abusive, offensive or intimidating

16.6. knowingly addressing or referring to someone using a pronoun (for example, he or she) with which an individual does not identify

17. **Sexual misconduct** refers to a range of unwanted behaviours of a sexual nature that violates a person's boundaries, dignity, and consent. These behaviours may be physical or non-physical and can occur in person or online. Sexual misconduct is an umbrella term that encompasses what may also be referred to as sexual violence, sexual abuse, or sexual harassment. It includes any behaviour that is sexual, unwanted, and causes distress, or that otherwise constitutes harassment, bullying, or victimisation.

Such behaviours may also constitute a criminal offence under UK law.

Sexual misconduct may involve the misuse of institutional power, such as in staff-student or supervisor-supervisee relationships, and often raises concerns about unequal or coercive dynamics.

18. Examples of sexual misconduct include, but are not limited to:

#### 18.1. **Verbal and Non-Verbal Conduct**

- Sexually explicit remarks, innuendos, or banter
- Sexual insults, jokes, teasing, or songs
- Wolf-whistling, cat-calling, or making offensive sexual noises
- Comments about someone's dress, appearance, sexuality, or gender identity
- Repeated unwanted sexual attention or advances
- Unwanted requests to engage in or discuss sexual activity

#### 18.2. **Physical Conduct**

- Unwanted or inappropriate physical contact (e.g. touching, pinching, groping, smacking)
- Kissing someone without their consent
- Initiating sexual contact after consent has been withdrawn
- Lifting, removing, or attempting to remove clothing without consent
- Penetrating someone with fingers or objects without consent (known as digital penetration or assault by penetration)
- **Rape**, as defined under UK law, involves non-consensual penetration of the vagina, anus, or mouth with a penis.

#### 18.3. **Online Sexual Misconduct**

Online sexual misconduct refers to any unwanted sexual behaviour carried out through digital means, including social media, messaging platforms, or other online spaces. It may involve the use

of technology to harass, intimidate, exploit, or violate someone's privacy or consent.

- Display or distribution of sexually explicit material without consent
- Sharing or threatening to share intimate images (commonly referred to as *image-based sexual abuse*, previously known as "revenge porn")
- Sending sexually explicit messages or images without consent
- Upskirting which involves taking photos or videos under someone's clothing without their consent, typically to view their genitals, buttocks, or underwear. This is a form of image-based sexual abuse and a criminal offence under UK law.

#### 18.4. Persistent or Coercive Behaviour

- Stalking or cyberstalking with a sexual or intimidating intent
- Grooming or coercion into sexual activity
- Using threats, rewards, or institutional power to pressure someone into sexual activity.

19. **Stalking** is a pattern of fixated, obsessive, and unwanted behaviours that is repeated, persistent, and intrusive, and causes the person affected to feel fear, distress, or concern for their safety. Stalking can be physical or psychological and may involve direct contact or indirect actions such as approaching others about the person. Stalking is a criminal offence under UK law. If you are experiencing any of these behaviours, you are encouraged to seek advice and support, even if you are unsure whether it meets a legal definition.

20. Stalking may occur in the context of sexual misconduct, relationship abuse, or harassment, and can include:

- Following someone in person or online
- Repeated unwanted messages, emails, or calls
- Monitoring someone's movements or activities
- Bullying or intimidation via social media
- Making unwanted visits or loitering near someone's home, workplace, or place of study

21. **Relationship abuse** refers to any incident or pattern of incidents of controlling, coercive, threatening, violent, or abusive behaviour between individuals who are, or have been, in an intimate or close personal relationship. This may include psychological, physical, sexual, financial, and/or emotional abuse.

Relationship abuse may involve:

- Attempts to isolate, intimidate, or control the other person, known as coercive control.
- Monitoring or restricting someone's movements, communications, or

access to support

- Threats, manipulation, or coercion
- Repeated belittling, gaslighting, or emotional harm
- Sexual misconduct, including coercion or assault within a relationship
- Stalking or harassment during or after the relationship has ended

22. This behaviour may occur in person or online, and may continue after the relationship has ended. It often involves a **power imbalance** and may escalate over time. Some forms of relationship abuse may constitute criminal offences under UK law.

23. **Complicity** is any act that knowingly helps, promotes or encourages any form of sexual violence by another individual.

24. **Retaliation** is any adverse actions against another person, including but not limited to, harassment, threats, intimidation, or coercion, made in response to someone disclosing or formal reporting any form of bullying, harassment or sexual misconduct.

25. **Spiking** is when someone puts alcohol and / or drugs into another person's drink or food, or otherwise into their body without their knowledge and / or consent.

26. Harassment, bullying and sexual misconduct might be a series of different behaviours, repeated forms of the same unwanted behaviour or a one-off incident.

27. Please **note** this list is not exhaustive. If you have experienced behaviour that made you feel uncomfortable, unsafe, or disrespected, even if it does not appear here, you are encouraged to seek advice and support.

## Consent

28. A clear understanding of consent is fundamental to respectful relationships. Cases of sexual misconduct often include a determination of whether consent was sought and gained before and during a sexual act. The School is committed to promoting an understanding of consent as part of the commitment to a culture of respect and dignity.

29. **Consent** is the explicit agreement by choice to a sexual act and having the *freedom* and *capacity* to make that choice. The person seeking consent should always take steps to ensure that consent is freely given, that it is informed and recognises that it can be withdrawn at any time. Consent cannot be assumed on the basis of a previous sexual act or encounter or previously given consent. Consent may be withdrawn at any time throughout a sexual encounter or act.

30. **Freedom to consent:** a person is free to make a choice if they understand that there will be no negative consequences for them if they said no. For example, a person may *not* feel free to make a choice if:

- 30.1. they are being threatened with violence
- 30.2. they are being threatened with humiliation
- 30.3. they believe that the continuation or assessment of their studies, or progression or advancement of their career, will be at risk if they refused
- 30.4. they are being intimidated or coerced
- 30.5. there is a significant power imbalance in the relationship between the persons, and the person with less power feels pressured into doing something against their will.

31. **Capacity to consent:** Capacity is about whether someone is physically and/or mentally able to make a choice and to understand the consequences of that choice. For example, a person does not have the capacity to give consent if:

- 31.1. they are drunk or under the influence of drugs.
- 31.2. they are asleep or unconscious
- 31.3. a person may also not have capacity to give consent if they have, for example, a cognitive or learning difficulty, a disability which impairs their speech, or are experiencing a mental health crisis.

32. **Gaining consent:** Obtaining consent is not simply a matter of hearing 'yes' or 'no', it includes body language, actions and reciprocity. If there is any doubt as to the level of your own or someone else's capacity, the safest approach is to not engage in the sexual act.

33. A misunderstanding of consent or a misjudgment can have traumatic consequences. It is important to be very clear and note:

- 33.1. Being intoxicated with alcohol or drugs is never a defense for committing an act of sexual misconduct, or for failing to obtain consent.
- 33.2. Consent needs to be sought and gained every time you initiate sexual acts and also during sex acts as you start to do different sexual acts.
- 33.3. Any prior sexual activity or relationship does not constitute consent – never assume that previous consent applies at any other time.
- 33.4. Consent may be withdrawn at any time, including during sexual acts.
- 33.5. Consent can never be implied, assumed or coerced.
- 33.6. Consent means a very clear, knowing, enthusiastic, conscious, freely offered agreement to sex or a sexual act.

## Reporting inappropriate behaviour

34. The person who makes a disclosure of an experience of bullying, harassment or sexual misconduct will be called the **reporting person** and the person who is alleged to have committed the misconduct will be called the **responding person**.
35. There are different ways a reporting person can disclose or formally report

inappropriate behaviour of students and staff:

**35.1. Disclosure via Report + Support or in person** to a member of staff. A

disclosure is when a reporting person informs the School that they have experienced some kind of bullying, harassment or sexual misconduct.

However, a disclosure does not constitute a formal report and **the School can take no action against the responding person without formal notification that the reporting person wishes for their disclosure to be treated as a formal report**. Reporting parties are encouraged to seek guidance from our Sexual Misconduct and Harassment Liaison Service, in Student Services, or from the Student Conduct, Appeals and Complaints Team, in Registry, on the difference between making a disclosure and a formal report to understand the options available to them. Members of staff may also seek advice from either team if they are concerned there is a risk to the individual or the wider community.

**35.2. A formal report** is a formal notification to the School (usually to the Student Conduct, Appeals and Complaints Team) that you would like for us to treat your disclosure formally and consider it for investigation via the relevant disciplinary procedure. Please see information below (Procedure diagram) on formal reporting and the process for investigations.

**35.3. Anonymous disclosure** by completing [the Make an anonymous disclosure form](#). An **anonymous disclosure** is a notification to the School that an incident had happened when the reporting person does not want the School to follow up. **We are unable to investigate anonymous disclosures but we can use them to gain a picture of incidents over time.**

36. Where a formal report is submitted through [Report & Support](#), a suitably trained member of staff, usually a trained SVLO (Sexual Violence Liaison Officer) will meet with the reporting person and explain the options available to them both externally (e.g. reporting to the Police) and internally (within the School). It will be up to the reporting person to make an informed choice about the way they would like the School to proceed within the School's powers and capacity.

37. If a student or member of staff makes a formal report of bullying, harassment or sexual misconduct where the responding person is a member of the public unrelated to the School, the School would usually advise the reporting person to report this to the Police. Although the School will not be able to take action against the member of the public, School support services (such as Student Services or Safeguarding – where it involves a student under 18 or an adult at risk) can still provide support internally or direct the reporting person to relevant support services externally.

38. Any allegation of sexual misconduct that has been reported to the Police cannot

be investigated by the School until Police and legal proceedings have concluded. The School will still seek to support the reporting person and the responding person and may implement temporary precautionary measures in doing so. The temporary precautionary measures available to the School are detailed in the [Student Code of Conduct and Disciplinary Procedure](#) or the [Student Complaints Procedure](#).

## Formal Reporting and Process for Investigations

39. Should a reporting person request that their disclosure is treated as a formal report, other School regulations and procedures will determine the process for how this is dealt with, including the investigation. Key reference documents include:
  - 39.1. [Student Code of Conduct and Disciplinary Procedure \(Regulation 5A\)](#)
  - 39.2. [Student Complaints Procedure \(Regulation 5D\)](#)
  - 39.3. Staff Disciplinary Procedure
40. In some cases of bullying, harassment or sexual misconduct, precautionary measures may be required to protect the integrity of the investigation and to safeguard the welfare of both the reporting person and responding person, as well as protecting others from potential harm, while having the minimal possible impact on the responding person. The types of precautionary actions the School may consider are listed under the [Student Code of Conduct and Disciplinary Procedure](#) (where the responding person is a student) or in the [Student Complaints Procedure](#) (where the responding person is a member of staff).
41. Precautionary measures will be decided following a risk assessment. This will usually be carried out by the relevant departments, such as the, Student Services, the Student Conduct, Appeals and Complaints team, Safeguarding, the Academic Department, HR, and/ or the Accommodation team. Any precautionary action is intended to be a precaution to ensure the wellbeing of all involved and is not a penalty or sanction, and nor does it indicate a decision on the part of the School as to whether breaches of the applicable code of conduct have occurred.
42. The procedure diagram below refers to an **Investigating Officer**. An **Investigating Officer** will normally be a member of School staff who has undertaken training to investigate bullying, harassment or sexual misconduct cases and is committed to ongoing training. External investigators may be appointed by the School.
43. **Procedure Diagram** – The procedure diagram outlines what may happen when a reporting person chooses to disclose an incident to the School, and if, following the disclosure, they choose to formally report for the School to take action.

## **Disclosure of an incident**

If contact details are known, the reporting person is advised on options available to them for support and how to formally report to the Police or the School. This will normally be done via the Sexual Misconduct and Harassment Liaison Service.

When a disclosure is made anonymously, members of staff in the School cannot follow up with the student directly.

If the reporting person decides they want to make a formal report to the School, they need to move to the next stage by notifying the School that they wish for their disclosure to be treated as a formal report.



## **Formal Report to the School**

If a formal report is received by the School, the following steps are expected to be followed:

- Risk assessment and possible precautionary and support measures are implemented
- Referral to appropriate procedure depending on reporting and responding persons' position within the School (the Student Code of Conduct and disciplinary procedure when the responding person is a student; the Student Complaints Policy and the Staff Disciplinary Procedure when the responding person is a member of staff)
- Investigating Officer appointed



## **Investigation Meetings within 28 days of formal report**

Reporting person meets with the Investigating Officer (they can bring a supporting person)

Responding person meets with the Investigating Officer (they can bring a supporting person)

Reporting person provides evidence and any witnesses

Responding person provides any evidence and any witnesses

If applicable, relevant witnesses are interviewed by the Investigating Officer



### **Investigation report & recommendations**

At the end of their investigation, the Investigating Officer will produce an investigation report with a number of recommendations

Relevant members of staff in the School (this will differ depending on the procedure used) will review the recommendations.

Based on the report and the recommendations, a decision will be made whether:

1. The formal proceedings are concluded and if applicable, outcomes are issued at this stage.
2. If outcomes cannot be issued at this stage, the findings of the investigation report are referred to a Disciplinary Panel for a formal hearing.



### **Disciplinary Panel**

Where a recommendation is made that the case should proceed to a disciplinary panel, the responding person is called to a disciplinary panel hearing.

Reporting person acts as a witness and will provide a witness statement to the panel (the format of this may depend, but steps will be taken to safeguard the interaction with the responding person)



### **Panel hearing outcome**

Responding person receives the outcome of the panel hearing

The reporting person may be informed of details of the outcome directly relevant to them (following a Data Protection Assessment)



### **Appeal of the Disciplinary Panel hearing**

The responding person can appeal the outcome of the disciplinary panel hearing

The reporting person cannot appeal the outcome of the disciplinary panel hearing but can complain to the School about how it handled their case following the relevant complaints procedure.



### **Completion of Procedures Letter and referral to the OIA**

Where one of the parties is a student and they complete the School's internal procedures, either through submission of an appeal (as the responding person) or a complaint (as the reporting person) they will receive a Completion of Procedures letter and be referred to the Office of the Independent Adjudicator (OIA).

## **Confidentiality and Data Sharing**

**44. Providing the reporting person with a resolution to their formal report -**  
The School is bound by the requirements of the General Data Protection

Regulation (GDPR) and its duty of care to all students and staff. The School will therefore not normally share the full details of the outcome of an investigation with the reporting person. The School does, however, acknowledge the need for the reporting person to feel that their report has been heard and appropriately dealt with, and we will inform the reporting person when a resolution has been reached regarding their report. Further details of the outcome may be provided if relevant to the reporting person (please see paragraph 48).

45. The reporting person will be notified in writing by the relevant member of staff of the resolution to their report (such as the Investigating Officer or the Chair of the Disciplinary Panel.)
46. The School acknowledges the challenges of reporting bullying, harassment or sexual misconduct cases and sensitivity surrounding the information that may be disclosed. We encourage all forms of reporting and will do all we can to keep details confidential, in line with the City of London's Data Protection Policy.
47. Confidentiality will be maintained as far as is possible, except in circumstances where there is considered to be a significant risk of harm to one or more individuals if sensitive information were not appropriately shared. If a member of staff feels that there is significant risk of harm, a risk assessment will be made through the relevant departments. Agreement of relevant parties will be gained where possible.
48. The School may at times be required to provide information relating to a report or investigation to the Police as part of a Police investigation or criminal proceedings, and staff or students at the School may also be required to provide evidence as a witness in these proceedings. To enable this, staff should keep accurate and appropriate records in relation to investigations and should ensure the security of any records kept.
49. When the School has reached an outcome for a case of bullying, harassment or sexual misconduct and all stages of the procedure have been completed, the reporting person may be informed of the nature of the outcomes so that they are reassured that the case has been completed and they can focus on their recovery and wellbeing.

## **Responsibility for Policy**

50. Guildhall School recognises its responsibility to ensure the safety of all persons involved in cases. We will ensure that we are mindful of the rights and welfare of all involved throughout the investigation process and ensure that both parties have the right to a fair hearing and are well-supported throughout.

51. The role of the School is to undertake an investigation into an alleged breach of the relevant student or staff codes of conduct and this policy, and not to attempt to be a substitute for a Police investigation or criminal proceedings. The Investigating Officer(s) and/ or the Disciplinary Panels, on behalf of the School, will undertake an assessment of the available evidence in order to determine whether, on the balance of probabilities, misconduct which would be considered a breach of the relevant codes of conduct occurred or not.
52. The Director of Student & Academic Services is responsible for the application of the procedures associated with this Policy.
53. The Head of Student Services alongside the Sexual Violence Prevention & Response Manager are responsible for risk assessments and support for students.
54. The day-to-day management of the Student Bullying, Harassment and Sexual Misconduct Policy will be overseen by the Student Violence Prevention & Response Manager in Student Services and the Student Conduct, Appeals & Complaints Team within the Registry office.
55. The Head of HR has key responsibilities for the application of the procedure for managing disclosures or reports involving allegations of staff bullying, harassment, sexual violence and misconduct.
56. The HR team is responsible for providing support to members of staff who may be subject to allegations under this policy.

## **Support**

57. Reporting persons will be offered support from a range of School staff and services. They will be able to make their own choices about the support they feel is best for them at the time or in the future within the resources available.
58. In the first instance a reporting person will be supported by the Sexual Misconduct & Harassment Liaison Service, who can offer specialised support; risk assess with them and/ or signpost them to internal/ external support. Further detail about available support can be found on [the School's website](#) and on [the Report + Support portal](#). We recognise the challenges of reporting and will do everything we can to support the reporting person throughout the process.
59. Support will be focused on how the reporting person feels and their recovery. Any further steps to make a formal report internally or externally can also be explored. The School will also signpost or refer students to internal or specialist external support services where appropriate, such as one the following:
  - a. The Police

- b. Rape Crisis England & Wales
- c. Survivors UK
- d. A Sexual Assault Referral Centre (SARC)
- e. Student Services
- f. Safeguarding

60. Where a formal report is received and a formal investigation is started, the responding person will be offered support from a range of relevant staff or student services, depending on their role in the School.

61. Where the responding person is a current student, the School will ensure that they are supported by a separate member of staff from the member of staff supporting the reporting student.

## Appendix 1: Further guidance

Definition and sector guidance:

- [Office for Students Condition E6 – Harassment and Sexual Misconduct](#)
- [Universities told to set out policies to tackle harassment \(pinsentmasons.com\)](#)
- [Guidance for higher education institutions: how to handle alleged student misconduct \(universitiesuk.ac.uk\)](#)
- [Higher Education After #metoo](#) (The 1752 research group)

Further guidance can be found in on [the Preventing & Responding to Harassment and Sexual Misconduct webpage](#) and on the [Report + Support](#) site.

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