

LFA Procedure 3.5

Sexual Misconduct

This procedure should be read in conjunction with the [LFA Procedure 6.5 - Student disciplinary](#) and [LFA Procedure 6.6 - Complaints](#)

1. Introduction

London Film Academy (LFA) is committed to providing an environment in which all members of our community feel safe and are respected, and to preventing and eliminating all forms of sexual misconduct, including; sexual harassment, sexual violence and sexual abuse.

We recognise the significant negative effects that experiencing sexual misconduct can have upon individuals and we will support them, as well as supporting other members of the LFA community who have been affected by the experience.

We will provide a supportive and confidential environment where individuals feel confident and empowered to disclose, will be listened to and understand the options available to them.

We will support everyone in our community to challenge inappropriate behaviour where it is safe for them to do so.

This procedure outlines how we will:

- provide an environment in which all members of our community feel safe and are respected
- set out our expectations around the unacceptability of sexual misconduct
- support students who have experienced any form of sexual misconduct
- respond to disclosed incidents which breach this policy.

2. Definitions

Sexual misconduct covers a broad range of inappropriate and unwanted behaviours of a sexual nature. It covers all forms of sexual violence, including but not limited to; sex without consent, sexual abuse (including online and image-based abuse), non-consensual sexual touching, sexual harassment (unwanted behaviour of a sexual nature which violates your dignity; makes you feel intimidated, degraded or humiliated or creates a hostile or offensive environment), stalking, abusive or degrading remarks of a sexual nature.

Please refer to Appendix 1 for a full list of definitions used in this policy.

3. Scope

This procedure covers all students of the LFA including, but not limited to, students with visiting student status, distance learners and those undertaking apprenticeships.

It applies to sexual misconduct which occurs when the reported party is a registered student and meets any of the following criteria:

- occurs on LFA property and/or land
- occurs away from LFA property
- occurs whilst a student is engaged in any LFA or Union of Students related activity (including placements and trips)



- occurs via electronic means including, but not limited to: internet, email, social media sites, chat rooms, text messages and instant messaging
- results in a legal or police investigation, charge or conviction of an offence
- raises questions about the professional suitability of students registered on either a course governed by professional regulations, or a course with a placement element
- poses a risk to LFA or members of its community and/or reputational damage.

LFA Procedure 3.2 - Safeguarding and Prevent will apply if the reporting person is under 18 or a vulnerable adult.

The LFA reserves the right to re-direct formal complaints into alternative procedures, as it deems appropriate.

4. Commitment

We will treat all members of our LFA community with dignity and respect at all times, and it is expected that all members of our community will share in this responsibility for creating and sustaining an environment which upholds the dignity of all.

We are committed to equality and diversity within our community and will work to sustain an equal and safe environment in which a culture of prevention of sexual misconduct will be promoted through appropriate and consistently applied education and training.

We will actively respond to all reports of sexual misconduct and, whilst recognising that some experiences may constitute a criminal offence, we will ensure that, in all cases, reports are carefully and thoughtfully addressed by relevant trained staff members through a process that is transparent and clearly communicated to the individuals involved.

We will support anyone in our student community who is subject to any form of sexual misconduct.

We will ensure that both the reporting party and the reported party are listened to and responded to in a safe, supportive, trusting environment.

We will prioritise the safety and wellbeing of the reporting party, whilst ensuring the dignity of all those involved in any investigations or disciplinary proceedings.

We will make clear how to disclose sexual misconduct, the options available and the support that can be provided. We will respect the right of the individual disclosing an experience to choose how to take forward a disclosure, including the decision not to make a formal complaint.

We will make available a trained Safeguarding Lead to provide support for anyone impacted by sexual misconduct. We will collaborate with external agencies to work in the best interest of those impacted.

All LFA staff will have been informed of the policy and will be trained as appropriate to their roles. We will ensure that all staff are informed of how to receive and signpost a disclosure of sexual misconduct in a sensitive way.

Formal complaints will be investigated by trained investigators or external agencies, contracted to conduct the investigation on behalf of the LFA.

All reports considered under the accompanying procedures will be assessed on the balance of probabilities in line with the disciplinary procedure.

All staff involved in the process will act with impartiality and discretion at all times.

We will learn from our experiences and regularly review this policy, informed by data trends and with input from independent external experts to ensure it remains relevant.



5. Process of Disclosure

A disclosure involves an individual, the Disclosing Party, choosing to tell someone about their experience of sexual misconduct. A disclosure is **not** a formal complaint.

The LFA recognises that the Disclosing Party may require time and reflection before making a decision on how to progress. The Disclosing Party will be given the option and support to do one or more of the following:

- Report to the police
- Make a formal complaint to the LFA, via the [LFA Complaints Procedure](#)
- Make no formal complaint of the incident
- Receive advice on the support that is available

The Disclosing Party can talk to the Safeguarding Lead (safeguarding@londonfilmacademy.com) or someone they trust, such as their Personal Tutor. This person will be able to talk them through their options and help them decide what to do next.

Keep a record of any incidences of sexual misconduct, including dates, times and any evidence (like texts, screen shots, emails or messages). The Disclosing Party might need to use this if they want to report their concerns.

6. Third-party or witness disclosures

Where the person disclosing is a third party who has not experienced the sexual misconduct, such as a person who has witnessed misconduct taking place or been informed of misconduct, the LFA will respect the right of the individual who experienced the incident to choose how to take forward a disclosure. A third-party disclosure will only become a report if the individual who experienced the incident wants action to be taken as part of the disclosure.

There may be certain circumstances where LFA is required to take appropriate action to prevent potential harm to individuals or LFA, based on a risk assessment, which may include acting on information despite or without knowledge of the wishes of the individual(s) who experienced the incident. The Safeguarding Lead will act as the decision-maker as to whether to escalate a disclosure to a formal complaint, or a formal complaint to an investigation. The LFA will record if there is a decision from the Disclosing Party to withdraw their disclosure or a witness's disclosure.

7. Reporting process

Reporting is the sharing of information, by a Reporting Party or Reporting Third Party, regarding an incident of sexual misconduct for the purposes of potentially initiating an investigation. While a disclosure can be anonymous, reporting cannot be anonymous. The Reporting Party must complete a complaint [form](#) or email complainants@londonfilmacademy.com with details of incident, any witness information and their desired outcome.

Formal investigations are received and reviewed by the Head of Academic Governance (HoAG) and will involve interviewing the Reporting Party and others directly involved including the Responding Party. Interview notices will be made in writing in advance. Students are entitled to bring someone with them to any meetings held to discuss the complaint. This person, referred to as a 'friend', should be a member of LFA (e.g. a fellow student or course deliverer) and/or a parent/guardian (if the student is under 18 years old).



Following investigation, a full response should normally be expected within 20 working days from the receipt of the complaint form. Where this is not the case the student should be informed of an alternative timescale. Any recommended remedies will be implemented by the department concerned as soon as possible, and written confirmation of action taken will be sent to the Head of Courses. LFA will need to keep records of complaints and their investigation and will monitor the information relating to complaints to allow LFA to improve its services. Complaints will be logged and monitored. The complaint record will be separate from the student academic record.

8. Appeal

If, at the end of the process, the student is still unhappy with LFA's actions, they may appeal in writing to the Academic Board or their nominated representative by email (appeals@londonfilmacademy.com). The student should expect to receive an outcome within 20 working days of the complaint being reviewed. If resolution of a complaint has failed internally, BA and MA students ONLY may submit a formal complaint to the University of Derby. For full details, please refer to the University of Derby's Complaints Procedure.

At the end of this process a Completion of Procedures (COP) Letter is issued to the student. This letter lets the student know they have reached the end of the LFA or UoD's internal process and there is no further avenue for the student internally.

9. Confidentiality

In recognition of the sensitive nature of sexual misconduct, privacy will be maintained, wherever possible, throughout the disclosure, reporting and investigative processes.

Throughout all proceedings, the LFA will act in compliance with the General Data Protection Regulation (GDPR) and Data Protection Act 2018.

The LFA will only share information internally and may share with the relevant validating partner, or externally to the LFA with the reporting party's express permission or in exceptional circumstances to;

- safeguard members of the LFA and validating partner community and fulfil the LFA's duty of care
- discharge the LFA's duties or as required by law.

Any disclosure of information will be restricted to relevant information and conveyed only to those entitled to it for justifiable reasons.

The LFA will retain anonymised data to understand patterns of behaviour and to inform future support services, policy and procedures.



10. Support Available

There is a range of support services and resources available to LFA community members:

- LFA Safeguarding Lead - safeguarding@londonfilmacademy.com
- Togetherall - a safe, online community where people support each other anonymously to improve mental health and wellbeing <https://togetherall.com/en-gb/>
- Office For Students offer information on a number of organisations and charities that may be able to support <https://www.officeforstudents.org.uk/for-students/student-rights-and-welfare/harassment-hate-and-sexual-misconduct/>
- Support for victims of rape and sexual assault <https://www.met.police.uk/advice/advice-and-information/rsa/rape-and-sexual-assault/support-for-victims-of-rape-and-sexual-assault>
- LGBTQ+ London-based support organisations <https://www.chelwest.nhs.uk/about-us/organisation/our-way-of-working/equality-diversity/lgbt-support-organisations>

There is also wide range of support services and resources available to University of Derby Community members:

- Report & Support – available on UDo · Student Wellbeing: 01332 593000 or studentwellbeing@derby.ac.uk
- UoD Sexual Misconduct Liaison Officers: 01332 593000
- Union of Students Advice Service: 01332 591507 or advice@derbyunion.co.uk



Appendix 1 - Sexual Misconduct Definitions

1. Sexual Misconduct

As defined by the Officer for Students; sexual misconduct relates to all unwanted conduct of a sexual nature, including, but not limited to:

- a. Sexual harassment (as defined by Section 26 (2) of the *Equality Act 2010*)
- b. Unwanted conduct which creates an intimidating, hostile, degrading, humiliating or offensive environment (as defined by the *Equality Act 2010*)
- c. Assault (as defined by the *Sexual Offences Act 2003*)
- d. Rape (as defined by the *Sexual Offences Act 2003*)
- e. Physical unwanted sexual advances (as set out by the *Equality and Human Rights Commission: Sexual harassment and the law, 2017*)¹³
- f. Intimidation, or promising resources or benefits in return for sexual favours (as set out by the *Equality and Human Rights Commission: Sexual harassment and the law, 2017*)¹⁵
- g. Distributing private and personal explicit images or video footage of an individual without their consent (as defined by the *Criminal Justice and Courts Act 2015*).

2. Consent

Consent is the agreement to participate in a sexual act where the individual has both the freedom and capacity to make that decision. Consent cannot be assumed on the basis of a previous sexual experience or previously given consent, and consent may be withdrawn at any time.

Freedom to consent: for consent to be present, the individual has to freely and consciously engage in a sexual act. Consent is not present when submission by an unwilling participant results from the exploitation of power, or coercion or force or lacks mental capacity to consent regardless of whether there is verbal or physical resistance.

Coercion or force includes an act or a pattern of acts of assault, threats, humiliation and intimidation or other abuse that is used to harm, punish, or frighten, that place an individual in fear of immediate or future harm, with the result that the individual feels 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. Incapacitation may occur when an individual is asleep, unconscious, or any other state of unawareness that a sexual act may be occurring. Incapacitation may also occur on account of an impairment of or a disturbance in the functioning of, the mind or brain (whether permanent or temporary), or as the result of alcohol or substance use.

Intoxication is never a defence for committing an act of sexual misconduct, or for failing to obtain consent.

If there is any doubt as to the level or extent of one's own or the other individual's incapacitation, do not engage in a sexual act.

3. Disclosure

Disclosure means that an individual tells a member of the LFA or validating partner community, including the Union of Student or Student Council, that they have or experienced Sexual Misconduct (this is different from a formal complaint).



4. Formal Sexual Misconduct Complaint

Submitting a formal complaint to the LFA regarding an individual's experience of sexual misconduct is an instruction for the LFA to take appropriate action. The complaint will allow the LFA to investigate the misconduct as set out in this policy and the accompanying processes.

Right to withdraw formal complaint: following submission of a formal complaint, the reporting student has the right to withdraw their complaint at any stage in the procedure. However, the LFA may have a duty to continue investigations and reserves the right to re-direct the complaint into the appropriate LFA or validating partner policies; such as (but not limited to); Safeguarding and the Student Disciplinary Procedure.

5. Safeguarding Officer

The LFA Safeguarding Officer provides pro-active support and advice service to any students who have experienced sexual misconduct.

6. Reporting Party

The Reporting party is the person(s) who has made a formal complaint regarding an experience of sexual misconduct.

7. Responding Party

Responding party is the person(s) named in a formal complaint who is alleged to have committed an act of sexual misconduct.

8. Reporting Third Party

The Reporting Third Party is the person(s) who has made a formal complaint regarding an experience of sexual misconduct not relating to themselves.

9. Vexatious Reporting

Vexatious reporting involves the creation of multiple or a pattern of unwarranted reports made under the Sexual Misconduct Policy. And/or failure to accept any reasonable decisions, by any party, arising from the application of the accompanying procedures to this policy.

10. Malicious Reporting

Malicious reporting occurs when an individual shares allegations of sexual misconduct they know to lack a basis in fact.

