

Birmingham City University

Student Gender-Based Violence Policy

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1. Introduction

- 1.1 We believe that students have the right to enjoy their experience at the University without encountering gender-based violence ('GBV'), abuse or harassment. We will not tolerate GBV in any form. All members of the University community are expected to conduct themselves in a manner that does not infringe upon the rights of others.
- 1.2 This Policy is intended to increase the safety and emotional wellbeing of all our students, wherever they may be studying; to raise awareness and understanding of GBV, encouraging members of the University community to recognise and report instances of GBV; and to prevent instances of GBV across our University community.
- 1.3 Support is available to all students irrespective of any protected characteristics and / or personal circumstances.
- 1.4 The University is a pilot institution for the [EmilyTest GBV Charter](#) in England and we are committed to working in line with the Charter's minimum

standards, and to going above and beyond those standards to meet the Charter's Excellence tier in how we approach GBV and associated issues.

2. Scope

- 2.1 The Student Gender-Based Violence Policy sets out the University's position in respect of GBV, and provides details of support available to those who encounter GBV; and explains what other policies and / or procedures may be relied upon in responding to disclosures of GBV.
- 2.2 This Policy applies to all registered students of the University, including those studying at partner institutions under franchise or validation arrangements in the UK and overseas.
- 2.3 The Policy applies to incidents of GBV irrespective of where they occur and whether or not they involve other members of the University community. Students are able to access support for historic incidents occurring prior to their enrolment; incidents involving third parties (e.g. non-student partners, family members, or members of the public); and incidents that occur away from University premises (e.g. in a placement setting; during study abroad; in public spaces).
- 2.4 The Policy is intended to incorporate all forms of GBV, including those not specifically named within this document.
- 2.5 This procedure should be read in conjunction with following documents:
 - [University Community Agreement](#)
 - [Student Bullying and Harassment Policy](#)
 - [Safeguarding Policy](#)
 - [Definitions of Harmful Behaviours and Related Issues](#)
 - [Student Disciplinary Procedure](#)
 - [Student Complaints Procedure](#)
 - [Policy on Relationships between Employees and Students](#)
 - [Code of Practice on Freedom of Speech](#)
- 2.6 This Policy does not apply to members of University staff, except insofar as it is intended to help staff understand, report, and respond to instances of GBV. Any staff member who experiences GBV is encouraged to report the incident via [Report and Support](#) and / or seek support from a Strategic People Partner within People and Culture. Staff may also wish to access external support services: many of the services listed at section 9 are not limited to students only.

2.7 GBV is illegal and the following pieces of legislation and regulatory rules are relevant to how GBV is governed by law and regulation:

- [Office for Students E6 regulations on harassment and sexual misconduct](#)
- [Human Rights Act 1998](#)
- [Equality Act 2010](#)
- [Worker Protection \(Amendment of Equality Act 2010\) Act 2023](#)
- [Higher Education \(Freedom of Speech\) Act 2023](#)
- [Domestic Violence Disclosure Scheme \(2023\)](#); also known as Clare's Law

2.8 A comprehensive list of legislation and guidance applicable to safeguarding (including issues relating to GBV) can be accessed at Appendix A of the University's [Safeguarding Policy](#).

3. What is GBV?

3.1 GBV is violence and / or abuse directed against a person because of that person's gender or violence that affects persons of a particular gender disproportionately.¹

3.2 We recognise that GBV can occur in all relationships and situations regardless of age, disability, economic status, ethnicity, faith, gender, gender reassignment, marital status and sexual orientation. Everyone can experience GBV.

3.3 We also recognise that GBV is statistically most frequently perpetrated by men against women and children and against gender and sexual minorities. Many forms of GBV derive from gender inequality and the different power relations based on gender and sexuality. Acknowledging this does not mean that women and gender and sexual minorities cannot be perpetrators of GBV or that men cannot experience GBV.

3.4 Where GBV constitutes acts of violence or abuse that disproportionately affect women and girls, it is also often known as 'violence against women and girls' ('VAWG'). Within this Policy, VAWG falls within the broader term of GBV.

3.5 In addition, we recognise that GBV is also more statistically prevalent in some intersectional groups. For example, we acknowledge the existence of misogynoir, which the University defines as the anti-Black racist misogyny that Black women face as a result of their simultaneous and interlocking

¹ [What is gender-based violence? - European Commission](#)

experience of oppression at the intersection of racial and gender marginalisation.

4. What is consent?

- 4.1 Consent is the free and willing agreement to participate in something. Within the context of GBV, consent is most relevant to sexual activity.
- 4.2 To be genuine, consent must be freely given. This means consent cannot be given if:
- A person is coerced or pressured into doing something they don't really want to do; or
 - A person doesn't have capacity to agree to do something. A person might not have capacity if:
 - They are drunk or have been taking drugs
 - They are asleep or unconscious
 - They are under 16, the legal age of consent in the UK
- 4.3 Consent can be withdrawn at any time and can be limited i.e. an individual might consent to a specific type of sexual activity but not to another. Engaging in an activity does not by itself constitute consent.

5. Examples of GBV

- 5.1 The following list provides examples of types of GBV. The list is not intended to be exhaustive, and where a type of GBV does not appear in the list it does not preclude that type of GBV from being covered by this Policy.
- 5.2 While some of the examples given are more common than others in both society and in our University community, there is no form of limitation placed on what types of GBV can be reported to the University.
- **Violence between those in an intimate relationship** (including romantic relationships, dating and casual relationships, or domestic relationships such as marriage, co-habitation, or family settings). Intimate relationship violence is a pattern of abusive behaviour used by one partner to gain or maintain power and control over another intimate partner. This type of violence can be physical, emotional, economic, sexual, psychological or threats of actions that influence another person. The further examples listed below can all occur within intimate relationships and / or familial settings.

- **Bullying:** offensive, intimidating, malicious or insulting behaviour; an abuse or misuse of power to undermine, humiliate, denigrate or injure the recipient e.g. purposely using the wrong pronouns.
- **Coercive control:** controlling behaviour designed to make a person dependent by isolating them from support, exploiting them, depriving them of independence and regulating their everyday behaviour e.g. monitoring a person's movements via their mobile phone, confiscating an individual's electronic devices, maintaining control over an individual's finances.
- **Commercial sexual exploitation,** including prostitution, lap dancing, stripping, pornography and trafficking.
- **Discrimination** on the basis of actual or perceived gender and / or actual or perceived sexuality e.g. exclusion from activities such as group work or team sports.
- **Female Genital Mutilation (FGM):** a procedure where the female genitals are deliberately cut, injured or changed, but where there is no medical reason for this to be done. It is also known as 'female circumcision' or 'cutting' and by other terms such as sunna, gudniin, halalays, tahur, megrez and khitan. FGM is considered GBV whether it is a recent procedure or one experienced historically, such as during childhood.
- **Forced marriage:** when a person faces physical, emotional, or psychological pressure to marry e.g. a person may be told they will be physically harmed or will bring shame on their family if they do not marry.
- **Intimidation:** implied threats or acts that cause a reasonable fear of harm in another e.g. threats to 'out' a person's sexuality or reveal other intimate details about them, threats of sexual assault
- **Sexual assault,** whether actual or threatened e.g. unwanted pinching, embracing, kissing or touching of intimate body parts; non-consensual activity during sex, such as non-fatal strangulation; rape.
- **Sexual harassment,** including unwelcome sexual advances and unwelcome sexual or gender-based communication e.g. being told rape jokes, being sent unsolicited explicit photos or videos, being asked intimate questions.
- **So-called 'honour-based' abuse / violence.** This involves physical, emotional, psychological, financial, and sexual abuse, committed by people who want to defend the reputation of their family or community.

- **Stalking:** a pattern of repeated and unwanted attention, contact, or any other conduct directed at a specific person that would cause a reasonable person to feel fear for their safety or the safety of others e.g. unwanted gifts, text messages or messages through social media.
- 5.3 The University has a [Code of Practice on Freedom of Speech](#) and supports the expression and exchange of lawful views.

6. Reporting GBV

- 6.1 We recognise that students may choose to disclose GBV to whomever they feel most comfortable approaching: this might be, for example, a Personal Tutor, a lecturer, or a member of the Students' Union. We do not place any limitation on who students can report to, as we understand that making a disclosure to anyone can be difficult and takes courage.
- 6.2 However, the University uses a central reporting system, [Report and Support](#), to capture reports of unacceptable behaviours and safeguarding concerns; and we encourage any student experiencing GBV to report the incident through Report and Support. This is the quickest way to access internal specialist support, as Report and Support reports will be responded to by the University's Mental Health and Wellbeing team. It also helps us to monitor and report on GBV at the University, for example by understanding the volume of reports we receive and when they typically occur.
- 6.3 An instance of GBV can be reported irrespective of whether it took place on University campus or involves anyone else connected to the University. For example, GBV occurring in accommodation settings or online (e.g. via social media, on dating apps) can be reported. Students can also report and access support in respect of historic events, including any taking place before a student's enrolment at the University. Reports can also be made anonymously: see further detail at section 7.3.
- 6.4 Staff receiving disclosures from students of GBV should report the incident through Report and Support, unless they are aware that the report has already been logged by another party. This ensures that reports are not duplicated and double-counted within statistics. We prefer students to log reports of their own experiences wherever they are able to do so, so that reports directly capture the words of the reporting student.
- 6.5 Report and Support is not an emergency response system and is monitored between 9am and 5pm, Monday – Friday (excluding Bank Holidays and

University closures). Reports of GBV will usually be responded to within one working day. In any situation where there is immediate risk of harm or to life, reporters should call 999.

7. Responding to disclosures of GBV

- 7.1 Where a report from or about a student is received via Report and Support, it will be subject to initial review by the Mental Health and Wellbeing team ('MHWB') and the student will be contacted and offered appropriate support, usually within one working day. Full details of the process are set out in the University's [Safeguarding Policy](#). Reports are usually responded to on the same working day or on the next working day after receipt, depending on the time the report is made.
- 7.2 Support offered by MHWB will include providing details of internal support available; signposting to external support services, and facilitating contact with those services where appropriate; and initial guidance on further options available to students e.g. advice on making a report to the police. MHWB staff undertake relevant training to be able to support students who have experienced GBV.
- 7.3 We may be limited in what formal action we can take where a report is made anonymously, because we will be limited in our ability to contact the reporter and seek further information and / or offer support. We may still be able to take steps to prevent further incidents or ensure concerns are addressed e.g. through targeted communications. In exceptional circumstances, we may take formal action irrespective of a report being anonymous e.g. if the report raises concerns for the welfare of a child or indicates that there is an immediate risk of harm posed to the University community or wider public. Anonymous reporters can still access support information provided [on iCity](#), detailing support available from the University and external agencies.
- 7.4 Where potential misconduct by the reporting party is disclosed, either as part of their own report or during the course of a disciplinary investigation, action the University takes in response will take into account the full circumstances of the case. There may be occasions when it is considered necessary to take disciplinary action against the reporting party, but such action will not be triggered automatically and, as noted, all decisions will be informed by the full circumstances of the case. For example, if a student disclosed that they were sexually assaulted at a time when they were under the influence of an illegal substance, we would offer support and would not pursue disciplinary action associated with drug use. For students on courses that are subject to

professional and / or regulatory standards, any action taken by the University (e.g. opening a fitness to practise investigation) would likewise be made in the full circumstances of the case.

- 7.5 Where a report of GBV is made and the perpetrator is reported as being another student of the University, any action the University takes will usually be led by the reporting student. If the reporting student wishes the University to take formal action, such action would be governed by the Student Disciplinary Procedure. Formal action under the Student Disciplinary Procedure involves the conduct of a formal investigation: full details are included within that Procedure (see section 2.4 above).
- 7.6 If the reporting party wants to report behaviour to the police, or is considering reporting the behaviour to the police, MHWB can offer support to the student on making a police report. We will be led by the reporting student in respect of whether any report is made to the police, and will offer support to any student making a police report. However, support can be accessed irrespective of whether a police report has been made or is being considered.
- 7.7 Reporting students should be aware that, in exceptional circumstances, the University may directly seek involvement from the police, even if doing so is against the wishes of the reporting student. The University would only take this step in exceptional circumstances, where there is a significant risk of harm to the University community or wider public.
- 7.8 If the reported behaviour may constitute a criminal offence and a police report has been made, the University will typically delay any action to avoid potential interference with a police investigation. We may take precautionary measures towards the reported student and / or the reporting student if it will not jeopardise the police investigation and is considered appropriate by way of managing risk e.g. we may suspend the reported student from part or all of University premises, pending the outcome of the police investigation and / or any consequent investigation the University conducts under the [Student Disciplinary Procedure](#). Precautionary suspensions are governed by the [Student Suspension Guidance](#).
- 7.9 Any student who is the subject of a report of GBV will also be offered support from MHWB. Where multiple parties access support from MHWB, they will be assigned separate advisers and we will put in place an 'ethical wall' to ensure there is no conflict in the service providing support to multiple parties.
- 7.10 All students will be able to access support from MHWB on an ongoing basis, unless any student leaves the University or decides to take a break in their studies (in which case the student will be given information on how to access

relevant external services and will be supported again on their return to study). Should any student require additional support, e.g. in applying to the Financial Assistance Fund or seeking academic adjustments, we will explain how to access that support.

- 7.11 Where a student reports GBV by a staff member towards a student, any investigation will usually be governed by processes overseen by People and Culture. Again, we may delay investigation of a report where there is an existing or potential police investigation, and we may take precautionary measures to manage risk while any investigation is ongoing.
- 7.12 We will not disclose sensitive personal information through our disciplinary process. For example, we will not include details of a student's gender identity or sexual identity within a disciplinary investigation report or other procedural documentation, unless with explicit consent or where there is a lawful basis; and we will not refer to a student engaging in sex work within a disciplinary process, where a student has revealed that information through a disclosure or during the course of an investigation. Staff with involvement in such processes will receive training on ensuring that sensitive personal information is not disclosed, and we will use our procedural approval processes to check that information of this kind is removed from relevant documents.
- 7.13 We do not make use of non-disclosure agreements in cases involving students. By 'non-disclosure agreements' we mean all agreements that seek to prevent students from disclosing information about their experiences to a third party. Agreements of this kind are banned by the Office for Students where they relate to allegations about harassment or sexual misconduct, but we apply the same position to all harmful behaviours (including all forms of GBV) on the basis that agreements of this kind can prevent students from speaking about their experiences.
- 7.14 Full details of how we approach reports of student-on-student unacceptable behaviours are set out in the [Student Disciplinary Procedure](#). Details of how we approach staff-on-student unacceptable behaviours are set out in the [Student Complaints Procedure](#).

8. Training

- 8.1 Students can access a training module called 'Consent and Healthy Relationships' through Moodle. The module includes content on GBV.
- 8.2 Staff can access training relevant to GBV through ERP, including:

- Introduction to Safeguarding
- Understanding and Tackling Gender Bias
- Domestic Abuse: Supporting Employees in the Workplace
- Understand and Confronting Sexual Harassment at Work
- Trans and Non-Binary Awareness
- Sexual Misconduct at Universities

8.3 All staff undertake mandatory training on safeguarding and responding to disclosures of sexual misconduct. Frontline staff providing specialist support to students (i.e. staff in MHWB) also undertake regular additional training in relation to GBV and associated issues. The MHWB team currently includes two members trained as Independent Domestic Violence Advisers, one of whom is also trained as an Independent Sexual Violence Adviser.

8.4 Where the University undertakes investigations into allegations of student-on-student GBV, we will use staff who have undertaken specialist investigator training wherever possible. There may be occasions when we use external investigators if this is deemed necessary and / or appropriate: examples might include cases where multiple reports from different parties identify a single student as having acted in a way that would constitute GBV; or cases where there is valid reason to believe that a reasonable perception of bias would exist if an internal investigator were used.

9. Sources of support

Internal

9.1 The following sources of support are available to students from the University and Students' Union:

- [Mental Health and Wellbeing](#): wellbeing, mental health, and counselling support, including support in accessing external specialist agencies.
- [Money, Housing and Childcare Advice](#): support and additional resources for any student experiencing financial hardship or seeking guidance on matters relating to budgeting, funding and / or childcare.
- [Student Governance](#): information regarding the disciplinary and complaints processes.
- [BCU Students' Union Advice Centre](#): independent advice on navigating and understanding University procedures.

External

9.2 The following sources of support are available to students and staff unless stated otherwise:

- [Safer Students](#): liaison officers with West Midlands Police who can offer advice or take formal reports. The officers are student-focused but will support staff wishing to make a report of GBV.
- [Rape and Sexual Violence Project](#): confidential advice and support for anyone living in Birmingham and Solihull.
- [Horizon Sexual Assault Referral Service](#): free, confidential healthcare and compassionate support in Birmingham, Coventry and Wolverhampton to adults (18 years and older) and young people aged 16 and 17 (if clinically appropriate) who have experienced sexual assault, including rape.
- [Birmingham and Solihull Women's Aid](#): supporting women and children affected by domestic violence and abuse.
- [Black Country Women's Aid](#): supporting survivors of domestic abuse and sexual violence.
- [Refuge](#): advice and support on domestic abuse.
- [Galop](#): support for LGBT+ people who have experienced abuse and violence.
- [National Centre for Domestic Violence](#): free emergency injunction service for cases of domestic abuse.
- [Karma Nirvana](#): specialist honour-based abuse charity.
- [Roshni](#): support and advice for Black and Minoritised communities affected by domestic abuse, including forced marriage and so-called 'honour-based' abuse.
- [Victim Support](#): guidance and support for victims of crime.

10. Monitoring and overview

- 10.1 The University has a GBV Working Group which monitors and reviews data associated with reports of GBV received via Report and Support. The GBV Working Group reports to meetings of the Student Safeguarding Board. Reports on safeguarding and harmful behaviours, including GBV, are provided twice yearly to meetings of the Student Experience Committee; EDI Committee; University Executive Team; and the Board of Governors.
- 10.2 The GBV Working Group is responsible for promoting awareness of this Policy across the University, and for using data captured from reports to inform learning and drive forward best practice in the University's approach to GBV.
- 10.3 This Policy will be reviewed every year, or sooner if there is good reason.

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