

## Sexual Misconduct Policy

Policy Owners \_\_\_ Director of Human Resources & Director of Academic Services

Approving Body \_\_\_ VCAG

Executive Lead \_ Chief Operating Officer

Date Approved \_\_\_ May 2025

### Policy Statement

- 1.1 The RAU is committed to providing an environment in which all members of our community feel safe, are respected and work to prevent and eliminate all forms of sexual misconduct, including sexual harassment, sexual violence and sexual abuse.
- 1.2 It is acknowledged that incidents of sexual misconduct occur within our community and the University will condemn and promptly address sexual harassment and misconduct. Incidents of sexual misconduct will be thoroughly addressed to ensure a safe environment.
- 1.3 We recognise the significant negative effects that experiencing sexual misconduct can have upon individuals and we will support them and other members of the University community who have been affected by the experience. We will provide a confidential environment where individuals feel confident and empowered to disclose, will be listened to and understand the options available to them.
- 1.4 We are dedicated to promoting a culture in which incidents of sexual misconduct are not tolerated. We will support everyone in our community to challenge inappropriate behaviour where it is safe for them to do so.

### 2. Scope

- 2.1 It is recognised that anyone within the University community can be affected by issues of sexual misconduct and that individuals with certain protected characteristics may be more at risk of being impacted.
- 2.2 The Sexual Misconduct Policy covers all incidents of sexual harassment, sexual misconduct and sexual assault and applies to:

- **all University staff:** individuals employed or engaged by the University, whether paid or unpaid, to carry out work for the University. This includes University employees, agency workers, honorary appointments, temporary staff, contractors, members of the Governing Council, volunteers and research staff; and
- **all students of the University:** any individual registered on any programme of study at the University, including students studying away from University premises as part of their course or courses delivered in whole or part by a franchise partner institution. Matters relating to students on programmes delivered by a Validated Partner should follow their disciplinary procedures.

2.2.1 The Policy also applies to incidents arising outside the immediate University context but where a member of staff or student is involved or affected.

2.2.2 We will seek to support all visitors and guests using the University campus and facilities and take any reports of sexual misconduct very seriously. Each case will be considered on an individual basis with tailored support reflecting the principles and procedures within the Sexual Misconduct Policy.

2.3 The Sexual Misconduct Policy should be reviewed in conjunction with existing student and staff policies and procedures, including but not limited to: the Student Code of Conduct; Student Charter; Student Discipline Policy and Procedure; Student Bullying and Harassment Policy; Disability Policy (students); Under 18s Policy; Safeguarding Policy; Staff Disciplinary Policy and Procedure; Dignity at Work Policy; Staff Grievance Policy and Procedure; Staff Charter.

2.3 Definitions for key terms used within this Policy, are included in Appendix 1.

### **3 Sexual Misconduct Policy Principles**

3.1 At the RAU, all members of our community will be treated with dignity and respect at all times. It is expected that everyone will share the responsibility for creating and sustaining an environment which upholds the dignity of all.

3.2 We promote a culture that seeks to prevent sexual misconduct. This is through appropriate education, training and awareness raising campaigns including bystander training, and the promotion of national campaigns, for example, Sexual Violence Awareness Week and 16 Days of Action.

3.3 The University will seek to ensure that members of our community know how to disclose sexual misconduct, the options available to them and the support that can be provided. The RAU will respect the right of the individual to choose how to take forward a disclosure, including the decision not to make a formal report.

3.4 Support will be provided for anyone impacted by sexual misconduct and the University collaborates with external agencies to work in the best interest of those impacted. Where an individual is known to have a disability, the University will make reasonable adjustments to its procedure where necessary to avoid substantial disadvantage. Individuals are asked to

make those providing support aware of the need for adjustments so they can be appropriately supported.

- 3.5 University staff members will be made aware of the Sexual Misconduct Policy and the University will provide training for those who have responsibilities in ensuring the effectiveness of the policy. Staff members are advised on how they might receive and guide a disclosure of sexual misconduct with sensitivity.
- 3.6 The RAU does not subscribe to Non-Disclosure Agreements in matters relating to harassment and/or sexual misconduct.
- 3.7 As an academic institution we promote and preserve Freedom of Speech and academic freedom within the law. We strongly believe in the courteous exchange and debate of ideas, including lawful views that might be controversial or unpopular, which could be found to be offensive or contrary to personal views, beliefs, or values.

#### **4. Support**

- 4.1 The University website provides advice and information to individuals who have experienced sexual misconduct. This includes emergency help, medical assistance, time limits to be aware of and support available to help decide what to do next.
- 4.2 Specialist support is available to students via the Student Services team and staff are encouraged to seek support from the Human Resources team. Team members in Student Services and Human Resources receive regular training from external experts on supporting individuals who have experienced sexual misconduct.
- 4.3 The University can make a referral to external counselling services for students and staff or arrange support from external specialist agencies depending on needs and requirements.
- 4.4 In addition to support from University staff, support is available from key external agencies including:
  - [Rape Crisis](#) : A free phone and online chat service for anyone aged 16+ in England and Wales who has been affected by rape, child sexual abuse, sexual assault, sexual harassment or any other form of sexual violence. Tel 0808 500 2222
  - [SARC Support](#), Hope House, Gloucester : 24-hour crisis intervention and support for anyone who has experienced a sexual offence, regardless of when the offence occurred or whether the incident was reported to the police or not. Tel: 0300 421 8400
  - [Survivors UK](#) : support and help for male survivors of sexual violence including counselling and therapy appointments as well as online chat. Tel: 020 3598 3898
  - [Victim Support](#) : an independent charity who work to support people affected by crime or traumatic events. They provide help to ensure people feel safer and find strength to move beyond crime. Their support is free, confidential and can be tailored to your needs. Tel: 0808 168 9111

- Students may also seek confidential support 24-hours a day from the University funded Student Wellbeing Helpline provided by Health Assured on 0800 028 3766.
- Staff may also seek confidential support 24-hours a day from the University funded Employee Assistance Helpline provided by Health Hero on 0800 358 4858.

## **5. Relationships between Staff and Students**

- 5.1 Intimate or close personal relationships between students and staff who have responsibility for students can cause significant problems because of conflicts of interest, imbalance of power and authority, perceived favouritism, and undermining of trust and confidence.
- 5.2 To protect the welfare of students, and in the best interests of staff, the RAU:
- Prohibits staff from entering into an intimate relationship with a student for whom they have any responsibility
  - Strongly discourages any other close personal relationship between a staff member and student for whom they have any responsibility that transgresses the boundaries of professional conduct, and requires such relationships to be declared
- 5.3 Any intimate relationship between a member of staff and a student for whom they have any responsibility may lead to disciplinary action.
- 5.4 Any close, personal relationship between a member of staff and student must be declared by the staff member to their line manager and/or to Human Resources. The line manager must notify Human Resources so that a record is made.

## **6. Managing Reports of Sexual Misconduct**

- 6.1 The University recognises that discussing experiences of sexual misconduct can be incredibly personal and distressing. It is the University's objective to ensure that any individual experiencing or reporting sexual misconduct is supported and their wishes and boundaries are respected, as far as possible, regarding how their information is processed.
- 6.1.1 Any student can report or disclose sexual misconduct to the University and/or seek support via the following routes:
- Student Services: in person, by email, MS Teams or phone
  - The Students' Union in person, email, phone
  - Contact any trusted member of RAU staff in person, by email, MS Teams or phone
- 6.1.2 Any member of staff can report or disclose potential sexual misconduct and/or seek support via the following routes:
- Line manager, senior manager or trusted staff member in person, by email, MS Team or phone
  - Human Resources: in person, by email, MS Teams or phone

- 6.2 There will be a prompt response to all reports of sexual misconduct and, whilst recognising that some experiences may constitute a criminal offence, all reports will be carefully and thoughtfully addressed by trained staff following a transparent process.
- 6.3 The person who has chosen to disclose, the Reporting Party, does not need to provide the full details of their experience if they do not wish to. They will not be pressured to make a formal complaint.
- 6.4 If the incident is historical, the person who has experienced it may still disclose it to the University and receive support. They can access Student Services or the Human Resources team for support.
- 6.5 A disclosure does not create a formal report and is not an instruction for the University to act. The person who has disclosed will have the opportunity to be heard and to consider their options before proceeding with any further steps. No action will be taken immediately by the University unless there is a concern about immediate safety or if the University has a duty under Safeguarding legislation.
- 6.6 The University recognises that the Reporting Party may require time and reflection before deciding on how to proceed. The Reporting Party will be given the option and support to do one or more of the following:
- Report to the police
  - Make a report to the University
  - Make no report of the incident
  - Receive advice on the support that is available
  - Consider if they want to preserve evidence in the instance that they choose to make a formal report to the police in the future
- 6.7 The University will work to ensure that both the Reporting Party and the Responding Party are listened to and responded to in a safe, supportive, trusting environment. The safety and wellbeing of the Reporting Party is a priority. Support will therefore be offered to all parties throughout the reporting and investigation procedure. The dignity of all those involved in any investigations or disciplinary proceedings will be protected.
- 6.7.1 The Reporting Party has the right to withdraw their report and to stop the investigation at any time.
- 6.7.2 The Reporting Party should be aware that a record will be kept of their disclosure, whether they choose to make a report or not. Records will be kept for a fixed time period before being destroyed in line with the University's Records Retention Schedule.
- 6.7.3 If the Reporting Party is concerned about being identified, they can make their disclosure anonymously. The University treats anonymous disclosures as seriously as those made openly. However, if the disclosure is made anonymously, there may be a limit to the University's ability to investigate the concerns effectively. The University would prefer that any disclosure is made anonymously rather than not at all.

- 6.7.4 Where the Reporting Party is a third party who has not experienced sexual misconduct (such as a person who has witnessed misconduct taking place or been informed of misconduct) the University will respect the right of the individual who experienced the incident to choose how to take forward a disclosure.
- 6.8 There may be certain circumstances where the University is required to take appropriate action to prevent potential harm to individuals or the University 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. However, these are expected to be rare, and the actions of the University will usually be led by the person experiencing the misconduct.
- 6.9 Safeguarding  
The University reserves the right and may be under an obligation, to share information without consent in circumstances where a child or adult at risk is involved or believed to be at risk. On these occasions the University's Safeguarding Policy will be followed. The Reporting Party will be kept informed throughout the process if it is felt that action needs to be taken.
- 6.10 Risk Assessment
- 6.10.1 In all cases of reported sexual misconduct, including referral by a third party, the University will discharge its duty of care by establishing the extent of any reported and identified breaches of its conduct policies and, after that, by entering a process of formal risk assessment to reduce the risk of future harm.
- 6.10.2 The risk assessment will consider the potential risks to all members of the University community but in particular, to the Reporting Party, the Responding Party, and any witnesses.
- 6.10.3 The University will take affirmative action to mitigate risks in cases of alleged sexual misconduct.
- 6.11 Investigation
- 6.11.1 When a case is referred for investigation, a trained investigator will be appointed by a senior member of Student Services or Human Resources to try to establish the facts about what happened. The investigation will be conducted fairly and objectively.
- 6.11.2 If the parties are willing, the investigator will meet separately with both parties and may also meet any witnesses/potential witnesses. Both the Reporting Party and the Responding Party may wish to be accompanied during the investigation by a supporter; they will be advised who they can bring, e.g. a member of the RAU Students Union or a colleague or trade union representative.
- 6.11.3 The investigator will then write a report and recommend a course of action. They may decide that:

- with the agreement of both the Reporting Party and the Responding Party, they should seek to resolve the matter through mediation or otherwise, or
- informal resolutions should be proposed, or
- the case should be referred for consideration under the Student Discipline Policy and Procedure or the Staff Disciplinary Policy and Procedure

6.11.4 Acceptance of an informal resolution will not require the Responding Party to admit liability, and it may not imply a finding of wrong-doing.

## 6.12 Disciplinary Proceedings

6.12.1 At the conclusion of a disciplinary process, sanctions may be issued. These may include exclusion or dismissal or sanctions requiring action. Sanctions may include requiring the Responding Party to abide by a conduct agreement, stipulating that the Responding Party will refrain from contact with the Reporting Party either indefinitely or for a specified period in the first instance, or attendance at training or counselling.

6.12.2 If the Responding Party is dissatisfied with the outcome of the disciplinary process, they have the right of appeal in accordance with the Student Discipline Policy and Procedure or the Staff Disciplinary Policy and Procedure.

6.12.3 If the complaint is dismissed, the Reporting Party and the Responding Party involved will be offered help and guidance to restore reasonable relations between them. This process might include mediation.

6.12.4 Student Services or Human Resources will keep both the Reporting Party and Responding Party informed of the general progress of the complaint. Where a complaint leads to disciplinary proceedings, the Reporting Party will be kept informed of the progress of the proceedings. The Reporting Party will be told whether their complaint has been upheld or not; and whether the Responding Party has been dismissed or expelled.

6.12.5 If the complaint is not upheld, information will be shared with the Reporting Party to minimise any adverse effects in accessing their work or study environment, where possible, but there may be limits to the information about the consequences to the Responding Party that can be shared with the Reporting Party.

6.12.6 Where the Reporting Party is told the outcome they will be asked to respect confidentiality with regards to the outcome.

## **7. Criminal Investigations**

7.1 The University cannot undertake a criminal investigation but will cooperate fully with any associated Police investigation and subsequent legal proceedings.

- 7.2 Where a criminal investigation is underway and the Responding Party is a member of the University community, the University will consider whether to establish its own investigation process. The University will not undertake any investigations or actions which may confound a police investigation and it may be that a University investigation or disciplinary proceedings will be placed on hold.
- 7.3 A risk assessment process will be carried out prior to or alongside the Police investigation in cases where the University feels this is a reasonable and proportionate way of discharging its duty of care to all concerned. This may result in the University imposing conditions on individuals to ensure that a full and proper investigation can be carried out and/or to safeguard the Reporting and Responding party or others

## **8. Reports to the Police**

- 8.1 The University will not normally report an incident of sexual misconduct to the police without the Reporting Party's permission. However, the University may be required to notify the Police of behaviour/areas of concern, especially where there is believed to be an ongoing risk to others.
- 8.2 If the University does make the decision to report an incident to the police against the Reporting Party's wishes, the Reporting Party will be notified and fully informed of the reasons why. The University will facilitate a Police enquiry wherever possible.

## **9. Mandatory Reporting Requirement for Staff**

- 9.1 The University is committed to supporting all students and staff that may have experienced, or are experiencing, behaviours that may constitute sexual misconduct. To fulfil this commitment, the University is introducing a mandatory reporting requirement for all staff.
- 9.2 Mandatory reporting requires staff to report information relating to an incident that may constitute sexual misconduct and concerns a student and/or member of staff, whether it occurs on or off campus. Reports should be made in a timely manner (normally within 24 hours) to Human Resources, Student Services or a senior manager.
- 9.3 When a mandatory report is submitted the reporting party will have the opportunity to describe what was disclosed to them, or what they witnessed, including confirmation of the names of any third parties involved.
- 9.4 The University will respond quickly to any report, and staff from Human Resources or Student Services, as appropriate, will contact third parties separately. This can include advising on support and awareness of other University services or the instigation of an investigation in accordance with University policies.
- 9.5 No disclosure that could constitute sexual misconduct can remain confidential when made through the mandatory reporting process. If an individual wishes to discuss options with a member of staff relating to sexual misconduct, but without disclosing a specific incident/experience, they can contact the Student Services or Human Resources in person,



by phone, email or MS Teams and they will be supported and given guidance. A record of the contact, nature of correspondence and guidance provided will be maintained by the University. This is for the purpose of monitoring and oversight.

## **10. Confidentiality**

- 10.1 The University is committed to handling disclosures of sexual harassment and misconduct with sensitivity and confidentiality. All processes will align with the University's Data Protection Policy and Safeguarding Policy and Procedure to protect the privacy and dignity of those involved.
- 10.2 Maintaining confidentiality is essential to ensure the integrity of the investigative process, protection of the privacy of the individuals concerned, and to encourage reporting of incidents without fear of retribution or exposure. All involved parties are required to maintain confidentiality.
- 10.3 Information relating to disclosures is typically shared only with individuals or organisations directly involved in the case management. In exceptional circumstances, where there is concern for the safety of individuals or the broader community, the University may share information beyond the usual channels. Such actions will be taken in accordance with legal and ethical standards to minimise risks and protect all parties.
- 10.5 Any unauthorised disclosure of information may be considered a violation of this Policy and may result in disciplinary action.
- 10.6 The RAU ensures compliance with General Data Protection Regulation (GDPR) and the Data Protection Act (2018) throughout all proceedings. Information within reports of sexual misconduct will be used for internal data reporting to ensure that patterns are identified (e.g. to check for multiple incidents relating to students and staff in the same department and to ensure that any necessary measures are taken as a result). As far as practicable, the University will seek to protect confidentiality.
- 10.7 The members of staff who will have access to this information and will be responsible for extracting this information for reporting are the Director of Human Resources and the Head of Student Services.

## **11. Vexatious Complaints**

- 11.1 The University treats all reports of sexual misconduct very seriously. However, the possibility of malicious or spurious reports is recognised, and any Reporting Party identified as such will be dealt with under the relevant University disciplinary procedure/regulations.

## **12. Equality and Diversity**

- 12.1 The RAU aims to uphold the principles of fairness and equality of treatment, and this Policy seeks to promote equality, diversity, inclusion and freedom of speech. Incident records will be anonymised and reviewed periodically for trends. Annual updates will include statistics

on reports and resolutions to ensure transparency and accountability in addressing sexual misconduct.

### 13. Policy Review

- 7.1 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. It is expected that the Sexual Misconduct Policy will normally be reviewed on a three yearly cycle.

#### Relevant Legislation and Guidance

Equality Act 2010

Protection from Harassment Act 1997

Office for Student: [Condition E6, Harassment & Sexual Misconduct](#)

Equality and Human Rights Commission: [Guidance on sexual harassment and harassment at work](#)

Version	Purpose/change	Job title	Date
V.1	Introduction	Director of Human Resources	May 2025

## Appendix 1

## **DEFINITIONS**

### **Sexual misconduct**

'Sexual misconduct' means any unwanted or attempted unwanted conduct of a sexual nature. Sexual misconduct can occur through any medium, including online.'

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

- Sexual harassment (as defined by Section 26 (2) of the Equality Act 2010)
- Unwanted conduct which creates an intimidating, hostile, degrading, humiliating or offensive environment (as defined by the Equality Act 2010)
- Assault (as defined by the Sexual Offences Act 2003)
- Rape (as defined by the Sexual Offences Act 2003)
- Physical unwanted sexual advances (as set out by the Equality and Human Rights Commission: Sexual harassment and the law, 2017)
- 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)
- 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)
- Image-based sexual abuse: (also known as 'revenge pornography') recording or sharing sexual or intimate photos or videos, without the consent of the person pictured
- Stalking: persistent, unwanted communication or behaviour intending to frighten, intimidate or harass someone such as repeatedly following them
- Cyberstalking: repeated and deliberate use of the internet and other electronic communication tools to engage in persistent, unwanted communication intending to frighten, intimidate or harass someone, or to spy on someone
- Upskirting and down-blousing: filming or photographing under a person's clothes without their consent to capture images of their body or underwear
- Relationship abuse: any incident or pattern of incidents of controlling, coercive, threatening behaviour, violence or abuse between those who are, or have been, intimate partners. This may include psychological, physical, sexual, financial and/or emotional abuse
- Retaliation: any adverse actions against another person, including, but not limited to, harassment, threats, intimidation or coercion, made in response to someone disclosing or reporting any form of sexual misconduct
- Showing sexual organs to another person(s) without their consent
- Arranging or participating in events which may reasonably be assumed to cause degradation and humiliation to those who have experienced sexual violence. For example, inappropriately themed social events or initiations
- Spiking: the act of surreptitiously adding a substance, usually a drug or alcohol, to someone's drink or food without their knowledge

## **Sexual Harassment**

Harassment, including sexual harassment, includes unwanted behaviour or conduct which has the purpose or effect of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment because of, or connected to, one or more of the following protected characteristics: age; disability; gender reassignment; race; religion or belief; sex; and sexual orientation'; and 'a course of conduct conducted on at least two occasions that harasses one other person, or a course of conduct that harasses two or more persons at least once each. References to harassing a person include alarming the person or causing the person distress. The University follows the Equality Act (2010) (S26) considering sexual harassment as part of sexual misconduct under this Policy.

## **Consent**

Section 74 of the [Sexual Offences Act \(2003\)](#) defines consent when an individual 'agrees by choice, and has the freedom and capacity to make that choice'. 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.

It is where a person has the freedom and capacity to make the choice whether to consent to the sexual activity. This can be considered in two stages:

- a) Whether a complainant had the capacity (i.e. the age and understanding) to make a choice about whether or not to take part in the sexual activity at the time in question;
- b) Whether they were in a position to make that choice freely and were not constrained in any way.

Consent must always come first. It is the cornerstone of respectful and healthy intimate relationships. Members of the community are encouraged to communicate openly, honestly, and clearly about their actions, wishes, and intentions when it comes to sexual behaviour and do so before engaging in intimate conduct.

Consent is about a clear and unambiguous agreement, expressed in mutually understandable words or actions, to engage in a particular activity.

Consent by either party can be withdrawn at any point.

Consent must be voluntarily given and may not be valid if a person is subjected to actions or behaviours that elicit emotional or psychological pressure, intimidation, or fear.

A person is not able to consent to a sexual act freely and voluntarily when they are:

- Asleep or unconscious.
- Significantly intoxicated or affected by drugs
- Intimidated, coerced, or threatened, including when they are afraid of harm to themselves or someone else
- Unclear about the identity of the person performing the act
- Tricked into doing something they do not want to do
- Detained or held against their will
- Under 16 years of age

- Under 18 years of age and the person performing the act is a staff member of the University
- Pressured or feel pressured to engage in the sexual act by another person in a position of power or authority over them

**Reporting Party**

The individual who has made the allegation of alleged (or criminally proven) sexual misconduct and reports it to the University.

**Responding Party**

The individual alleged to have committed sexual misconduct (or has been found guilty of an offence of this nature in a court of law) by the Reporting Party.