



RCA Prevention of Harassment and Sexual Misconduct Policy for students

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Related RCA Policies and webpages	<ul style="list-style-type: none">• RCA webpage on harassment and sexual misconduct• Student Misconduct and Disciplinary Policy• Equality and Diversity Policy (including anti-discrimination statement)

1. Introduction

- 1.1. At the RCA ('the College') we are committed to maintaining a safe, supportive and inclusive campus environment for all. Sadly, harassment and sexual misconduct are prevalent in all areas of society, including higher education. However, at the RCA there is no tolerance of harassment or sexual misconduct. We are committed to creating a safe and supportive environment, to raising awareness of these unacceptable behaviours, and to preventing and eliminating them in all their forms.
- 1.2. All members of the College community are entitled to be treated with dignity and respect and to only experience behaviours that are in accordance with the College's values. No-one at the College is expected to tolerate harassment or sexual misconduct, whether by a member of the College community (staff or student), or by a third party such as a supplier or visitor to the College or a member of the public.
- 1.3. No-one will be disadvantaged by the College in any way by disclosing harassment or sexual misconduct. Reports of harassment or sexual misconduct made in good faith will be taken seriously, will be listened to without judgement, and dealt with in accordance with this policy and the relevant RCA procedure.
- 1.4. The College will have due regard towards maintaining confidentiality in relation to any disclosure of harassment or sexual misconduct, and information gathered and disclosed will be handled sensitively. Section 9 of this Policy explains more about this.

- 1.5. It is recognised that it can be distressing for all those affected by a sexual harassment disclosure. This policy aims to ensure that all parties are treated with dignity, respect and fairness, and provided with appropriate support (this is described in section 5 of this policy). Students or members of staff about whom allegations have been made will be presumed to be innocent until proven to have committed a disciplinary offence on the balance of probabilities.
- 1.6. The College's approach to tackling harassment and sexual misconduct including how to disclose, what action the College can take, and how to access support is explained on a dedicated page on [the College website](#).

2. Policy Scope

- 2.1. This policy applies to any student registered on a programme of study at the RCA.
- 2.2. This policy explains the steps the RCA will take to provide a safe environment free from harassment and sexual misconduct by:
 - Reinforcing the College's expectations around the unacceptability of harassment and sexual misconduct
 - Providing students with clarity and confidence around the processes in place to deal with harassment and sexual misconduct
 - Explaining the ways in which harassment and sexual misconduct can be disclosed to the College and how a disclosure will be responded to and can be investigated under the College's procedures
 - Outlining available support for all students in relation to harassment and sexual misconduct
 - Outlining the training which will be provided to staff and students to improve understanding of harassment and sexual misconduct, to encourage reporting, and to create a supportive culture for anyone affected
- 2.3. This policy covers harassment and sexual misconduct reported to have been perpetrated by:
 - a student against a student or member of staff
 - a member of staff against a student
 - a visitor to campus against a student
- 2.4. The harassment or sexual misconduct may have occurred anywhere on the RCA's premises, or outside those premises where the conduct is connected to the RCA community and its safe and/or orderly operation, and/or the RCA's reputation. The harassment or sexual misconduct may have occurred in any form for example, in person, by phone, in writing, or online such as posts on social media sites, chat rooms, email, texts or instant messaging (this list is non-exhaustive).
- 2.5. Where a report under this policy relates to the conduct of a third party who is a member of the public, the RCA may have little scope to act but will provide support to any student affected as explained in section 5 below.

- 2.6. Reports can be made by anyone who has experienced or witnessed harassment or sexual misconduct.
- 2.7. The RCA does not act as the police or a court of law, and its disciplinary processes are designed to regulate the conduct of its community. Any judgments reached as part of a College disciplinary process do not constitute a legal ruling on whether criminal activity has taken place. Please see section 8 of this policy about incidents that may also amount to a criminal offence.

3. Expectations of behaviour

- 3.1. All staff and students have a responsibility to ensure a working and studying environment where everyone is treated with equal respect and dignity. Each member of staff and each student is expected to contribute to preventing unacceptable behaviours, including harassment and sexual misconduct, through self-awareness, by modelling positive behaviour towards others, and raising any concerns.
- 3.2. Harassment and sexual misconduct are unacceptable behaviours and will not be tolerated at the College. Where harassment or sexual misconduct is found to have taken place, the College will take disciplinary action in accordance with its relevant procedures which may ultimately lead to expulsion from the College, or dismissal in the case of a member of staff.
- 3.3. RCA staff and students are required to undertake mandatory training about harassment and sexual misconduct, so that there is a shared understanding of behavioural expectations and requirements. There is more information about training in section 11 of this policy.
- 3.4. College staff are required to comply with the Personal Relationships Policy – information about this can be found on [the Harassment and Sexual Misconduct webpage](#). In summary, staff members are strictly prohibited from engaging in personal relationships (defined as romantic, sexual, or other close personal associations including those of a business nature) with students for whom they have academic or pastoral responsibilities. This includes roles involving teaching, supervision, assessment, tutoring, or pastoral care.

All staff members are required to declare any personal relationships with students to their line manager, regardless of whether a direct academic or pastoral relationship exists. In instances where a personal relationship between a staff member and a student predates the commencement of the staff member's academic or pastoral responsibilities, the staff member must disclose the relationship to their line manager. The College will then implement alternative arrangements to mitigate any potential conflicts of interest, such as reassigning tutoring or supervisory duties.

4. Key Terms

Abuse of power	Where someone uses their position of power or authority in an abusive and unacceptable manner. Abuse of power can take various forms and may include, but is not limited to manipulation, coercion, bullying, harassment or sexual misconduct. Abuse of power may also occur in the context of a close personal or intimate relationship.
Consent	<p>Consent is giving permission for something to happen, or agreeing by choice to do something, in possession of all the facts to make an informed choice. Consent also requires having the freedom and capacity to make that choice. Consent can be withdrawn at any time. Examples of where someone is not free to make a choice around consent include where they are being subjected to force, intimidation, manipulation, undue influence, coercion or deception in order to gain their consent.</p> <p>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, someone's capacity to consent may be impacted if they are under the influence of alcohol or drugs. If someone is asleep or unconscious they cannot give consent. Certain cognitive or learning disabilities and mental health conditions can impact capacity to consent.</p> <p>The person seeking consent should always take steps to ensure that consent is freely given, that it is informed, and recognise that it can be withdrawn at any time. Consent given on a previous occasion does not count as consent, as this should be obtained on each occasion and be specific to the activity or situation.</p>
Grooming	A gradual process that someone in a position of power uses to manipulate someone to do things they may not be comfortable with and to make them less likely to reject or report abusive behaviour. Grooming will initially start as befriending someone and making them feel special and may result in sexual abuse and/or exploitation
Harassment	<p>This is defined in the Equality Act (2010) as any unwanted conduct (including of a sexual nature) related to someone's relevant protected characteristic, which has the purpose or effect of violating a person's dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment towards that person. Relevant protected characteristics refer to a person's gender, sexual orientation, race, religion or belief, disability, marriage and civil partnership, pregnancy and maternity/paternity, or age.</p> <p>In deciding whether conduct has the effect of violating a person's dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment towards that person, it is necessary to take into account: the perception of the person who is at the receiving end of the conduct; the other circumstances of the case; and whether it is reasonable for the conduct to have that effect.</p> <p>Harassment is also defined in the Protection from Harassment Act (1997) as a course of conduct which alarms another person or causes</p>

	<p>them distress. This does <u>not</u> need to be related to a protected characteristic. If the harassment is towards one person, the conduct needs to happen on at least two occasions. In the case of conduct in relation to two or more persons, conduct on at least one occasion in relation to each of those persons needs to happen.</p> <p>The College is legally required to have particular regard to, and place significant weight on, the importance of freedom of speech within the law, academic freedom and tolerance for controversial views in an educational context or environment, including in premises and situations where educational services, events and debates take place. The College applies a rebuttable presumption that where a student is exposed to any of the following, this is unlikely to amount to harassment:</p> <ul style="list-style-type: none"> • the content of higher education course materials, including but not limited to books, videos, sound recordings, and pictures • statements made and views expressed by a person as part of teaching, research or discussions about any subject matter which is connected with the content of a higher education course
Sexual Misconduct (sexual violence and sexual harassment)	<p>Any unwanted and unpermitted sexual activity including sexual harassment and sexual violence. The conduct must have the purpose or effect of either violating the other person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for them. This unwanted sexual conduct can happen in person, on the phone, by text or email, or online.</p> <p>It includes (but is not limited to) the following, within or outside a sexual or romantic relationship, without consent (this includes where consent to sexual activity has been given then withdrawn, or if consent has been given on previous occasions):</p> <ul style="list-style-type: none"> • sexual intercourse, or engaging in a sexual act • attempting to engage in sexual intercourse or engaging in a sexual act • sharing private sexual materials of another person • kissing • touching inappropriately through clothes without consent • inappropriately showing sexual organs to another person <p>Sexual harassment includes a wide range of behaviours, including but not limited to the following:</p> <ul style="list-style-type: none"> • sexual comments, suggestive comments or jokes, which may be referred to as "banter" including where the intent is claimed to be humorous • displaying sexually graphic pictures, posters or photos (<i>in the context of the RCA, this does not refer to academic or artistic</i>

	<p><i>work involving sexual content, provided it is appropriately contextualised and does not target or harass others)</i></p> <ul style="list-style-type: none"> • suggestive looks, staring or leering • propositions, sexual advances or asking for sexual favours • making promises in return for sexual favours • commenting on someone's body, appearance or what they're wearing • sexual gestures • intrusive questions about a person's private or sex life or a person discussing their own sex life • sexual posts or contact in online communications, including on social media • sending sexually explicit emails, text messages or messages via other social media • spreading sexual rumours about a person • repeatedly contacting or following another person without good reason (stalking) • indecent exposure • upskirting (where someone takes a picture or video under a person's clothing without their permission)
Victimisation	<p>Subjecting someone to detriment because they have done, are suspected of doing, or intend to do, an act which is protected under discrimination and harassment laws. It is not necessary for the person to have done the protected act for detrimental treatment to be considered as victimisation. This includes making an allegation, or a complaint under the Equality Act (e.g. for discrimination or harassment), or helping someone else to do so.</p> <p>Examples of victimisation may include being treated unfairly, being excluded from certain situations or activities, being subjected to unwanted physical contact, verbal abuse, or threats, receiving offensive messages or being targeted through social media.</p>
Reporting party	A person who witnessed or who is the subject of the reported incident of harassment or sexual misconduct
Responding party	A person whose behaviour is alleged to have amounted to an incident of harassment or sexual misconduct

5. Support for students

5.1. Students are encouraged to access confidential support from [Student Support](#) in any of the following circumstances:

- They have been subjected to harassment or sexual misconduct; or
- They have had an allegation of harassment or sexual misconduct made against them; or
- They have witnessed harassment or sexual misconduct

5.2. Students can seek confidential support regardless of whether they want to report the incident. A member of the Student Support team can listen and help a student to understand their

options. It is particularly important to seek support if the situation is impacting negatively on the student's wellbeing or mental health. Student Support staff have received specialist training in receiving safe disclosure and providing support.

- 5.3. [The RCA Students' Union](#) can also provide independent advice and support.
- 5.4. Any student involved in an incident of harassment or sexual misconduct can access support throughout the process, including during the investigation and any subsequent disciplinary process. This includes personal support, such as Counselling, and academic support in relation to decisions about attendance, continuation, suspension or cessation of study.
- 5.5. Students who have been accused of harassment or sexual misconduct can also read guidance [on the RCA Report and Support site](#).
- 5.6. Both Student Support and the RCA Students' Union can also provide information and signposting to external organisations who can provide specialist support. Specialist support organisations are also listed on the [RCA Report and Support site](#).

6. Informal resolution

- 6.1. The College recognises it is for the person affected to determine the preferred pathway for resolution. A student affected by harassment or sexual misconduct may wish to try to resolve the behaviour informally as a possible route to early resolution, if it is a one-off incident or if it feels safe to do so. This could be by requesting a conversation with the other person, or in writing. Please note this is optional and students can instead choose to move straight to a formal process without taking informal action first. Engaging in informal resolution is not a barrier to making a formal report later.
- 6.2. An appropriate staff member may be able to support with informal resolution, via [Report and Support](#) or [the RCA Students' Union](#) or a member of staff from your academic programme.
- 6.3. No attempt for informal resolution will constitute a penalty, nor will a student suffer detriment for informal resolution. It is reasonable for a person to request that unwanted contact not be repeated, without the need for a formal finding of misconduct.
- 6.4. If a student or a member of staff is approached and told that their behaviour could be construed as harassment or sexual misconduct, they should be prepared to listen patiently and calmly. While it may be upsetting, they should allow the other person to express their concerns, and if appropriate, try to reach common ground to remedy the situation and allow a positive working/learning relationship to be resumed.

7. Disclosing harassment or sexual misconduct

'Disclosing' means letting the College know about an experience of harassment or sexual misconduct.

No one will be disadvantaged by the College in any way by disclosing harassment or sexual misconduct. A student may not be sure if what happened is harassment or sexual misconduct, but they are encouraged to let the College know so that support and advice can be offered.

There are different ways to make a disclosure which are described below, including what can happen in response to each way of disclosing. It is not always necessary to make a formal report (see 7.6) for the College to investigate an incident of harassment or sexual misconduct; the College may be able to take action based on other ways that we are informed of incidents.

7.1. Who can disclose

Harassment or sexual misconduct can be disclosed by the person who the behaviour happened to, or by a witness to that behaviour, including:

- an RCA student
- a member of RCA staff
- a third party or visitor to the College community
- a person external to RCA where the behaviour impacts on the reputation of the College or could harm members of the public or the College community.

7.2. When to disclose

A disclosure should be made as soon as possible, so that support can be offered and any investigative action taken swiftly. If a student decides to make a formal report, this should normally be made within 20 working days of an incident of harassment or sexual misconduct. However, the College understands that in some circumstances someone may take longer than this, for example where a matter has significantly impacted them and this has caused a delay in reporting: the reporting party should explain the reason for the delay and the College will consider whether the allegation can be investigated.

Support can be offered to students regardless of how much time has passed since the incident.

A disclosure can be made to the College whether or not the matter has been reported to the police.

7.3. How to disclose

There are different ways to make a disclosure. The person disclosing can choose the way that feels most appropriate to them:

- Speaking to a member of staff (see 7.4)
- Via the RCA 'Report and Support' site (see 7.5)
- Making a formal report (see 7.6)

7.4. Speaking to a member of staff

Disclosure in this way means telling a staff member about your experience of harassment or sexual misconduct. This might include a member of academic or support staff.

The staff member will take the disclosure seriously. Depending on the staff members' role, they will either explain the options (including the option of confidential support, and advice about possible options for action, without a need to commit to any decision about what action to take) or they will refer the student to a specialist staff member who will explain this information.

Students can contact the Student Support team via [the Student Support intranet page](#) or by emailing student-support@rca.ac.uk

Students can contact the Students Union Advice Officer [via self-bookable appointments on their webpage](#) or by clicking on the webpage to send an email.

Support for students is also explained in section 5 of this policy.

7.5. Disclosing via the RCA 'Report and Support' site

Harassment or sexual misconduct can be disclosed via the RCA [Report +Support site](#). Disclosing in this way does not automatically trigger an investigation (unless there is a safeguarding concern). Disclosures can either be made with the person's contact details, or anonymously.

7.5.1 Reporting with contact details

A report submitted by a student will be received by a member of the Student Support team. If a student has included their contact details, one of the Student Support team will contact the student to offer a meeting, either in person or online. The purpose of the meeting is for them to listen to the student and to understand what has happened. They will then be able to explain the options: this includes the option to request that the matter is formally investigated, and the option to get support. Students can choose to get support even if they decide not to request a formal investigation.

A report submitted by a member of staff of either a student's misconduct to another student, or a report of a wellbeing concern about a student, will be received by a member of the Student Support team who will contact the staff member about possible next steps.

A report submitted by a member of staff of an allegation of a student's misconduct towards a staff member will be received and responded to by HR.

A report submitted by a third party will be received and responded to by HR.

7.5.2 Reporting anonymously

Reports of harassment or sexual misconduct can be made anonymously via the RCA [Report +Support site](#). Reporting anonymously could mean that the College will be unable to take any further action because it may not be possible to carry out an appropriately robust investigation, or if taking action could compromise someone's anonymity. However, anonymous reports will be recorded and will be used by the College to monitor incidents of harassment and sexual misconduct. Further information about anonymous reporting is available at [our Report +Support site](#).

Students are strongly encouraged to talk to a member of [Student Support staff](#) or the RCA Students' Union if they have an allegation of harassment or sexual misconduct that they do not feel they can raise without doing so anonymously. The Students' Union or member of staff can advise the student whether, if they chose to make an anonymous report, there are any actions that the College is able to take without the reporting party's details being included in a report.

7.6. Making a formal misconduct report

- 7.6.1 Students or staff can complete an [online Student Misconduct form](#) to formally report harassment and/or sexual misconduct by a student where they would like the College to take action, which is usually to conduct an investigation.
- 7.6.2 A student who wants to formally report harassment or sexual misconduct by a staff member should complete [the Complaints Form](#).
- 7.6.3 Students' Union or Student Support staff can assist students to make a formal report to the College if required.
- 7.6.4 Once a formal report is received by the College, the Student Conduct and Complaints Manager will contact the reporting party to acknowledge receipt. They will explain the next steps in the procedure, in accordance with [the RCA Student Misconduct and Disciplinary Policy](#) if the report is about a student, or [the RCA Student Complaints Policy](#) if it is about a staff member. Each of those policies contains all the details of the procedure that will be followed and how decisions are made.
- 7.6.5 A reporting party's report or complaint will normally be considered as evidence should disciplinary action be taken, and the reporting party may be asked to cooperate with requests for information and assistance and may be asked to attend or participate in a disciplinary hearing as a witness. The RCA is mindful of the sensitive nature of processes which involve the consideration of allegations of sexual misconduct, and will, where possible, make appropriate adjustments to its processes to support affected students (for example, by ensuring that any direct contact during a hearing is limited where possible).

8. Incidents that may also be a criminal offence

- 8.1. Many incidents of harassment and sexual misconduct will also be a criminal offence. A student can choose to report an incident of harassment or sexual misconduct to the police at any time, whether or not they have made a report under this Policy.
- 8.2. Reporting to the police and disclosing to the College are separate processes with different possible outcomes: a report to the police may lead to the reported person being convicted of a criminal offence, whereas a report under this policy and related RCA procedures may lead to expulsion from the College, or dismissal in the case of a member of staff. The College will not put any pressure on the student but will support them in reaching an informed decision on whether to report to the police. Support from the College is available to students regardless of whether they decide to report to the police.

- 8.3. The College will only in very exceptional circumstances report the incident to the police against the student's wishes if the reporting is necessary to protect them or others from harm or to prevent a further harm taking place. The College will explain its decision and the reasons to the student either in advance or as soon as possible after the report is made.
- 8.4. The investigative ability of the RCA is not the same as through criminal proceedings e.g. forensic analysis and medical examinations are not available in internal procedures. In taking disciplinary action, the RCA is required to reach conclusions on the 'balance of probabilities' and not the criminal standard of 'beyond reasonable doubt'. The RCA can only take the actions available to it under the relevant disciplinary procedure, and where misconduct has occurred the RCA can only impose the penalties it has available and which it considers proportionate.
- 8.5. Where the events which are the subject of a report under this policy have been reported to the police, the College will normally suspend any further action pending the outcome of any police investigation and/or criminal proceedings. Once those proceedings are concluded, the College may proceed with action under the Student Disciplinary Procedure or the Staff Disciplinary Procedure (as appropriate).

9. Confidentiality and information sharing

- 9.1. The College will have due regard towards maintaining confidentiality in relation to any disclosure of harassment or sexual misconduct, and information gathered and disclosed will be handled sensitively.
- 9.2. Where a report is investigated, for it to be considered fully, the content will usually need to be disclosed on a need to know basis to members of staff who need to be involved to resolve it. For the College, this will mean that staff will only receive information about the case that is necessary and proportionate to their role and involvement.

It is not possible to identify everyone that may be involved in a case from the outset e.g. a disciplinary panel will only be arranged when a case has been referred, and those individuals may change as a case progresses, and staff change roles. Witness statements will normally need to be shared with the reporting and responding students, and decision makers, as part of the investigation report.

- 9.3. To participate effectively in the process, it is expected that information of a sensitive nature will need to be shared across the student parties involved in the case. For example, a student cannot respond to an allegation made against them without knowing what has been alleged. However, the same expectations of confidentiality will apply, although this is not intended to restrict students from speaking to supporters, such as Counsellors or Students' Union Advisors.
- 9.4. Where disclosure about allegations and/or a misconduct investigation is made by either party inappropriately, this may be a disciplinary issue in its' own right.

10. Outcomes

- 10.1. The responding party will be informed of the outcome of a disciplinary process in accordance with the relevant College procedure.
- 10.2. Anyone else directly affected by a decision made following a report of harassment or sexual misconduct under this policy, including the reporting party and witnesses, will be provided with relevant information about the decision and the reasons for it. This information could include:
 - what steps were taken to investigate the report;
 - a summary or high-level description of the evidence made available to the decision maker(s), or a copy of that evidence;
 - what measures may be put in place to prevent the issue that led to the report happening again
- 10.3. This information will normally be provided within 10 working days of the conclusion of the relevant College disciplinary or other process.
- 10.4. Where the reporting party is told the outcome they will be asked to respect confidentiality with regards to the outcome.

11. Training for RCA staff and students

The College is committed to preventing incidents of harassment and sexual misconduct where reasonably possible. The College requires staff and students to undertake appropriate and comprehensive mandatory training on the prevention of harassment and sexual misconduct.

The training for staff and students includes:

- an up-to-date understanding of behaviour that may constitute harassment or sexual misconduct;
- an up-to-date understanding of the RCA information, guidance and relevant policies relating to the prevention of harassment and sexual misconduct;
- the required knowledge and skills to receive a disclosure of harassment or sexual misconduct;
- an up-to-date understanding of freedom of speech principles

For staff in certain roles there are additional training requirements:

- relevant staff must have the required knowledge and skills to support students who wish to make allegations or complaints about harassment and/or sexual misconduct; or who have reported and/or experienced incidents of harassment and/or sexual misconduct; or who are the actual or alleged perpetrators of incidents of harassment and/or sexual misconduct.
- relevant staff must have the required knowledge and skills to undertake investigations or make decisions in relation to incidents of harassment and/or sexual misconduct.

More information is available about the mandatory staff and student training on the [RCA webpage on harassment and sexual misconduct](#)

12. Data collection

The College will collect anonymised data on reports made under this policy and any action taken as a result, and will use the data:

- Internally for reporting, evaluation, learning and training; and
- Where required externally for discussion with regulators in the higher education sector.