

Royal Northern College of Music

# **Sexual Misconduct Policy**

**Policy & Procedure**

**Department: Human Resources**

**Document owner: Director of  
Human Resources**

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Committee / RHRC**

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**RNCM**  
ROYAL NORTHERN  
COLLEGE of MUSIC

## **Contents**

1. [Purpose](#)
2. [Scope](#)
3. [Sexual misconduct](#)
4. [Rights and responsibilities](#)
5. [Risk factors](#)
6. [Reporting procedures](#)
7. [Investigation and resolution](#)
8. [Prevention and training](#)
9. [Confidentiality](#)
10. [Related policies](#)

## 1. Purpose

The Royal Northern College of Music (RNCM) is committed to providing a work environment free from sexual harassment. This policy is designed to outline unacceptable behaviours, inform employees about their rights, and provide procedures for reporting and resolving any instances of sexual misconduct or harassment.

Under the Worker Protection (Amendment of Equality Act 2010) Act 2023, the RNCM as an employer has a “positive legal duty” to prevent sexual harassment. The RNCM takes reasonable steps to meet this duty, including but not limited to training for staff to understand what sexual harassment is and how to report it, undertaking risk assessments, use of the [RNCM Raise it!](#) tool to enable easy reporting of incidents, and training staff to undertake investigations.

## 2. Scope

This policy applies to all employees, casual workers, contractors, visitors, and anyone else engaged in any work-related activities.

Complaints of sexual misconduct by a student towards a member of staff will be dealt with in accordance with the [Student Conduct and Discipline Policy](#).

## 3. Sexual Misconduct

Sexual misconduct is defined as any unwanted or attempted unwanted conduct of a sexual nature and includes but is not limited to:

- Sexual harassment as defined by section 26(2) of the Equality Act 2010.
- Assault as defined by the Sexual Offences Act 2003.
- Rape as defined by the Sexual Offences Act 2003.

Sexual misconduct covers various inappropriate, unwanted behaviour, and it is impossible to detail all types of sexual misconduct. However, some examples of sexual misconduct and their definition are provided in **Appendix 1**.

## 4. Rights and Responsibilities

4.1 **Employees** have the right to work in an environment free from sexual harassment and to report any incidents of misconduct without fear of retaliation.

All employees are responsible for treating others with dignity and respect and for being aware of behaviours that could be considered misconduct.

All employees are expected to promote a positive and inclusive workplace culture where sexual misconduct is not tolerated and where complaints are dealt with promptly, efficiently, and sensitively.

4.2 **Heads of Schools / Departments** and those with line management responsibilities should have systems in place to manage risk and as part of this process they should anticipate scenarios specific to their work areas where employees may be subject to sexual misconduct, identify any risk factors and put preventative measures in place.

If sexual misconduct occurs, they must take immediate action to address any incidents, including third-party incidents (e.g. contractors or visitors).

## 5 Risk factors

Risk factors include, but are not limited to:

- meeting staff, students, and stakeholders alone
- an environment where people are drinking alcohol
- work-related social events
- social media contact between staff
- power imbalances between staff
- travelling for work, including overnight stays.

Examples of preventative measures expected to be considered by Heads of Schools / Departments include, but are not limited to:

- making it clear that sexual harassment will not be tolerated
- encouraging staff to report any incidents of sexual harassment
- encouraging staff to report situations where they felt at risk, even if nothing happened
- setting standards of behaviour for work social events.

## 6 Reporting Procedures

Employees who believe they have experienced or witnessed sexual misconduct should report it as soon as possible. The following steps should be taken:

6.1 Immediate Reporting: If possible, inform the person causing the harassment that their behaviour is unwelcome and ask them to stop.

6.2 Formal Complaint: If the issue persists or if direct confrontation is not feasible, the employee should report the incident via the reporting tool [RNCM Raise it!](#), to your line manager, or to a member of the Human Resources Department. All complaints will be formally acknowledged by Human Resources, usually within 3 working days.

- Staff can also use these steps to raise concerns in relation to the behaviour of third-party individuals such as audience members or contractors.
- If the person making the report is concerned about being identified, they can make their disclosure anonymously. The RNCM treats anonymous disclosures just as seriously as those made openly. However, if the disclosure is made anonymously, there may be a limit to the RNCM's ability to investigate the concerns effectively.

## 7 Investigation and Resolution

All complaints of sexual misconduct will be taken seriously and investigated promptly in accordance with the RNCM's Staff Disciplinary Policy. The process includes:

7.1 **Investigation:** A fair and thorough investigation will be conducted, including interviews with the complainant, the alleged harasser, and any witnesses. Confidentiality will be maintained as much as possible.

7.2 **Outcome:** Upon completion of the investigation, it will be determined whether there is a case to answer and whether a disciplinary hearing should be arranged in accordance with procedures set out in the Staff Disciplinary Policy.

Harassment or victimisation may lead to disciplinary action up to and including dismissal. Aggravating factors, such as abuse of a power imbalance will be considered in deciding what disciplinary action to take.

Where sexual misconduct is determined to have occurred through an investigation and has been perpetrated by a third party (e.g. an audience member or contractor), the RNCM may take action up to and including banning the individual from entering the RNCM building or events.

## **8 Prevention and Training**

The RNCM is committed to preventing sexual misconduct by:

- Providing annual training on sexual harassment to all employees.
- Promoting a culture of respect and inclusion.
- Undertaking risk assessments, including third-party harassment.
- Regularly reviewing this policy and making updates, as necessary.

## **9 Confidentiality**

The RNCM recognises the importance of privacy in cases where sexual misconduct is alleged. Confidentiality for all parties involved will be maintained as far as possible unless otherwise agreed. However, there may be circumstances (e.g. safeguarding, or the danger of physical assault) that means that the RNCM will be required to disclose certain information to additional RNCM staff or third parties on a strictly 'need to know' basis.

## **10 Related Policies**

- [Dignity at Work](#)
- [Staff Disciplinary Policy](#)
- [Grievance Policy](#)
- [Relationships between staff and students Policy](#)
- [Handling allegations of sexual misconduct procedure](#)
- [Student Complaints](#)
- [Student conduct and discipline](#)

# ROYAL NORTHERN COLLEGE OF MUSIC

## *POLICY APPROVAL/REVIEW PROCESS*

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### **Approvals**

This document requires the following approvals.

<b>Name/Committee</b>	<b>Date</b>	<b>Version</b>
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### Definitions

Examples of sexual misconduct and their definition. Please note that this is not intended to be an exhaustive list:

- **Rape** The [Sexual Offences Act 2003](#) says that someone commits rape if all the following happens:
  - They intentionally penetrate the vagina, anus, or mouth of another person with their penis.
  - The other person does not consent to the penetration.
  - They do not reasonably believe that the other person consents.
  - This includes if:
    - The two people are married or in a relationship.
    - The other person consented to one type of penetration (e.g. vaginal or oral sex), but not another (e.g. anal sex).
    - Someone removes a condom without the other person's permission – or lies about putting one on. This is commonly known as '[stealthing](#)'.
- **Sexual assault** can involve a range of different behaviours where the reporting party has not given consent. This includes but is not limited to unwanted sexual advances or physical contact ranging from invasion of personal space to inappropriate touching and physical assault. This may include kissing, touching, attempted rape, pressuring someone into a sexual act through coercion, manipulation, or intimidation, and pressing up against someone for sexual pleasure.
- **Indecent exposure or flashing** occurs when somebody exposes themselves to another person without their consent.
- **Sexual harassment** involves someone carrying out behaviours intended to make the reporting party feel upset, frightened, or humiliated. These behaviours could include but are not limited to inappropriate sexualised jokes, gestures, verbal or physical innuendo, sending unwanted emails or texts with sexual content, up-skirting, pestering, spying, stalking, unwanted sexual advances, sharing offensive, explicit, or inappropriate images or literature.
- **Non-consensual image sharing** is also known as 'revenge porn' when individual shares explicit images or videos of the reporting party without their consent, often to manipulate and coerce them in some way.
- **Sexual coercion** is unwanted sexual activity that happens when you are pressured, tricked, threatened, or forced in a nonphysical way.
- **Consent** is affirmative, conscious, voluntary, and revocable. Consent to sexual activity requires of each person an affirmative, conscious, and voluntary agreement to engage in sexual activity. It is the responsibility of each person to ensure they have the affirmative consent of the other to engage in the sexual activity. Lack of protest, lack of resistance, or silence do not, alone, constitute consent. Affirmative consent must be ongoing and can be revoked at any time during sexual activity. The existence of a previous or current intimate relationship does not alter the nature of consent.