

Unacceptable sexual behaviour: guidance for members

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Most members act professionally and treat others with respect. However, RICS recognises that some members may engage in unacceptable sexual behaviour in the workplace with colleagues, with clients or in their personal lives.

This guidance highlights:

- the expectations for members
- when RICS is likely to investigate concerns about unacceptable sexual behaviour and
- some of the factors that will be taken into account when considering disciplinary action.

Rule 4 of the [Rules of Conduct](#) states: 'Members and firms must treat others with respect and encourage diversity and inclusion'.

What is unacceptable sexual behaviour?

This may include behaviour where you:

- initiate or pursue an inappropriate sexual or emotional relationship with a colleague, client, or anyone else
- make unwanted or otherwise inappropriate comments about another person's appearance or self that is sexual in nature
- make unwanted or inappropriate sexual advances or sexualised physical contact
- take advantage of your position to exploit someone for sexual purposes or
- are arrested, cautioned or convicted of a criminal offence related to sexual behaviour.

This does not include consensual sexual relationships with colleagues (as allowed in your employment contract) or others who are not connected with your practice as a surveyor. It may be unacceptable if the relationship is not or becomes unwanted.

Inappropriate behaviour includes behaviour that is not proper in the circumstances or is unwanted, harassing, intimidating or offensive.

Expectations

RICS expects you to:

- respect your colleagues in the workplace and in the wider profession
- make sure you are not taking advantage of someone who is junior to you or where there may be an imbalance of power, especially where they report directly to you
- consider how you behave at professional social and networking events, especially when consuming alcohol (consumption of alcohol is not a mitigating factor for unacceptable sexual behaviour)
- act professionally in people's homes or businesses when undertaking surveying services
- inform RICS immediately if you are charged with and/or convicted of a criminal offence, as required under [Bye-law 5.2.2\(d\)](#)
- consider whether it is appropriate to continue to act for a client if you start a consensual sexual or emotional relationship with that client (you may no longer be able to act in the best interests of your client or independently, if required, and your relationship may create a conflict of interest) and
- report incidents of unacceptable sexual behaviour to RICS Regulation and, if necessary, your employer and/or law enforcement.

RICS expects firms to:

- deal promptly with complaints of unacceptable sexual behaviour
- encourage and support open discussion and reporting of unacceptable sexual behaviour
- report members to us if there is evidence to suggest that they have engaged in unacceptable sexual behaviour that falls within this guidance
- ensure that you do not enter into agreements (such as non-disclosure agreements) that prevent someone from reporting concerns of unacceptable sexual behaviour to RICS, other regulators or law enforcement and
- inform staff about their expectations for social or networking events.

Dealing with complaints

Firms with few principals may feel that they are unable to objectively investigate a complaint in circumstances where a grievance is raised by another member of staff or a client through their complaints handling procedure. If this is the case, the firm may want to consider whether there is an independent person that can undertake an investigation and make a recommendation for the outcome of the complaint.

Staff members and clients may find it difficult to raise a complaint or concern if they have to do so directly with the person the complaint is about, or someone closely connected to them, and the firm should therefore consider allowing complaints of this type to be raised directly with the independent person.

In larger firms, it is likely that there will be human resources or another independent person who can carry out an objective investigation and deal with the complaint.

RICS expects firms to report incidents of unacceptable sexual behaviour to us promptly following an investigation of the complaint.

When are we likely to investigate?

RICS Regulation is likely to investigate any concerns of unacceptable sexual behaviour that occur when there is a link to your practice as a surveyor. This could include between colleagues and other people at work, networking events or carrying out instructions for clients.

RICS Regulation may also investigate if there is evidence of sexual harassment or inappropriate comments on social media.

RICS Regulation is less likely to investigate concerns of unacceptable sexual behaviour that occur away from your work as a surveyor unless the concerns are particularly serious or result in a criminal charge or conviction.

Factors in deciding whether to take disciplinary action

RICS Regulation is more likely to pursue disciplinary action if:

- you took advantage of someone who was in a vulnerable situation, or there was an imbalance of power
- you engaged in sexual behaviour at a person's home while undertaking your role as a surveyor
- you engaged in unacceptable sexual behaviour that resulted in a caution or criminal conviction
- you engaged in repeated unwanted contact or behaviour
- you or your firm prevented someone from reporting unacceptable sexual behaviour to RICS, another regulator or law enforcement
- the behaviour undermined the reputation of the profession or otherwise offended the public interest
- you are, or have been, in a consensual relationship with a client and failed to take sufficient steps to avoid a conflict of interest or
- you post or engage with posts on social media that are of a sexual nature and which are likely to offend, harass or discriminate.

These factors are not exhaustive.

Delivering confidence

We are RICS. Everything we do is designed to effect positive change in the built and natural environments. Through our respected global standards, leading professional progression and our trusted data and insight, we promote and enforce the highest professional standards in the development and management of land, real estate, construction and infrastructure. Our work with others provides a foundation for confident markets, pioneers better places to live and work and is a force for positive social impact.

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