



Prevention of Harassment and Sexual Misconduct Policy

1. INTRODUCTION

Norland is committed to preventing harassment and sexual misconduct at work and on its campuses. Sexual misconduct and harassment are considered disciplinary offences.

Harassment and sexual misconduct is unlawful under the Equality Act 2010 and the Sexual Offences Act 2003. Harassment and sexual misconduct can happen to anyone and be perpetrated by anyone.

1.1 Definitions

For the purposes of this policy, Norland views harassment and sexual misconduct as follows:

Sexual misconduct any unwanted or attempted unwanted conduct of a sexual nature including physical and/or non-physical behaviours. It is characterised by a lack of consent, meaning the behaviour is unwelcome and the individual does not agree to it, either verbally or non-verbally.

Harassment is unwanted conduct related to a protected characteristic (like race, gender, or disability) that violates a person's dignity or creates an intimidating, hostile, degrading, humiliating, or offensive environment. It can also be defined as conduct that causes alarm or distress. This can include a range of behaviours, from verbal abuse to physical intimidation, that violates a person's dignity or creates a hostile environment. It can occur in various settings, including the workplace and public spaces.
The Protection from Harassment Act 1997 provides a broader definition of harassment which covers any course of conduct causing distress or alarm, without requiring a protected characteristic to be involved.

These definitions extend to include online conduct. Non-consensual sexual activity which may amount to a prosecutable criminal offence is included within this definition. Appendix 1 provides a non-exhaustive list of what Norland may view as harassment or sexual misconduct.

Reporting party refers to the person who discloses and then formally reports an allegation of sexual misconduct against another student or a member of staff.

Reported party refers to the person who is the subject of a formal report alleging they have committed sexual misconduct.

Investigation a formal process where an investigating officer (a trained member of staff) gathers information to ascertain the facts of an alleged harassment or sexual misconduct issue. It is a fact-finding exercise which usually involves taking statements from witnesses, including the reporting and reported individuals and gathering relevant evidence to recommend a way forward, for example invoking the disciplinary procedure. The primary aim of an investigation is to



be fair and consistent by basing recommendations on evidence rather than assumptions.

1.2 Scope

This policy encompasses all staff and students within the Norland community, including NQNs. This policy also applies to any Norland director, trustee or a contractor appointed on a Service Level Agreement.

2. POLICY

2.1 General principles

Norland does not act as the police, emergency services or a court of law. Norland's disciplinary processes are designed to act in response to the types of misconduct outline within this policy.

The investigative ability of Norland is not the same as through criminal proceedings e.g. forensic analysis and medical examinations are not available at Norland. However, we can support students and staff to access a Sexual Assault Referral Centre (SARC) which is external to Norland if requested.

Norland's disciplinary procedures require Norland to reach conclusions based on the 'balance of probability' and not the criminal standard of 'beyond reasonable doubt'.

Norland can only take actions available to it under the relevant disciplinary and associated procedures; where misconduct has occurred, Norland can only impose sanctions that are available through these processes and which it considers are proportionate.

Under section 1.2 of the Student Disciplinary Procedure, it advises that Norland's student disciplinary process will apply to current students only and usually follows a cause for concern referral. However, due to the severity of an allegation of harassment or sexual misconduct, reports may be escalated to the disciplinary process immediately.

Reports made against a member of staff will follow the staff disciplinary procedure.

Norland's disciplinary procedures are conducted on a confidential, need-to-know basis.

A Reporting Party's disclosure or formal report will normally be considered as evidence should disciplinary action be taken and the Reporting Party may be asked to co-operate with requests for information and assistance. However, this will be handled in a delicate and sensitive manner.

Norland is mindful of the sensitive nature of processes which involve the consideration of allegations of harassment and sexual misconduct and will take reasonable steps to ensure that all affected students are supported. If a disciplinary hearing takes place, the Reporting Party may be asked to participate in the hearing as a witness. Norland will, where possible, make appropriate adjustments to the procedures to support affected students, for example, providing the opportunity for the



Reported Party to submit any cross-referencing queries ahead of the hearing so the Reporting Party can respond without needing to be in direct contact with the Reported Party during the hearing.

Norland's ability to disclose details relating to the outcome of another student's or a member of staff's disciplinary hearing is limited as a result of GDPR and the duties owed to that individual. Therefore, whilst the Reporting Party may be informed of any finding reached against the Reported Party and of any penalties that may concern them, for example, for there to be no contact from the Reported Party, Norland is unlikely to be able to provide detailed information in connection with the disciplinary process.

Norland will not consider formal reports, or counter-allegations, that are assessed as being of a vexatious nature. Vexatious may mean allegations that are malicious, made in bad faith, frivolous or deliberately false. However, the making of a formal report (or counter-allegation), which does not later lead to a finding against an individual, does not automatically mean the original notification was vexatious. Where vexatiousness is considered to be applicable in a case, the making of a vexatious complaint can be a disciplinary matter.

2.2 Initial disclosure and support

At any point during their studies, a student may contact Norland to disclose an experience of harassment or sexual misconduct. Disclosures can be made to:

- Student support team – student.support@norland.ac.uk
- Personal tutor
- Via the Reporting Form on the website [Make a Report](#)

The Reporting Form is the encouraged route for a report as this will lead a student being contacted by a specially training Sexual Violence Liaison Officer (SVLO) for practical and confidential support delivered in a trauma-informed way. A SVLO will advise the student of the internal and external reporting options, safety planning and can make referrals to other specialist services. The Reporting Party will have access to the SVLO throughout the process set out in this policy.

A disclosure will be treated as a support matter and will not normally extend to a formal report against another person without the Reporting Party's agreement. However, in exceptional circumstances, the SVLO may identify the need to take further action under this Policy, for example based on risks to the wider Norland community. Any decisions such as this are guided by safeguarding and trauma-informed principles.

2.3 Formal report and precautionary measures

Following their disclosure, a Reporting Party will be advised of their option to make an [internal formal report](#) if they wish to pursue an allegation against the Reported Party.

Where a Reporting Party indicates that they do not wish to make a formal report but want Norland to consider less formal actions in relation to the Reported Party, the SVLO will liaise with the relevant head of department to identify what is possible and/or appropriate in the circumstances, for example alerting the Reported Party to the disclosure, look into mediation, etc. The Reported Party can, but



will not be expected to, make admissions to any misconduct where this action is pursued. Records of steps taken under this paragraph will be maintained and can be relied upon if the case proceeds more formally or if similar alleged misconduct arises.

For formal reports, timely submissions are encouraged. Where there are significant delays, and reasons for them will be considered, Norland may be unable to take the formal report through the disciplinary process.

A formal report should include a statement and any supporting materials which contain:

- The identity of the Reported Party and the Reporting Party's association with them.
- The details of the allegations, such as what happened, where and when.
- Contact details of any potential witnesses (which includes individuals the Reporting Party may have already informed of the allegations) and bodies involved e.g.: the police.
- A summary of impact of the misconduct which, where possible, is supported by evidence.

Formal reports made against another student will be sent to the Pro Vice Chancellor (Student Experience) (or nominee). Formal reports made against a member of staff, will be sent to the Pro Vice Chancellor (HR and Compliance). A risk assessment will be carried out by the relevant head of department, noting the need to safeguard individuals, the wider community and the integrity of the case. The relevant head of department may make preliminary enquiries with other areas of Norland, such as the student support team, the accommodation team and, where it concerns a member of staff, the line manager/ head of department, to inform next stages of the process.

The PVC (Student Experience) may identify reciprocal recommendations to be made to the Reporting Party and the Reporting Party will be notified accordingly.

It will first be considered if precautionary recommendations would be sufficient to mitigate any risk around a case. Recommendations may relate to study arrangements, facility access, accommodation arrangements, support, contact between parties and limiting disclosure of the case, for example, social media posts. If recommendations are not sufficient, or are not adhered to, consideration will be given to more formal conditions through a suspension under the Student Disciplinary Procedure for students or the disciplinary procedure for staff.

Where there are active criminal proceedings relating to the case, Norland will normally be limited to taking precautionary steps only, rather than being able to conduct its own investigation or take a case to a disciplinary panel. Norland will attempt to liaise with the relevant police force where applicable. The Reported Party will at least be expected to comply with any bail conditions and to keep Norland informed of their external case.

Norland reserves the right to invoke the fitness to practice policy where a formal report has been made against a student.

Following a risk assessment, the Reported Party will be advised in writing by the PVC (Student Experience) / PVC (HR and Compliance), of any recommendations made or formal conditions set through the procedures noted above. Where appropriate, either before or after the written communication, a meeting may be arranged to deliver the notification verbally to support the Reporting Party and answer any immediate procedural questions they might have. It is likely that any recommendations or conditions will remain in place until the conclusion of an investigation and/ or



disciplinary hearing, unless there are development in the case or an individual's circumstances which lead to the conditions being reviewed sooner.

During the consideration of the case, the Reported Party will be allocated an independent support member of staff for the same level of support as the Reporting Party. This member of staff will be able to discuss with them a variety of matters around the case, such as the allegations raised, procedural matters and how to access further support. This member of staff will be available to the Reported Party throughout the process outlined in this policy. The Reported Party may opt for alternative support if they prefer.

2.4 Investigation

An independent investigating officer will be appointed to consider and investigate the case. This will be a member of staff who has been trained in investigating these types of cases.

Where there are multiple Reporting Parties and/ or linked counter-concerns raised by the Reported Party, these can proceed through the same investigation process.

The investigating officer will conduct an initial review of the case to determine whether the information available indicates further investigation is required or whether it is unlikely a finding could be reached against the Reported Party on the balance of probabilities. In relation to the former, the case will proceed as set out below. In relation to the latter, the investigating officer will confirm the outcome to the parties and advise that no further formal action will be taken; less formal action may still be recommended.

At the commencement of the investigation the investigating officer will write to introduce themselves to the Reporting and Reported Parties, confirming the process that will be followed.

The investigating officer will be responsible for determining the key line of enquiry for the investigation and the level of enquiry required. This will likely include an investigation meeting with both the Reporting and Reported Parties to gather their accounts. It will be for the investigating officer to identify who they need to speak to, in what order and on how many occasions. Where there are clear admissions made by the Reported Party, the investigating officer may accept these, and this may in turn reduce the level of depth needed to conclude the investigation.

Interviewees will normally receive 5 working days' notice of an investigation meeting. The meeting will be held online or in person where this is necessary and can be facilitated. An interviewee is encouraged to be accompanied (normally by a member of staff or a fellow student) for the purpose of support (not representation). Notes of the meeting will be taken and shared with the interviewee afterwards. Please note that recordings of the meeting will not be permitted unless all parties are in agreement.

The primary purpose of the meeting is to gather information around the case and allow the interviewee a full and fair opportunity to explain and present their account. It will be for the investigating officer to identify appropriate questions and explore topics they consider necessary. Intensive and detailed questioning are to be expected, but a trauma-informed approach will be used. Questions will not normally be provided ahead of meetings. Meetings will routinely allow for breaks



if required. Consideration will also be given to reasonable adjustments if these are requested by an interviewee.

Ahead of the meeting with the Reported Party, the investigating officer may share with them the key information from the formal report which will allow them to respond appropriately. The investigating officer may hold back information that is considered particularly sensitive, for example medical information, or that may give the Reported Party an unfair advantage in the investigation.

The Reported Party will be permitted to submit a written statement, and supporting material, in response to the allegations raised, normally in advance of the investigation meeting. The investigating officer may invite additional written submissions from the Reporting Party and the Reported Party if required.

The investigating officer may need to contact witnesses identified by either party. It will be for the investigating officer to determine whether a witness needs to be contacted, for example were they present, did they receive a disclosure, and if so, how their input is best sought, for example during a meeting or in writing. To do so, the investigating officer will need to divulge, to a witness, necessary details of the case under consideration but will ask them to maintain confidentiality. Witnesses will usually need to agree to be identifiable (unless an exceptional allowance of anonymity is agreed) and provide their input to be relied upon and disclosed during the disciplinary process. It will be for a witness to decide whether they input to an investigation.

Where a party does not engage with the investigation, the investigating officer will consider the case on the information that they have available.

The investigating officer will review the information collected and produce a report setting out their conclusions against the applicable definitions of misconduct from the Student Disciplinary Procedure and this policy. The report may need to consider issues such as consent (did the Reported Party have a genuine belief in consent and, if so, was this a reasonable belief to hold), credibility, capacity, recollection and trauma. Conclusions will identify whether there is a likely case to answer, based upon the standard of the balance of probabilities, and if so, what the recommended action should be:

- To take **no further action** where, based on the information available, it is unlikely that there is a case to answer. This may include continued recommendations around non-contact and support for either party.
- To support the case being addressed through **less formal actions** but to not refer the case further through the disciplinary process.
- For the case to be referred to a **disciplinary panel hearing**.

The investigating officer's report will be shared with the PVC (Student Experience) for them to consider the recommended action. The PVC (Student Experience) may recommend further work be done around the case before it is concluded.

When the investigation report is finalised, the PVC (Student Experience) will offer meetings with the Reported Party and the Reporting Party to advise them of the overall outcome, the next steps in the process and to check on any support needs. The meeting is not an opportunity to challenge the outcome from the investigation. After the meeting (or if one is declined) the report will be provided in confidence to the Reporting Party and the Reported Party. There is no route to appeal.



against the outcome from the investigation, but where a referral to a panel is made, the Reported Party will have further opportunity to state their case before a final decision is made.

Investigations into cases of sexual misconduct will tend to be of sizable duration, which will only become clear as the case progresses. Investigating officers will keep the Reporting and Reported Parties updated on the progress of the case.

Where a Reporting Party or a Reported Party leaves Norland during the investigation, or the Reporting Party withdraws their formal report, it will be at the investigation officer's discretion as to whether they continue to reach their conclusions, factoring in the stage of the investigation and interests of the parties. However, it may not be possible to refer a case to a disciplinary panel in these situations. The outcome will be suitably stored. Norland may refer to outcomes in the Reported Party's references or reserves the right to pursue disciplinary action if the Reported Party resumes study at Norland.

2.5 Referral to a disciplinary panel

When a case has been referred to a disciplinary hearing, the panel will be asked to consider the referral as soon as practicable based on the applicable procedure. To ensure an appropriate panel composition, and that the hearing is of appropriate length, allocation of cases to hearing may take some time to arrange. Parties will be kept updated throughout the process.

Where a case has been referred to a disciplinary panel, the investigation report and any materials collected, for example the formal report, and/or generated, for example the interview notes, through the investigation will be provided to the panel with only essential redactions. The Reported Party will receive the same materials as those available to the panel and these will be provided with the invitation to the hearing.

The panel will be independent of the case and will be tasked with reaching a final finding on the alleged misconduct. The panel is not tied to the investigating officer's conclusions. The panel hearing will present the Reported Party with an opportunity to respond to the investigating officer's conclusions.

The Reporting Party can be asked whether they would be willing to attend a disciplinary hearing in the capacity of a witness. This will be their choice, not a requirement. If so, the Chair of the panel will consider whether the Reporting Party's attendance is necessary or appropriate. Witnesses will not usually be called upon to attend unless there are exceptional circumstances. The investigating officer can be called upon to answer any questions from the panel or the Reported Party.

If a Reporting Party was present for part of the same disciplinary hearing as the Reported Party, careful consideration will be given to ensure limited contact between the parties. Where there are external restrictions on contact, such as a restraining order or non-molestation order, then this may prevent the involvement of the Reporting Party in the hearing.

At the conclusion of the hearing, subject to their being no objections from the Reported Party, it is anticipated that the Reporting Party will receive a brief letter advising them of the panel's final decision and of any key information, for example any sanctions that may affect them, that they need to be aware of. The Reported Party will receive a more detailed outcome letter.



2.6 Student on staff and third-party allegations

The above processes will be followed in relation to student-on-student allegations. However, allegations may also involve staff and third parties, whether as the person making the allegation or the person subject to the allegation.

Where a Reporting Party makes an allegation against a member of staff, the report will be considered under the relevant staff procedure. The Reporting Party will have access to specialist support from the student support team or HR team (depending on whether they are a student or a member of staff) throughout the process. Where the Reporting Party is a member of staff, then it is anticipated that the above process will still be followed insofar as possible, with adaptations relevant to a staff context.

A report about a Reported Party could come from an individual external to Norland. Individuals external to Norland have no automatic right of complaint to Norland so allegations of harassment sexual misconduct will be dealt with at the discretion of Norland. However, Norland will treat such a report seriously and will adopt the principles outlined in the policy and associated procedures, where considered reasonably necessary and practicable.

2.7 Information sharing

Information gathered and disclosed as part of this process will be handled sensitively and confidentially. For Norland, this will mean that staff will likely receive information about the case that is proportionate to their role and involvement. Norland will apply the principle of need-to-know when information sharing. It is not possible to identify everyone that may be involved in a case from the outset, for example 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.

To participate effectively in the process, it is expected that information of a sensitive nature will need to be shared across the parties involved in the case, for example to respond to an allegation. However, the same expectations of confidentiality will apply. This is not intended to restrict students from speaking to genuine supporters, such as an SVLO or counsellor. Where disclosure is made inappropriately, such as online or to individuals not involved in the case, this may be a disciplinary issue in its own right.

There may be disclosure obligations on Norland to an external body, for example to Disclosure and Barring Service (DBS). Similarly, if Norland is asked for a reference it may be required to mention cases handled through this policy.

3. Appendix 1 – Consent and types of behaviours

3.1 Consent

Norland adopts the legal definition of sexual consent: a person consents if they agree by choice and have the freedom and capacity to make that choice.



Consent cannot be assumed on the basis of a previous sexual experience or previously given consent, or from the absence of complaint. Each new sexual act requires a re-confirmation of consent as the foundation of a healthy and respectful sexual relationship.

Consent may be withdrawn at any time before or during a sexual act.

Freedom to consent: For consent to be present, the individual has to freely engage in a sexual act. Consent cannot be inferred from a lack of verbal or physical resistance. Consent is not present when submission by an unwilling participant results from coercion, force, threat, intimidation or the exploitation of power.

- Coercion is when someone is pressured unreasonably for sex or a sexual act, and this can include manipulation.
- Force includes any physical or emotional harm or threat of physical or emotional harm which would reasonably place an individual in fear of immediate or future harm, with the result that the individual is compelled to engage in a sexual act.

Capacity to consent: Free consent cannot be given if the individual does not have the capacity to give consent. An individual is incapacitated when asleep, unconscious, semiconscious, or in a state of intermittent consciousness, or any other state of unawareness that a sexual act may be occurring. Incapacitation may occur on account of a mental or developmental disability, or as a result of alcohol or drug use.

Alcohol and/or drug use: Incapacitation arising from alcohol or drug consumption should be evaluated on the basis of how the alcohol/ drugs have affected the individual. Signs of incapacitation may include, but are not limited to, one or more of the following: slurred speech, unsteady gait, bloodshot eyes, dilated pupils, unusual behaviour, blacking out, a lack of full control over physical movements, a lack of awareness of circumstances or surroundings, and/ or an ability to communicate effectively.

Intoxication is never a defence for committing an act of sexual misconduct or for failing to obtain consent. If there is any doubt as to the level or extent of one's own or the other individual's incapacitation, the safest approach is not to engage in a sexual act.

The perspective of the individual receiving the behaviour will be important to ascertain whether the behaviour was unwanted or inappropriate to them, though Norland will need to take account of what appeared reasonable to understand and interpret in the circumstances.

3.2 Types of behaviours (non-exhaustive)

Sexual misconduct is sexual violence, harassment and similar behaviour, and which can include a range of unwanted physical and non-physical behaviours affecting members of the Norland community. These behaviours can be perpetrated by anyone. Non-consensual sexual activity which may amount to a prosecutable criminal offence is included in this definition.

Gender-based violence may include these behaviours but is also when misconduct is directed against a person because of an individual's gender, or the misconduct affects a particular gender disproportionately.



Domestic abuse and coercive or controlling behaviour is defined as any incident or pattern of incidents of controlling, coercive, threatening behaviour, violence or abuse between those who are, or have been, intimate partners or family members regardless of gender or sexuality. This can include, but is not limited to psychological, physical, sexual, financial and/ or emotional abuse.

The following is a non-exhaustive list of example behaviours that would be considered misconduct:

- Engaging in a sexual act with another individual without consent.
- Attempting to engage in a sexual act with another individual without their consent.
- Causing injury during a sexual act, such that the injury could not be reasonably foreseen or consented to.
- Stealthing – removing a condom without consent.
- Touching another person in what may be reasonably perceived as a sexual manner without their consent, for example caressing someone's lower back or leg.
- Voyeurism – watching others when they are getting undressed, naked or engaged in sexual activity without consent.
- Flashing including cyber-flashing – showing genitals to another person without their consent.
- Taking/ recording intimate images of another person without their consent.
- Image-based sexual abuse/ sextortion – sharing, or threatening to share, intimate images or recordings of another person without their consent. Also referred to as revenge porn.
- Unwanted and unsolicited communication or contact of a sexual nature with another person by email, text message, social media, in any online or digital space, in-person or through another party.
- Storing or viewing inappropriate material using Norland's IT resources, including equipment, software, systems and internet provision.
- Creation and/ or distribution of inappropriate material, including material of a 'deep-fake' nature.
- Conduct of a sexual nature which creates, or could create, an intimidating hostile, degrading, humiliating, or offensive environment for others including making unwanted remarks of a sexual nature or based on someone's appearance, wolf-whistling, making sex-based noises, inappropriate gestures, staring/ leering and upskirting.
- Controlling behaviour – an act or range of acts designed to make someone subordinate and dependent by controlling their sources of support, finances, movements, health, body, means needed for independence, resistance and escape.
- Coercive behaviour – an act or pattern of acts which make someone feel dependent, isolated, punished, or frightened, for example include isolating someone from their family or friends, monitoring someone's activities or movements and threatening to harm someone.
- Stalking – a pattern of unwanted, fixated or obsessive behaviour that is intrusive and causes fear or distress. Stalking can occur both online and in person.
- Upskirting - the filming or photographing under a person's clothes without their consent to capture images of their body or underwear.
- Non-fatal strangulation.
- Intentional or negligent transmission of a sexual infection.

- Spiking – plying another person’s drink, food or similar item, with drugs or alcohol, which they did not consent to.
- Complicity is an act that knowingly helps, promotes, or encourages any forms of harassment of sexual misconduct by another individual.

Document Control Information	
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Summary description:	Norland is committed to preventing harassment and sexual misconduct and maintaining a safe, respectful environment for all students, staff, directors, trustees and contractors. The policy defines unacceptable behaviour, sets out support and reporting arrangements, and explains how disclosures and formal reports are handled. Allegations are investigated fairly, sensitively and confidentially by trained staff, with appropriate support available to both reporting and reported parties. Where misconduct is found, Norland may take disciplinary action in line with its procedures and legal obligations.
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