



UNIVERSITY OF  
CAMBRIDGE

# **2018-19 Annual Report**

---

## **Office of Student Conduct, Complaints & Appeals (OSCCA)**

## Introduction and thanks

The academical year 2018-19 has been one of the busiest since OSCCA was formed in 2016, both in terms of case work and policy and procedure review. During this year there was a 20% increase overall in the number of formal cases handled by the Office with the percentage of cases found in the student's favour remaining at around 10-15% of cases, depending on the Procedure.

This report provides a summary of case figures from the last three years, including equality and diversity data. The report also features notable trends and case studies; it outlines challenges and ongoing work to improve processes, as well as the cases and outcomes from the Office of the Independent Adjudicator, the external Ombud. The purpose of this report is to enable monitoring but also improve transparency and it is anticipated that this report will be made publicly available. The data provided within this report would be releasable under a Freedom of Information request.

Cases handled by OSCCA are decided by a range of decision-makers, mostly academic staff, who donate their time whilst undertaking a variety of senior College and University posts, research and teaching duties. None of the work outlined in this report would be possible without these volunteers and OSCCA is exceptionally grateful for their time, effort and skills. Students submitting or responding to complaints need support and cases always run more smoothly when a student is helped by College fellows or staff, the Students' Unions' Advice Service, the Law Faculty Volunteers or the Sexual Assault and Harassment Advisor for students. The support a student receives can be instrumental to their engagement, trust, understanding and acceptance of the procedure and outcome.

OSCCA continues to provide informal guidance to staff and students on the University's student conduct, complaints and appeals procedures. This includes emails, telephone calls and bespoke briefings to Colleges and Departments/Faculties. OSCCA is also grateful to work closely with other central University teams in relation to policy, particularly: Student Registry, Human Resources, Equality and Diversity and the Education and Quality Policy Office. We are grateful for these teams' enthusiasm and willingness to work with us to improve our procedures for students.

This year has also seen some OSCCA staff changes, with Nikki Bannister covering Grace Parker's maternity leave (Deputy Head of OSCCA) and the recruitment of Chris Down as OSCCA Investigator for harassment, sexual misconduct and student discipline matters. Investigation of harassment and sexual misconduct was previously undertaken by an external investigation and therefore, this was a cost neutral appointment. Both staff have been excellent additions to the team and we also congratulate Grace on the birth of her daughter.

# Contents

The year in numbers	pg 3
---------------------	------

Challenges	pg 4
------------	------

- Recruiting decision makers
- Recording complaints from Graduate Students
- Current duplication of opportunity for undergraduate students to raise procedural irregularities in examinations

Policy and Procedure work	pg 5
---------------------------	------

- Student disciplinary framework
- Process for investigating student complaints of staff misconduct
- Precautionary action

## Casework

This part of the report details the cases that have been received and handled by OSCCA within the last three years. Equality data is included where it has been recorded and where there are sufficient numbers of cases for it to be meaningful. Trends and case studies are provided alongside the statistics of each procedure, which gives an insight into the challenges that students and the University are experiencing.

• Student Complaints Procedure	pg 6
• Examination Review Procedure	pg 8
• Procedure for the Review of Decisions of University Bodies	pg 10
• Student Conduct Procedures	pg 12
○ Special Ordinance on Precautionary action	pg 12
○ Fitness to Study	pg 12
○ Procedure for Student Harassment & Sexual Misconduct	pg 13
○ Student Discipline Procedure	pg 14
• Anonymous Reporting Tool	pg 15
• OIA cases	pg 16

## The year in numbers

- **208** formal cases handled (and 111 informal examination reviews)
- **40** academic decision-makers considering complaints and appeals
- **27** upheld complaint and appeal outcomes for students
- **34** FOI requests made and received responses relating to OSCCA work
- **19** briefings given to Colleges/University staff
- **34** internal and external training events attended by OSCCA staff members
- **5** external events presenting University procedure and practice (UUK, Inside Government and Public Policy Exchange)
- **3** national sector projects and 4 international and UK universities requested insight into Cambridge policy, procedure and practice
- **2** Inter-Collegiate groups supported: Deans of Discipline and College Discrimination and Harassment Contact

# Challenges

## **Recruiting decision-makers**

There have been several attempts to encourage more volunteers to come forward to be trained and to consider student complaints, examination reviews and reviews of University decisions, without much success. Increasing the number of academic decision-makers will be a priority for the 2019-20 academic year. Academic decision-making is one of the core principles of the complaint and appeal processes but can only continue with the good will of academics and allowances from Departments/Faculties and College for those who undertake this work.

## **Recording complaints from Graduate students**

Across the sector it is understood that Graduate students, particularly PhD students, find it difficult to report complaints even once their course of study has ended because their future career is likely to be dependent on the relationships they have with academics. Several graduate students have come forward to OSCCA this year with concerns but have not consented for these to be recorded for fear of being disadvantaged. As a result, and with the agreement of the Graduate Tutors and Senior Tutors, in 2019-20 OSCCA will be piloting the anonymous recording of concerns from Graduate students and subsequently sharing this information with senior Department/Faculty or HR staff. It is critical that the University enables students to give feedback so that it can ensure it is providing the best learning environment for students.

## **Current duplication of opportunity for undergraduate students to raise procedural irregularities in examinations**

Undergraduate students are also able to submit information about potential procedural irregularities that occurred within an examination within 5 days of the exam, which are then shared with the Examiners for consideration at the Examiners meeting. This is in addition to Student Registry already informing Examiners of procedural irregularities that are known to it. This year, the number of reports being received by students rose from 50 to 111. 20 of the 111 reports resulted in Examiners amending marks, 10 related to issues that affected the cohort, already known to the Examiners (mostly relating to errors in exam questions), the other 10 cases related to irregularities that affected the individual student.

This process duplicates the opportunity for undergraduate students to raise procedural irregularities, as they also have an option to raise irregularities following receiving their formal results. Whilst it allows a few students to receive faster consideration of alleged procedural irregularities, this is not an option offered to postgraduate or graduate students and there has been feedback from some Colleges that students find it stressful to complete the required form during the examination period within such a short time.

This process creates significant work: for College in supporting students to submit the form; around 60 hours of administrative work for OSCCA (which requires additional support by Student Registry staff due to the required quick turnaround); and additional administration time for Examiners and administrators in Departments and Faculties. All at a time when everyone is stretched. As a result of all of these factors, it may not be appropriate to continue with this process.

# Policy and procedure work

## Student disciplinary framework

In the Easter Term 2019, the Council and the General Board published a Report proposing a revised student disciplinary framework and a change to the standard of proof to be applied under that framework, from beyond reasonable doubt to on the balance of probabilities. The proposals, made on the recommendation of the Review Committee on Student Discipline, took into account the good practice framework chapter on student disciplinary procedures issued by the Office of the Independent Adjudicator (OIA) in autumn 2018 and comments received during a Collegiate University-wide consultation in the Easter Term 2018 and Lent Term 2019 on drafts of the provisions to govern the new framework. The Council called separate ballots on the two main proposals, both of which were approved (Grace 1 on the new framework: 546 in favour; 142 against; Grace 2 on adoption of the civil standard of proof: 474 in favour; 203 against).

The changes place key responsibility for student discipline under the General Board, with the Council and the Regent House maintaining oversight through an overarching framework in Ordinance. The revisions also include clearer and more accessible rules of behaviour and splits the role of University Advocate into the Student Discipline Officer (responsible for commissioning investigations, dismissing cases, imposing minor sanctions and referring cases for consideration to the Discipline Committee) and the Investigating Officer (responsible for investigating concerns and presenting investigation findings to the Student Discipline Officer and the Discipline Committee). Guidance on sanctions will now be published and publicly available in a guidance document and the outcomes of Discipline Committees will no longer be published in the Reporter. The new framework comes into effect from 1 October 2019.

## Process for investigating student complaints of staff misconduct

OSCCA has worked closely with HR this year to continue to improve the process for investigating student complaints of staff misconduct. This process requires active involvement from both teams: OSCCA responsible for communicating with the student and ensuring access to relevant student support, review options, complaint outcomes and actions available within the Student Complaint Procedure; HR responsible for undertaking the investigation itself through HR procedures to ensure the staff member has access to the appropriate support and process.

This work has enabled a more detailed process map to evolve, ensuring a consistent and supportive approach to all individuals involved in these cases.

## Precautionary Action

The Special Ordinance was amended so that, with the agreement of a College, the University could put in place precautionary action whilst a College procedure was ongoing. This amendment takes effect from 1 October 2019.

## Student Complaint Procedure - statistics

The University's generic complaint procedure covers any action or inaction of the University not covered by any other procedure, including relating to courses of study, facilities, services, or individual staff members. Decision-makers consider whether the University's written policies and procedures have been followed, whether actions taken were reasonable and whether the student has been substantively disadvantaged.

From 2017-18 onwards, the Procedure has consisted of three stages, the first considered at Department or Service level and the second and third administered by OSCCA; stage 1: a local resolution stage; stage 2: a formal resolution stage; and stage 3: review, reviewing the formal decision.

Figure 1 – Student Complaint cases

Year	Group	Formal complaint stage			Review stage	
		received	investigated	upheld	requests	upheld
2018-2019	<b>Total</b>	<b>41*</b>	<b>20</b>	<b>4</b>	<b>2</b>	<b>0</b>
	Course type	UG: 12 PG/Grad: 29	UG: 8 PG/Grad: 12	UG: 1 PG/Grad: 3		
	Gender	Female: 25 Male: 16	Female: 12 Male: 8	Female: 2 Male: 2		
	Fee status/ethnicity	Home: 21 (15 white, 6 BAME) EU: 7 (6 white, 1 BAME) Overseas: 13 (4 white, 9 BAME)	Home: 9 (8 white, 1 BAME) EU: 3 (2 white, 1 BAME) Overseas: 8 (3 white, 5 BAME)	Home: 2 (1 white, 1 BAME) EU: 0 Overseas: 2 (1 white, 1 BAME)		
	Recorded disability	Disability: 2 No known disability: 39	Disability: 2 No known disability: 18	Disability: 1 No known Disability: 3		
	<b>Total</b>	<b>40</b>	<b>19</b>	<b>4</b>	<b>1</b>	<b>0</b>
	Course type	UG: 11 PG/Grad: 29	UG: 9 PG/Grad: 13	UG: 2 PG/Grad: 2		
2017-2018	Gender	Female: 26 Male: 14	Female: 13 Male: 6	Female: 3 Male: 1		
	Fee status/ethnicity	Home: 16 (12 white, 4 BAME) EU: 6 (3 white, 3 BAME) Overseas: 19 (3 white, 16 BAME)	Home: 7 (5 white, 2 BAME) EU: 1 (1 white, 0 BAME) Overseas: 11 (3 white, 8 BAME)	Home: 2 (0 white, 2 BAME) EU: 0 Overseas: 2 (1 white, 1 BAME)		
	Recorded disability	Disability: 10 No known disability: 30	Disability: 5 No known disability: 14	Disability: 0 No known Disability: 4		
	<b>Total</b>	<b>8</b>	<b>5</b>	<b>4</b>	<b>-</b>	<b>-</b>
	Course type	UG: 1 PG/Grad: 7	UG: 1 PG/Grad: 4	UG: 1 PG/Grad: 3		
	Gender	Female: 2 Male: 6	Female: 0 Male: 5	Female: 0 Male: 4		
2016-2017	<b>Total</b>	<b>8</b>	<b>5</b>	<b>4</b>	<b>-</b>	<b>-</b>

\* 5 cases remain ongoing they are included in 'formal complaints received' but in no other columns

# Student Complaint Procedure - learning

The revised procedure continues to be accessed more than the previous procedure, providing evidence that the revised procedure is more accessible. The number of complaints received this year, whilst similar to last year at a glance, could be considered in line with a general rise when considering that in 2017-18 eight complaints received related to industrial action.

## Case Study 1

Student Complaint Procedure – partially upheld

**Case:** A student raised a complaint regarding supervision following the failure in the first year PhD registration process. Whilst it was found that the supervisor had provided sufficient and thorough supervision the student had been able to evidence that she had not recognised the seriousness of her failure at the first attempt of her registration process and therefore did not put sufficient effort into improving for the second attempt.

**Learning:** Supervisors must be honest with students about their progress or lack of progress. Particular care should be taken where English is not a student's first language if using metaphors or vague language. PFRS reports enable monitoring students' progress and factual but supportive meetings can be motivating for students. The Code of Practice for Research Students requires a supervisor to inform a student where their progression is not satisfactory.

## Case Study 2

Student Complaint Procedure – complaint locally resolved

**Case:** A student, whose religious observance required them not to attend lectures at a particular time, raised a formal complaint as they were told they could not have the lectures recorded. The student's College has attempted to address this matter, but no direct action had been taken. Through the formal complaint process, the relevant academic was made aware of the issue and offered to meet with the student to discuss potential resolutions, which led to the student withdrawing the complaint.

**Learning:** If possible, often the best way to resolve a complaint is by resolving it directly with the student at the earliest opportunity.

## Equality and Diversity data

The Procedure refers to relatively small numbers of students and therefore, there are limited conclusions that can be drawn from these figures. However, it appears that overseas students, BAME students and students with disabilities are able to access these procedures. The numbers of students submitting eligible complaints and having complaints upheld do not appear to be skewed using these measures.

In practice the number of students with a disability who submit a complaint is likely to be higher than the data suggests. Figures are reported from the student's record on CamSIS but in practice a complaint may include evidence of a newly diagnosed disability or information about a disability which the student has chosen not to disclose.



# Examination Review Procedure - statistics

Students can request reviews of formal examination results on the grounds of a) procedural irregularities that have materially affected the results, b) bias or reasonable perception of bias in the examination process, c) withdrawal of academic provision in relation to industrial action and d) for Graduate Student ineligible for any examination allowance procedure, mitigating circumstances unknown to examiners for good reason.

From 2017-18 the Procedure, administered by OSCCA, has an informal stage for undergraduate students to communicate urgent issues to examiners, and 2 formal stages: a formal reconsideration stage; and a review, reviewing the reconsideration.

Figure 2 – Examination Review cases

Year	Group	Exam review stage			Review stage	
		received	investigated	upheld	requests	upheld
2018-2019	<b>Total</b>	<b>88*</b>	<b>45</b>	<b>13</b>	<b>10</b>	<b>0</b>
	Grounds**	a) irregularities: 60 b) bias: 38 c) withdrawal: 22 d) mit circs: 9	a) irregularities: 39 b) bias: 16 c) withdrawal: 2 d) mit circs: 5	a) irregularities: 12 b) bias: 1 c) withdrawal: 0 d) mit circs: 1		
	Course type	UG: 47 PG/Grad: 41	UG: 25 PG/Grad: 20	UG: 6 PG/Grad: 7		
	Gender	Female: 41 Male: 47	Female: 20 Male: 25	Female: 6 Male: 7		
	Fee status/ethnicity	Home: 53 (39 white, 14 BAME) EU: 14 (10 white, 4 BAME) Overseas: 21 (5 white, 16 BAME)	Home: 25 (19 white, 6 BAME) EU: 10 (7 white, 3 BAME) Overseas: 9 (2 white, 8 BAME)	Home: 7 (5 white, 2 BAME) EU: 1 (1 white, 0 BAME) Overseas: 5 (1 white, 4 BAME)		
	Recorded disability	Disability: 65 No known disability: 23	Disability: 32 No known disability: 13	Disability: 9 No known Disability: 4		
	<b>Total</b>	<b>77</b>	<b>43</b>	<b>8</b>	<b>12</b>	<b>3</b>
	Grounds*	a) irregularities: 52 b) bias: 33 c) withdrawal: 13 d) mit circs: 11	a) irregularities: 30 b) bias: 18 c) withdrawal: 8 d) mit circs: 7	a) irregularities: 6 b) bias: 1 c) withdrawal: 0 d) mit circs: 1		
2017-2018	Course type	UG: 50 PG/Grad: 27	UG: 25 PG/Grad: 18	UG: 5 PG/Grad: 3		
	Gender	Female: 22 Male: 55	Female: 10 Male: 33	Female: 1 Male: 7		
	Fee status/ethnicity	Home: 41 (25 white, 16 BAME) EU: 5 (3 white, 2 BAME) Overseas: 31 (1 white, 30 BAME)	Home: 25 (16 white, 9 BAME) EU: 2 (1 white, 1 BAME) Overseas: 16 (1 white, 15 BAME)	Home: 5 (4 white, 1 BAME) EU: 0 Overseas: 3 (1 white, 2 BAME)		
	Recorded disability	Disability: 62 No known disability: 19	Disability: 6 No known disability: 37	Disability: 1 No known Disability: 7		
	<b>Total</b>	<b>49</b>	<b>48</b>	<b>4</b>	<b>6</b>	<b>0</b>
	Course type	UG: 33 PG/Grad: 16	UG: 33 PG/Grad: 15	UG: 3 PG/Grad: 1	UG: 5 Pg/Grad: 1	
	<b>Total</b>	<b>49</b>	<b>48</b>	<b>4</b>	<b>6</b>	<b>0</b>
	Course type	UG: 33 PG/Grad: 16	UG: 33 PG/Grad: 15	UG: 3 PG/Grad: 1	UG: 5 Pg/Grad: 1	

\* includes 7 ongoing cases, which are therefore not listed in any other column

\*\* some requests include multiple grounds and therefore this column will not add up to the total



## Examination Review Procedure - trends

Informal stage cases have risen significantly from 50 cases a year in 2016-17 and 2017-18 to 111 cases in 2018-2019. Further comment is provided about this under the 'challenges' section of this Report with a suggestion that it may not be in the best interests of either students or the University to continue this part of the process.

During 2018-19, 18 formal examination review requests from undergraduates were immediately referred to the Examination Access and Mitigation Committee (EAMC) as they related to grave cause or medical circumstances rather than procedural irregularities within the examining process. The wording used on the webpage and examination review form will be reviewed to try and make this clearer to students.

13 of 45 investigated cases were upheld. In comparison to the University's student population this may seem small; however, these are 13 sets of results which were found to include errors, in spite of the robust marking and examining processes in place.

### Case Study 3

Examination Review Procedure – upheld and referred back to examiners

**Case:** A student had received 2 different marks for a dissertation which, in accordance with the policy in the handbook, requires a third marker to provide an additional mark; this process had not been followed. The student requested a review and the Examination Review Officer referred the case back the Examiners so that the process could be undertaken correctly. This led to an increase in marks for the student

**Learning:** Examiners must follow procedures laid out in the Handbook. The remedy where errors occur will be to properly re-run the process. An error in running the process cannot in itself result in raising the student's marks.

### Case Study 4

Examination Review Procedure – upheld and referred back to examiners

**Case:** A student sitting an examination in College found part-way through her examination that her answer booklet had been partially used. She was asked to copy her answers into a new answer booklet and given 5 extra minutes for this. However, this action took over ten minutes and the event itself was disruptive evidenced by the student and the invigilator report. The Examination Review Officer referred the matter back to the Examiners who, because it was a professionally accredited examination, could only permit the student to sit the examination as a further first sit.

**Learning:** Where procedural irregularities occur in the examination itself, invigilators can make a big impact on how well a matter is addressed. Students taking examinations in College should have access to the same opportunities as students in the main examination hall but it can take longer to communicate examination question errors and there can be more background noise.

## Equality and Diversity data

The Procedure refers to relatively small numbers of students and therefore, there are limited conclusions that can be drawn from these figures. However, it appears that overseas students, BAME students and students with disabilities are able to access these procedures without significant issue. There is consistency in the proportions of these subsets of students' whose examination reviews are being investigated and upheld.

# Procedure for the Review of Decisions of University Bodies - statistics

Since 2017-18, a single procedure reviews decisions made by different University bodies about individual student applications, including: examination allowances, disregarding terms/intermission, Faculty Board decisions about progression onto Part III and Alternative Mode of Assessment decisions/reasonable adjustments. The decision-making bodies include: Examination Access and Mitigation Committee/Applications Committee (EAMC/ Apps Cttee); Board of Graduate Students (BGS); Faculty Board decisions, either to progress to part III (FB prog) or for professional exam re-sits (FB re-sit); and Board of Exams (BoE).

The vast majority of these reviews are made on the basis of new evidence, for which there has to be good reason for not including this evidence in the original application. The grounds of reviews have not been routinely captured within the case database, but this will change from 2019-20 onwards. It is also noted that the 2016/17 data does not permit like for like comparison due to a number of subsequent procedure changes.

Figure 3 – Reviews of Decisions of University Bodies cases

Year	Group	Formal complaint stage		
		received	investigated	upheld
<b>2018-2019</b>	<b>Total</b>	<b>43*</b>	<b>30</b>	<b>10</b>
	Decision body	EAMC: 27 BGS: 14 FB Prog: 1 BoE: 1	EAMC: 23 BGS: 7 FB Prog: 0 BoE: 0	EAMC: 8 BGS: 2 FB Prog: 0 BoE: 0
	Course type	UG: 28 PG/Grad: 15	UG: 23 PG/Grad: 7	UG: 8 PG/Grad: 2
	Gender	Female: 22 Male: 21	Female: 15 Male: 15	Female: 4 Male: 6
	Fee status/ ethnicity	Home: 26 (12 white, 14 BAME) EU: 3 (2 white, 1 BAME) Overseas: 14 (3 white, 11 BAME)	Home: 17 (8 white, 11 BAME) EU: 3 (2 white, 1 BAME) Overseas: 9 (2 white, 7 BAME)	Home: 7 (2 white, 5 BAME) EU: 0 Overseas: 3 (1 white, 2 BAME)
	Recorded disability	Disability: 18 No known disability: 25	Disability: 15 No known disability: 15	Disability: 6 No known Disability: 4
<b>2017-2018</b>	<b>Total</b>	<b>40</b>	<b>36</b>	<b>18</b>
	Decision body	Apps Cttee: 24 BGS: 7 FB Prog: 5 FB re-sit: 2 BoE: 2	EAMC: 22 BGS: 6 FB Prog: 5 FB re-sit: 2 BoE: 1	EAMC: 12 BGS: 3 FB Prog: 2 FB re-sit: 1 BoE: 0
	Course type	UG: 32 PG/Grad: 8	UG: 30 PG/Grad: 6	UG: 15 PG/Grad: 3
	Gender	Female: 16 Male: 24	Female: 13 Male: 23	Female: 3 Male: 15
	Fee status/ ethnicity	Home: 27 (19 white, 8 BAME) EU: 3 (3 white, 0 BAME) Overseas: 10 (0 white, 10 BAME)	Home: 15 (7 white, 8 BAME) EU: 3 (3 white, 0 BAME) Overseas: 8 (0 white, 8 BAME)	Home: 9 (5 white, 4 BAME) EU: 3 (3 white, 0 BAME) Overseas: 6 (0 white, 6 BAME)
	Recorded disability	Disability: 13 No known disability: 27	Disability: 12 No known disability: 24	Disability: 5 No known disability: 13
<b>2016-2017</b>	<b>Total</b>	<b>11</b>	<b>10</b>	<b>1</b>
	Course type	UG (Applications Cttee): 10 PG/Grad (BGS): 1	UG (Applications Cttee): 9 PG/Grad (BGS): 1	UG (Applications Cttee): 0 PG/Grad (BGS): 1

\* 4 cases remain ongoing and therefore are not included in the other columns

# Procedure for the Review of Decisions of University Bodies - trends

This procedure, whilst able to review a variety of decisions, considers most often decisions made by the Examination Access and Mitigation Committee and the Board of Graduate Studies. This is reflective of the number of cases each of these bodies considers with the number of reviews being a small proportion of these cases (for example, during 2018-19, EAMC considered over 1000 cases).

## Case Study 5

Procedure for the Review of Decisions of University Bodies – investigated and dismissed

**Case:** A student had requested to be permitted to progress onto the next part of their course of study, but this request had been declined as a result of the academic evidence provided. The student requested a review on the basis because they were subsequently informed that they could have applied to repeat the year (which they would have preferred in any case). The Reviewer dismissed the case as there were no procedural irregularities and the decision taken by EAMC was reasonable but observed that the College may wish to make a new application to disregard terms. The student had also complained that the College had provided a day for him to confirm the content of the EAMC application and this had been stressful.

**Learning:** Colleges are autonomous, however, all students should have consistent and transparent access to University procedures. The University provides information on its website, briefing sessions for Colleges, and can give procedural advice over the telephone. All actions taken by the University and Colleges must be 'reasonable in all the circumstances'.

## Case Study 6

Procedure for the Review of Decisions of University Bodies – upheld and referred back to EAMC

**Case:** The EAMC permitted intermission but required the student to return in Lent 2020 rather than Easter 2020 as the student's Lent Term 2019 had been affected and it would give a period of readjustment before exam term. The student requested a review wanting to return in Easter Term due to financial hardship and wanting longer to recover. The Reviewer upheld this review based on this new evidence. EAMC reconsidered the case including the new evidence, it upheld its decision but additionally provided a fee remission to the student and confirmed that the student could re-apply to disregard further terms if she had not recovered.

**Learning:** It is common practice and within its guidance notes that it is unusual for EAMC to permit a student to return following intermission straight into an examination period.

## Equality and Diversity data

This procedure is accessed proportionately more by students with disabilities (15% of the general student cohort). There may be several reasons for this:

- Some reviewable decisions under this procedure are only for students with disabilities;
- students with disabilities may be more likely to request intermission or examination allowances as other circumstances that occur may have a more significant impact;
- where students are newly diagnosed with a disability whilst a current student, it is more likely that they will require consideration through a University body (for example, an examination allowance or Alternative Mode of Assessment);

Other equality and diversity student data does not present any cause of concern.

# Student conduct procedures

OSCCA administers a range of procedures that relate to student conduct.

- Special Ordinance on Precautionary action
- Procedure to Determine Fitness to Study
- Procedure for Student Harassment & Sexual Misconduct
- Student Discipline Procedure

## Special Ordinance on Precautionary Action

This procedure can only be used where another University procedure or police investigation/criminal proceedings is ongoing. Its purpose is to enable a full investigation to take place or to protect the student themselves or other members of the Collegiate University community whilst a matter is being investigated. Once the underlying procedure has been completed, the precautionary action stops. The process is risk based and any precautionary action is not evidence of wrongdoing. This procedure was first used in 2017-2018. Equality data is limited so that cases cannot be identified.

Figure 4 – Precautionary action procedure

Year	Group	Cases
2018-2019	Total	6
	Detail	<b>Case 1:</b> complaint relating to harassing messages – multiple respondents, precautionary action limited contact with complainant and prevented respondents from discussing complaint <b>Case 2:</b> complaint relating to actions – multiple respondents, precautionary action limited contact with the complainant and prevented respondents from discussing complaint <b>Case 3:</b> complaint related to fraudulent behaviour – suspended from studies and prevented from accessing University buildings whilst investigation is ongoing
	Gender	Female: 2                      Male: 4
2017-2018	Total	2
	Detail	<b>Case 1:</b> complaint relating to sexual misconduct, precautionary action put in place limiting contact with complainant and restricting access to certain University buildings. <b>Case 2:</b> complaint relating to sexual misconduct and abusive behaviour, action put in place limiting contact with complainant and restricting access to certain University buildings
	Gender	Female: 0                      Male: 2

## Procedure to Determine Fitness to Study

The University's fitness to study procedure is used only where it is not possible to use a College procedure, usually because the behaviour is occurring within a Department or Faculty, or the College wishes to retain an entirely support relationship with the student.

Figure 5 – fitness to study cases

Year	Cases
2018-2019	<b>Case 1:</b> a student sent a number of harassing and threatening messages to staff. The student refused to intermit and fitness to study was implemented, the student then withdrew from the University.
2017-2018	No cases
2016-2017	<b>Case 1:</b> a student behaved in a physically threatening way toward staff. Fitness to study was instigated resulting in a decision to permanently remove the student from the University. The student reviewed this decision and it was amended to temporary removal with set conditions before return.

# Procedure for Student Harassment & Sexual Misconduct

This Procedure provides students with a process by which to report any form of student harassment or sexual misconduct for the purposes of wanting to limit the interaction between themselves and the other student by agreement. There is no investigation or findings relating to the alleged behaviour. However, although a breach of any agreement made through this procedure could be referred to the student disciplinary procedures. Complainants are also able to refer their original complaint to the student disciplinary procedures following this informal procedure if they are not satisfied with the outcome.

Cases may not be investigated because they are referred to another procedure, they may be reported by someone who is not a student or the complainant may choose to withdraw or stop engaging with the procedure.

Figure 6 – Student Harassment and Sexual Misconduct cases

Year	Group	received	investigated	Resulting in agreement
2018-2019	<b>Total cases</b>	<b>10*</b>	<b>4</b>	<b>3</b>
	Case type	Sexual act: 6 Harassment: 4		
	Complainant gender	Female: 8    Male: 2		
	Respondent gender	Female: 2    Male: 10		
2017-2018	<b>Total cases</b>	<b>6**</b>	<b>3</b>	<b>2</b>
	Case type	Sexual acts: 5 Harassment: 1		
	Complainant gender	Female: 6    Male: 2		
	Respondent gender	Female: 0    Male: 6		
2016-2017	<b>Total cases</b>	<b>5</b>	<b>3</b>	<b>3</b>
	Case type	Sexual acts: 3 Verbal comments: 1 Harassment: 1		
	Complainant gender	Female: 3    Male: 2		
	Respondent gender	Female: 2    Male: 3		

\* 1 case had 3 respondents

\*\* 1 case had 3 complainants

This procedure remains a lesser known option for students who have been affected by harassment or sexual misconduct from another student. During the next academic year this procedure will be reviewed to ensure the language and process is accessible as possible and then further guidance will be produced.

This procedure requires a number of face-to-face meetings with the student and is resource intensive. However, it has been able to produce arrangements that would not have been possible using other formal procedures.

## Student discipline procedure

This formal procedure enables students or staff to raise complaints about student behaviour. The complaints are investigated by the University Advocate and where there is sufficient information, a student is charged with a breach of the general regulations. The charge is then considered by a Discipline Committee which determines whether there has been a breach of the regulations and what, if any, penalty to apply.

Cases are not charged where the University Advocate considers there is insufficient evidence to have a realistic prospect of a Discipline Committee finding a charge. This decision takes into account the University's standard of proof for student discipline cases, beyond reasonable doubt.

Figure 7 – Student discipline cases

Year	Group	Received/ investigated	Charged /found	Penalty	Appeal
2018- 2019	<b>Total cases</b>	<b>19</b>	<b>4/3</b>	<ul style="list-style-type: none"> <li><a href="https://www.admin.cam.ac.uk/reporter/2018-19/weekly/6521/section1.shtml#heading2-4">https://www.admin.cam.ac.uk/reporter/2018-19/weekly/6521/section1.shtml#heading2-4</a></li> <li><a href="https://www.admin.cam.ac.uk/reporter/2019-20/weekly/6567/section1.shtml#heading2-5">https://www.admin.cam.ac.uk/reporter/2019-20/weekly/6567/section1.shtml#heading2-5</a></li> <li>Appeal cases are not published in Reporter – student had received conviction relating to harassment of a member of the public, student completed current year of study remotely and suspended for 2 years</li> </ul>	<b>1</b> (dismissed)
	Case type	Harassment: 12 Unfair means: 3 Fraud: 1 Not following instructions: 2	3/2 1/1 0 0		
	Respondent gender	Female: 2 Male: 17			
2017- 2018	<b>Total cases</b>	<b>12</b>	<b>6/6</b>	<ul style="list-style-type: none"> <li><a href="http://www.admin.cam.ac.uk/reporter/2017-18/weekly/6510/section1.shtml#heading2-6">http://www.admin.cam.ac.uk/reporter/2017-18/weekly/6510/section1.shtml#heading2-6</a></li> <li><a href="https://www.admin.cam.ac.uk/reporter/2018-19/weekly/6526/section1.shtml#heading2-6">https://www.admin.cam.ac.uk/reporter/2018-19/weekly/6526/section1.shtml#heading2-6</a></li> <li><a href="http://www.admin.cam.ac.uk/reporter/2018-19/weekly/6525/section1.shtml#heading2-6">http://www.admin.cam.ac.uk/reporter/2018-19/weekly/6525/section1.shtml#heading2-6</a></li> <li><a href="https://www.admin.cam.ac.uk/reporter/2018-19/weekly/6524/section1.shtml#heading2-4">https://www.admin.cam.ac.uk/reporter/2018-19/weekly/6524/section1.shtml#heading2-4</a></li> <li><a href="https://www.admin.cam.ac.uk/reporter/2018-19/weekly/6521/section1.shtml#heading2-4">https://www.admin.cam.ac.uk/reporter/2018-19/weekly/6521/section1.shtml#heading2-4</a></li> </ul>	<b>0</b>
	Case type	Harassment: 5 Unfair means: 8	1/1 5/5		
	Respondent gender	Female: 2 Male: 12			
2016- 2017	<b>Total cases</b>	<b>9</b>	<b>5/5</b>	<ul style="list-style-type: none"> <li><a href="https://www.admin.cam.ac.uk/reporter/2017-18/weekly/6482/section1.shtml#heading2-4">https://www.admin.cam.ac.uk/reporter/2017-18/weekly/6482/section1.shtml#heading2-4</a></li> <li><a href="https://www.admin.cam.ac.uk/reporter/2017-18/weekly/6477/section1.shtml#heading2-5">https://www.admin.cam.ac.uk/reporter/2017-18/weekly/6477/section1.shtml#heading2-5</a></li> <li>Appeal cases are not published in Reporter – harassment case of two counts of forcible kissing – student required to attend educative session, provide apologies, suspension considered but unnecessary as studies had already been paused.</li> </ul>	<b>1</b> (dismissed)
	Case type	Harassment: 4 Unfair means: 5	1/1 4/4		
	Respondent gender	Female: 2 Male: 7			

### Equality and Diversity data

Whilst further equality and diversity data could not be presented due to the potential for case identification, it is the case that in relation to the 12 cases of plagiarism or collusion reported across the three years, all but two cases related to EU or overseas students. The same statistics are not reflected in other types of misconduct investigations. The University must ensure that it is clearly communicating relevant academic misconduct, academic integrity and examination allowance procedures to EU and overseas students.



# Anonymous reporting tool

Since 5 May 2017, the University has been enabling students, staff and visitors to anonymously record incidents of harassment, sexual misconduct and discrimination. These reports are not verifiable; however, they indicate the types of behaviour which are occurring within the Collegiate University community.

Figure 7 – Anonymous reporting: number and timespan of reports

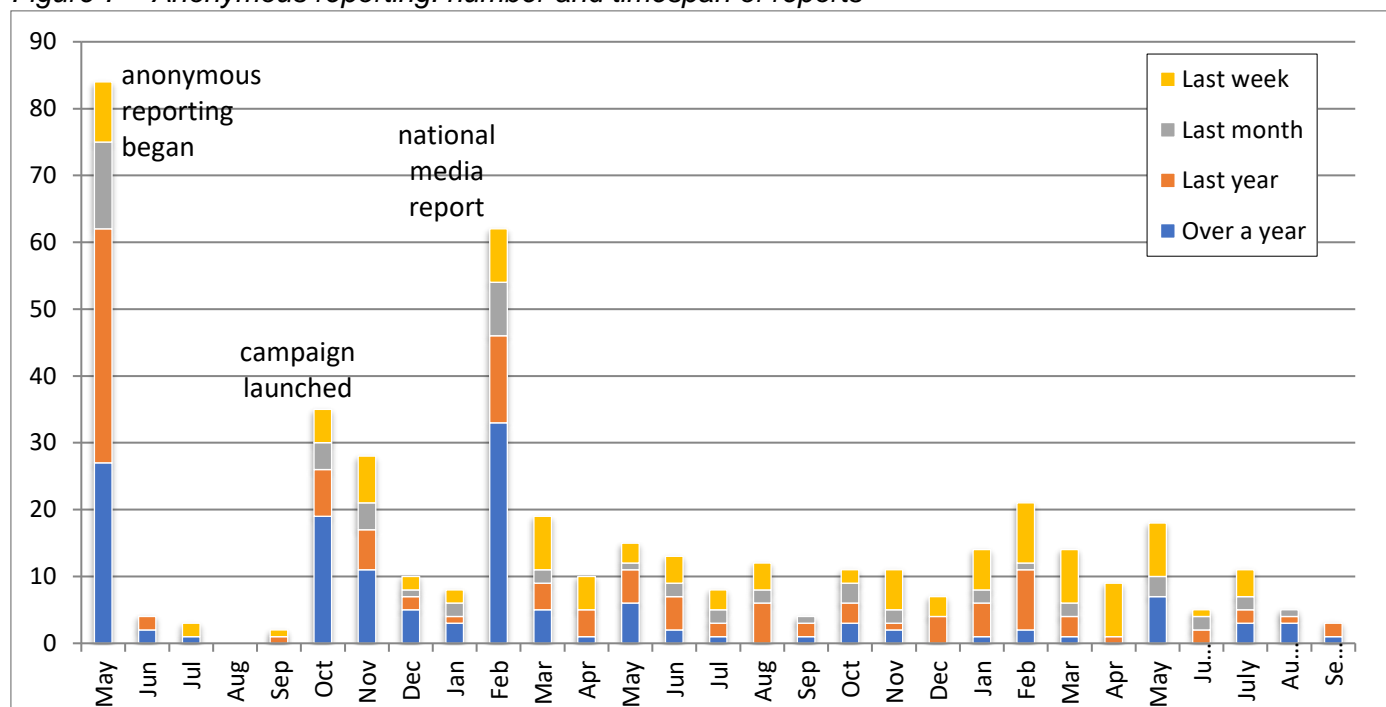
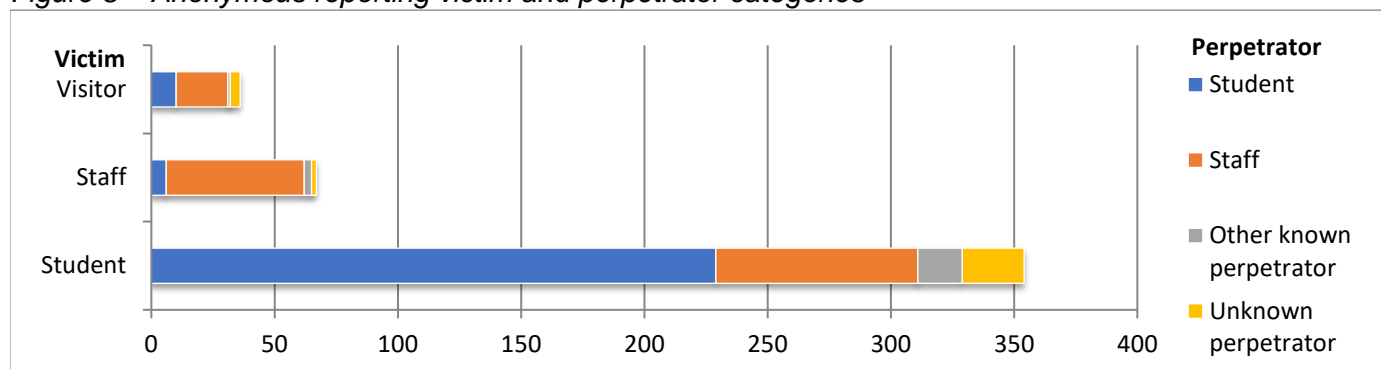


Figure 8 – Anonymous reporting victim and perpetrator categories



Whilst the most common category are student on student incidents, out of 445 reports there have been 80 reports of staff misconduct on students over the two and a half years this has been in place. 25 of the 80 reports referred to matters that had occurred over a year ago. However, these reports include behaviour from every behaviour category including 10 reports of attempting or engaging in a sexual act or sexual intercourse without consent.

Whilst there is no direct action that can be taken in response to these reports, it is necessary for the University to continue to focus on making formal complaint procedures as accessible as possible and provide complainant-led mechanisms where possible.

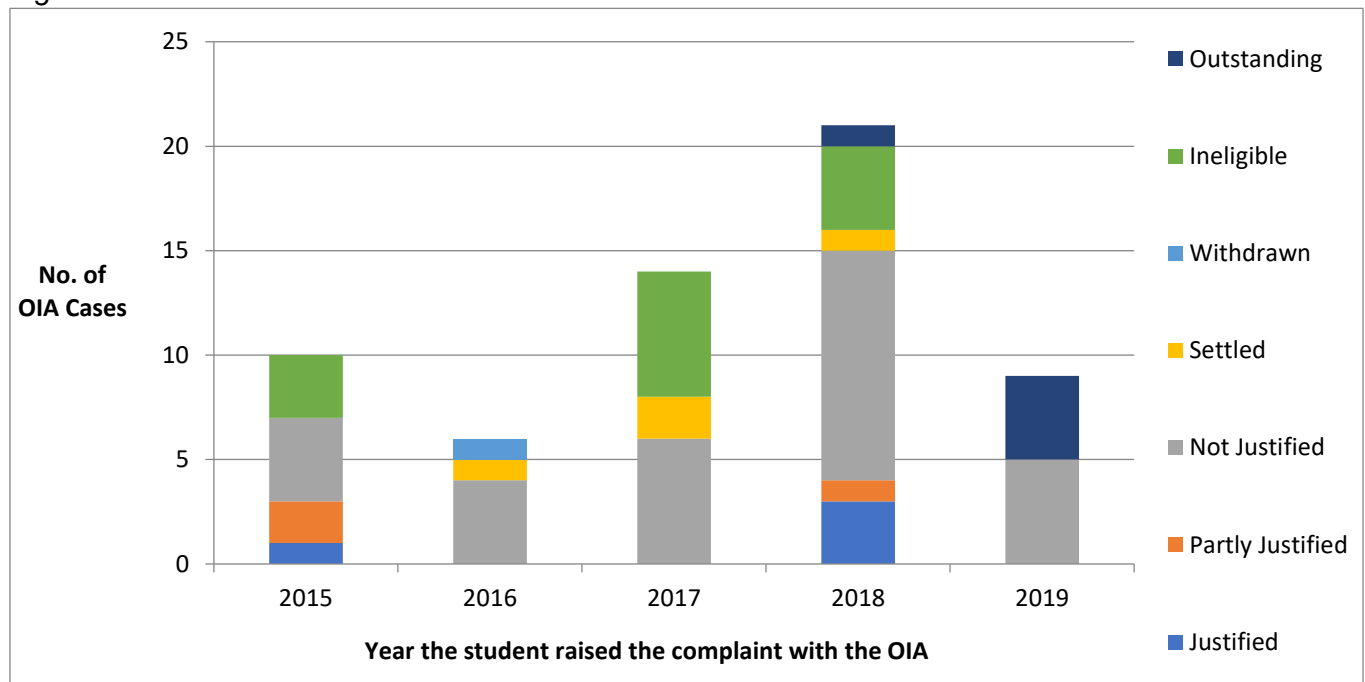


# Office of the Independent Adjudicator cases

Where students have completed a University procedure, they are able to raise a complaint with the Office of the Independent Adjudicator (OIA), the external Ombudsman. The OIA will consider whether the University has followed its own procedures and whether the actions taken are reasonable in all the circumstances.

The OIA produce case studies, public interest cases and a good practice framework to help provide guidance to universities on what is expected practice.

Figure 9 – OIA cases



The justified and partly justified cases are summarised as follows:

## Case Study 7

OIA case – partly justified outcome: investigated complaint

**Case:** The student had raised a number of complaints about their student experience, which were considered to be out of time by the OSCCA Case Handler and therefore, were not investigated. The OIA considered that a meeting that had taken place between the supervisor and the student was within the permitted timeframe and therefore, this limited part of the student's complaint should be investigated.

The University investigated this aspect but requested further advice from the OIA when it became apparent that the supervisor was on long-term leave and therefore could not provide a response. The OIA advised the University that the student's complaint could be adequately investigated without the supervisor's response because even if the student's account of the supervisor's meeting was accurate, this would not equate to a reason for the University to uphold the student's complaint. This advice was followed and the student's complaint was considered and dismissed.

### Case Study 8

OIA case – justified outcome: reconsider examination allowance application and review re-sit policy

**Case:** The student made an application for an examination allowance to disregard a paper, the Examination Access and Mitigation Committee (EAMC) accepted that the student had medical circumstances but that these affected the student's entire examination and therefore the grounds for awarding the particular examination allowance were not met. This decision was upheld at review stage and the student raised a complaint with the OIA.

The OIA found that the student had provided evidence referencing that the student was more affected in some examinations than others by the mitigating circumstances and in any case that an allowance of 'Declared to have Deserved Honours' (DDH), the examination allowance applicable to students whose whole examination period was affected by mitigating circumstances, was inappropriate for this student who had already achieved a 2.1. The OIA recommended that the EAMC reconsider the student's case and the University review its re-sit policy and the examination allowances available for students who have mitigating circumstances.

The student's case is in the process of being considered through the University's internal procedures.

The Examinations and Assessment Committee has commissioned a Working Group to consider the OIA's recommendations in relation to the re-sit policy and examination allowances. The OIA has given the University until 6 March 2019 to respond to this recommendation.

### Case Study 9

OIA case – justified outcome: reconsider examination allowance application and review re-sit policy

**Case:** The student made an application to request an examination allowance of either 'Declared to Deserve Honours' (DDH) or an allowance not available for their academic course of study. The EAMC found that the student did not have sufficient circumstances to receive a second examination allowance and be awarded a DDH and therefore, awarded the student with an Ordinary Degree. The student requested a review and new medical evidence resulted in the review being upheld and the case referred back to EAMC. The EAMC reconsidered the case but still did not consider that there was evidence to award a DDH and could not provide an allowance not permitted by the regulations. The student raised a complaint with the OIA.

The OIA found that the student was not given sufficient reasoning for the EAMC's decision and therefore requested it was reconsidered. The OIA also repeated its recommendation in Case Study 8 to review the re-sit policy and the examination allowances available to students.

The student's case is in the process of being considered through the University's internal procedures.

The Examinations and Assessment Committee has commissioned a Working Group to consider the OIA's recommendations in relation to the re-sit policy and examination allowances. The OIA has given the University until 6 March 2019 to respond to this recommendation.

## Case Study 10

OIA case – justified outcome: reconsider extension request

**Case:** A student had an Alternative Mode of Assessment in place as a result of a disability. As part of these adjustments, a number of extensions had been provided to the student regarding a piece of work. The last application for an extension was declined by the EAMC on the basis that the student had not provided evidence that the adjustments were not working and had not informed the University when the student realised the adjustments were insufficient but had instead waited until just before the deadline. The Reviewer dismissed the student's review request of the EAMC decision and the student raised a complaint with the OIA.

The OIA found that there was a responsibility on staff to inform the EAMC if the adjustments were not appropriate and that the student had not been able to anticipate that the adjustments had not been sufficient. The OIA considered that the University had not demonstrated its consideration of the student's disability in declining the extension request and that the student should have a further opportunity to provide medical evidence.

As a result of the outcome, the OIA recommended that the University reconsider the student's extension request. The University reconsidered the case, re-initiating the Alternative Mode of Assessment process. The student was permitted to return to study.

## OIA 2018 statement

Each calendar year the OIA produce a statement for each HE provider showing how the comparison between the provider and the 'band' median. Bands are defined by the number of students at each provider and impacts the provider's subscription fee. The University of Cambridge's 2018 annual statement can be read here in full:

<https://statements.oiahe.org.uk/statement/NjhkYmFmYjYtOGI2Yy00OWQ3LWFmZjYtYWRRjZDg5OTZjNGEyLzlwMTg%3D>.

To summarise the 2018 OIA statement, in 2018 the University had 19,660 students and as a result, was in the very upper section of band E (12,001 to 20,000 students). The University issued 72 Completion of Procedures letters, compared to the band median of 74. However, these resulted in 23 OIA complaints, opposed to the median 14. Out of the 17 University of Cambridge complaints closed by the OIA: 11 were not justified (band median 6.5); 4 were not eligible (band median 2); 2 were settled (band median 1); and none were partly justified, justified or withdrawn (band median is 1 for partly justified and 1 for withdrawn).

In other information provided by the OIA, on average we responded to OIA requests within 25 days, band median is 28 days.