



UNIVERSITY OF  
CAMBRIDGE

2020-21

Annual Report

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Office of Student Conduct, Complaints &  
Appeals (OSCCA)

## Introduction and thanks

The academic year 2020-21 has been a challenge. There has been a further increase in cases, particularly in disciplinary matters and reviews of University decisions. The COVID pandemic required adaptations to procedures, for example with some Discipline or Study Capability Committees taking place remotely.

This report provides the case statistics, analysis and case studies to enable the University to effectively monitor and learn lessons. The annual report is published on the OSCCA website, to ensure transparency and confidence in the University's complaint and conduct processes. It is also an efficient way to respond to Freedom of Information requests.

OSCCA and the University offer thanks to all who are involved in the OSCCA procedures. The additional caseload has affected the academics and senior administrators who act as decision-makers in OSCCA procedures. This year the University has asked even more from this small and experienced group of individuals who have responded with thorough, sensitive and considered decisions. OSCCA is incredibly grateful to all of those involved; without them, the procedures could not function and the University would be at significant risk.

Additionally, it is not possible to process the cases without the help of other central administrative teams, Departments and Faculties providing information for decisions to be based upon. OSCCA is grateful for the prompt information provided, enabling a timely service for students. Thanks go to all Departments and Faculties, particularly Senior Examiners, Chairs of Examiners, Heads of Department and Administrators who have provided factual responses and reconsidered upheld cases. Thanks also go to a number of teams within Education Services, most notably the Exams team, the Disability Resource Centre and Student Records.

Considerable thanks also go to those who have supported the students who use OSCCA procedures. Most often, this is either the students' Tutors or the Student Advice Service based in the Students' Union; or for sexual misconduct cases, the Sexual Assault and Harassment Advisor (SAHA). Regardless of the factual outcome of a case, the impact on the student is always more positive when a supporter is involved. This is often as a result of many hours spent with the student discussing the matter and all supporters deserve thanks.

OSCCA has also seen some staff changes during the academic year: an additional investigator has joined the team; and two staff began maternity leave, leading to the addition of a small number of temporary staff.

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## Casework

Under each Procedure there is:

1. data for cases handled by OSCCA within the last three years;
2. equality data, where there are sufficient numbers of cases for it to be meaningful;
3. analysis of data trends, including relating to the equality data; and
4. case studies showing lessons learnt or best practice.

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## The year in numbers

**301** cases handled by OSCCA (22% rise on 2019-20 and 45% rise from 2018-19)

**85** complaint and misconduct investigations handled by OSCCA staff

**38** upheld complaint and appeal outcomes for students

**77** reports of student misconduct (126% rise on 2019-20 and 405% increase on 2018-19 using the previous student discipline procedure)

**4.8** FTE OSCCA members

# Challenges

## **Insufficient numbers of decision-makers**

In the past, recruiting decision-makers has been a challenge but it has now reached a critical impasse, following an increase in cases and some experienced decision-makers reaching retirement or being otherwise unable to continue with the role.

OSCCA has attempted to recruit decision-makers through its communication channels, the Education bulletin, the Reporter, the OSCCA website, and through other academic decision-makers and University senior leaders without success. The current system puts the University at risk of case delays, as well as being unfair on the current pool of volunteers; potentially leading to a further reduction of decision-makers over time.

## **Recording anonymous student complaints**

Currently, the University uses an anonymous 'tickbox' form to record the prevalence of inappropriate behaviour within the University community. The system does not permit the recording of identifying information.

Over the last few years, students and Colleges have shown interest in creating an anonymous complaint system where the user could include identifying information about the person being reported. This first arose in relation to PhD students who wished to share concerns about their supervisor or other academics without it affecting their career. During 2020-21, following consultation, a system was implemented but then stopped following concern from some parts of the University community.

Subsequently, an Anonymous Reporting Working Group was created to consider the University's approach. The Group could not agree on whether anonymous users should be able to identify the person they were reporting, it only agreed that ultimately anonymous reporting should eventually become superfluous because the community are sufficiently confident to use named reporting procedures.

In order to determine what type of anonymous reporting system it requires, the University must decide whether anonymous reporting is only to monitor prevalence of incidents or alternatively to enable action to be taken in some circumstances. Until this decision is made, staff resource continues to be spent on consultation and students are left uncertain about the possibility of anonymous reporting in the future.

## Policy and procedure work

Due to the significant caseload undertaken this year, policy and procedure work has been limited. Routine reviews of a number of procedures have been put on hold until the year 2022-23, namely: the Student Complaint Procedure; the Examination Review Procedure; and the Review of Decisions of University Bodies Procedure.

### University statement on safeguarding

OSCCA facilitated the creation of a University statement on safeguarding to ensure compliance with best practice guidance issued by Universities UK. The statement provides students, staff and the public with an overview of the principles and the expectations of the University and individuals involved in University safeguarding matters. The statement includes an appendix of all of the University policies and procedures relating to safeguarding individuals at the University: <https://www.governanceandcompliance.admin.cam.ac.uk/governance-and-strategy/university-safeguarding-statement>.

### Statute on Precautionary Action

While a formal review for precautionary action will be necessary in due course, the impact of enabling online study during the pandemic made an impact on precautionary action taken where an investigation is ongoing. An informal review of the process took place to ensure suitable actions were being recommended by OSCCA to the Academic Secretary. In some instances, where students could pose a risk to themselves or others during investigations, and only where appropriate, students were able to continue to study remotely while being physically absent from Cambridge, rather than being suspended from studying altogether. This type of action is in line with best practice within the Higher Education sector but is usually not possible due to the nature of courses at the University.

# Student Complaint Procedure - statistics

Students can complain about any action or inaction of the University not covered by another procedure, including complaints relating to a course, facilities, services, or staff members' behaviour. Academic decision-makers determine whether: the policies and procedures have been followed; actions taken were reasonable; and if the student has been substantively disadvantaged by the action or inaction of the University.

Figure 1 – Student Complaint case figures and equality and diversity data

Year	Group	Formal complaint stage			Review stage	
		received	investigated	part upheld/upheld	request upheld	
2020-2021	<b>Total</b>	<b>36*</b>	<b>20*</b>	<b>2**</b>	<b>5**</b>	<b>0</b>
		COVID/strike action 14	COVID/strike action 3			
		staff misconduct 4	staff misconduct 4			
			(inc.3 HR investigations)			
		quality of a service 4	quality of a service 4	quality of a service 1		
		quality of a decision 6	quality of a decision 2			
2019-2020		quality of information 2	quality of information 2			
		supervision/course 5	supervision/course 5	supervisions/course 1		
	Course	UG: 14 PG: 21	UG: 6 PG/Grad: 13			
	Gender	Female:13 Other:2 Male:20	Female:8 Other:1 Male:10			
	Racial identity***	White students: 19	White students: 9			
	/Fee status	(11 home, 8 EU/overseas) 14	(6 home, 3 EU/overseas) 9			
2018-2019		BAME students: (9 home, 5 EU/overseas) 2	BAME students: (6 home, 3 EU/overseas) 1			
	Recorded disability	Disability: 13	Disability: 6			
		No known disability: 22	No known disability: 13			
	<b>Total</b>	<b>71</b>	<b>50</b>	<b>20</b>	<b>11</b>	<b>2</b>
		COVID/strike action 36	COVID/strike action 27	COVID/strike action 15		
		staff misconduct 16	staff misconduct 11	staff misconduct 4		
2017-2018			(inc.7 HR investigations)			
		quality of a service 4	quality of a service 4	quality of a service 1		
		quality of a decision 7	quality of a decision 3			
		quality of information 1	quality of information 1			
		supervision/course 7	supervision/course 4			
	Course	UG: 21 PG/Grad: 50	UG: 16 PG/Grad: 34	UG: 2 PG/Grad: 18		
2016-2017	Gender	Female: 42 Male: 29	Female: 32 Male: 18	Female: 13 Male: 7		
	Racial identity***	White students: 35	White students: 24	White students: 11		
	/Fee status	(22 home, 13 EU/overseas) 33	(14 home, 10 EU/overseas) 23	(7 home, 4 EU/overseas) 9		
		BAME students: (11 home, 22 EU/overseas) 3	BAME students: (6 home, 17 EU/overseas) 3	BAME students: (3 home, 6 EU/overseas)		
	Recorded disability	Disability: 21	Disability: 16	Disability: 7		
		No known disability: 50	No known disability: 34	No known Disability: 13		
2015-2016	<b>Total</b>	<b>41</b>	<b>24</b>	<b>6</b>	<b>5</b>	<b>0</b>
	Course	UG: 12 PG/Grad: 29	UG: 10 PG/Grad: 14	UG: 3 PG/Grad: 3		
	Gender	Female: 25 Male: 16	Female: 15 Male: 9	Female: 3 Male: 3		
	Racial identity***	White students: 25	White students: 16	White students: 4		
	/Fee status	(15 home, 10 EU/overseas) 16	(10 home, 6 EU/overseas) 8	(2 home, 2 EU/overseas) 2		
		BAME students: (6 home, 10 EU/overseas) 5	BAME students: (1 home, 7 EU/overseas) 3	BAME students: (1 home, 1 EU/overseas) 1		
2014-2015	Recorded disability	Disability: 5	Disability: 3	Disability: 1		
		No known disability: 39	No known disability: 21	No known Disability: 5		
	<b>Total</b>	<b>41</b>	<b>24</b>	<b>6</b>	<b>5</b>	<b>0</b>
	Course	UG: 12 PG/Grad: 29	UG: 10 PG/Grad: 14	UG: 3 PG/Grad: 3		
	Gender	Female: 25 Male: 16	Female: 15 Male: 9	Female: 3 Male: 3		
	Racial identity***	White students: 25	White students: 16	White students: 4		
2013-2014	/Fee status	(15 home, 10 EU/overseas) 16	(10 home, 6 EU/overseas) 8	(2 home, 2 EU/overseas) 2		
		BAME students: (6 home, 10 EU/overseas) 5	BAME students: (1 home, 7 EU/overseas) 3	BAME students: (1 home, 1 EU/overseas) 1		
	Recorded disability	Disability: 5	Disability: 3	Disability: 1		
		No known disability: 39	No known disability: 21	No known Disability: 5		
	<b>Total</b>	<b>41</b>	<b>24</b>	<b>6</b>	<b>5</b>	<b>0</b>
	Course	UG: 12 PG/Grad: 29	UG: 10 PG/Grad: 14	UG: 3 PG/Grad: 3		
2012-2013	Gender	Female: 25 Male: 16	Female: 15 Male: 9	Female: 3 Male: 3		
	Racial identity***	White students: 25	White students: 16	White students: 4		
	/Fee status	(15 home, 10 EU/overseas) 16	(10 home, 6 EU/overseas) 8	(2 home, 2 EU/overseas) 2		
		BAME students: (6 home, 10 EU/overseas) 5	BAME students: (1 home, 7 EU/overseas) 3	BAME students: (1 home, 1 EU/overseas) 1		
	Recorded disability	Disability: 5	Disability: 3	Disability: 1		
		No known disability: 39	No known disability: 21	No known Disability: 5		

\* 1 complaint had 23 respondents, as a group COVID complaint – their EDI data has not been included.

\*\* 5 complaints are ongoing, and not included in this column. EDI data is omitted to avoid identifying students.

\*\*\*Grouping all 'non-white' students into a 'BAME' category avoids the potential identification of individuals.

# Student Complaint Procedure – analysis

## Complaints relating to the impact of COVID-19

The statistics appear to show a reduction in the number of complaints relating to COVID during 2020-21. However, in previous years, complaints relating to COVID were often twinned with the impact of industrial action. In 2020-21, no industrial action took place and it is therefore unsurprising that the University received fewer complaints relating to COVID too. As in other years, all students were informed of a deadline for raising a complaint relating to COVID at the end of the academic year.

13 of the 14 complaints regarding the impact of COVID came from postgraduate students, likely because Colleges mitigated the impact of COVID for undergraduate students. The majority of the COVID complaints were not investigated as no evidence or detail was provided about the nature of the 'substantive disadvantage' experienced by the complainant. Students whose complaints are dismissed without investigation are able to review the decision and submit further information or evidence. All the investigated COVID complaints were also dismissed, except one that remains ongoing.

## Complaints regarding staff misconduct

The overall number of complaints are small and therefore, it would be wrong to draw significant conclusions from the data. Nevertheless, there has been a drop in complaints of individual staff misconduct compared to the previous academic year. The complaints raised resulted in 3 HR investigations. Such investigations normally take between 6 and 12 months using staff to investigate where this is not their primary role. This is longer than the average OSCCA complaint investigation timeframe of between 6 to 12 weeks.

Where HR investigations have taken place, as in all complaint investigations, students are updated and always given the outcome of the complaint and a reason for the decision. Where a case is upheld students are provided with a remedy but this is unlikely to include any specific staff disciplinary action unless the staff member gives consent for this to be shared. For this type of complaint, action is taken to minimise any interaction between the student and staff member during and following the complaint, regardless of the complaint outcome.

It is important that the University attempts to remove barriers to student complaints about staff, noting the likely power imbalances that exist. Inappropriate staff behaviour can have a significant impact on students' mental health and their academic achievements. At the same time, it is also acknowledged that a minority of students appear to raise complaints about staff if they are removed from their course or do not receive the expected academic award, in an attempt to be able to continue with their studies as a remedy. This can happen even when the student has received significant support from staff. Nevertheless, it is necessary to investigate all complaints about University staff behaviour (where they meet the requirements of the procedure) so that the University can clearly demonstrate that students have received appropriate education and support. This can be a strain on staff members' time and mental health; OSCCA always makes the Head of Department aware of complaints so that appropriate support can be offered to the staff member(s) involved. The decision to undertake an investigation is not an indication that wrongdoing has taken place.

## Equality and Diversity data

Summary data for all University students is available [here](#), with general admissions data on ethnicity available [here](#). Further breakdown of ethnicity is published within the [Race Equality Charter Mark application](#), although this data pre-dates this academic year. Postgraduate students are consistently the majority of complainants, noting that Colleges are likely to play a more significant role for undergraduates in resolving complaints, as well as being responsible for a more significant part of the undergraduate student experience.

In 2020-21, students from Black, Asian and minority ethnicities (referred to as 'BAME' in the table) included 9 different ethnicities; in 2019-20 this group of students included 10 different ethnicities. Both years included Black and Asian (South and East) students from both the UK and EU/overseas.

The data about the following types of students may warrant further analysis, albeit noting that the figures involved are small and therefore, further action may be unwarranted unless similar figures are reflected in future years:

- Students who do not identify as either male or female. 0.6% of students within the University identify within this category but they make up 5.5% of complaints.
- Disabled students, 16.5% of students have a recorded disability within the University but they make up 36.1% of complaints both linked to their disability and in relation to other areas of their experience.

For all groups of students the number of complaints received investigated and upheld remained proportionate. As a result, further analysis of these figures was not undertaken.

Only 0.15% of the student population used the Student Complaint Procedure in 2020-21, which suggests that the vast majority of students were content with the course, facilities, services and staff behaviour. OSCCA has not received any indications that particular groups find it difficult to access the complaint procedure and all reviews of complaints outcomes were dismissed (though several cases remain ongoing).

## Complaints not investigated

To ensure that the criteria for investigating complaints is appropriate, those complaints that were not investigated are scrutinised in this report. 16 submitted complaints were not investigated: 11 were COVID complaints without sufficient grounds for investigation described above. The other 5 complaints included: 2 referred to 'local' resolution within the Department; 1 relating to matters not covered by the procedure; and 1 that related to matters from over ten years ago. The final complaint was withdrawn by the University following multiple warnings to the student about abusive and threatening language. This is the first time such action has been necessary. Reassuringly, the OIA subsequently upheld the University's decision to withdraw the complaint.

An additional complaint was initially considered 'out of time' for investigation but following further information supplied by the student it was deemed within time and investigated.

The Procedure includes a 28-day window for students to raise complaints that can be extended where there is valid reason for delay. While some within the University community question whether this timeframe is too narrow, there is no evidence that complaints are being prevented from being investigated as a result of the timeframe. This year the only 'out of time' complaint was one relating to matters over ten years old.



## Student Complaint Procedure - learning

This year, only 2 complaints out of 36 have been upheld (though 5 remain ongoing). This reverses last year's disparity of an increase in the proportion of complaints upheld. Even if half of the ongoing complaints are upheld, the usual proportion of 10% of complaints being upheld will be maintained.

### *Case Study 1*

Student Complaint Procedure – partially upheld

**Case:** A complaint was made regarding the student experience on a postgraduate research course; the course was terminated early due to unsatisfactory academic progress. The complaint covered many aspects of the student experience and the majority of the complaint was dismissed. However, two aspects were upheld: staff suggesting that study could continue during intermission; and no clear record of which members of the Degree Committee received the case paperwork and were involved in decisions about the case.

**Learning:** If students are permitted to intermit, this is a period of time in which they cannot study, regardless of the wishes of the student. While staff may believe they are helping a student by allowing or suggesting studying at a slower pace during intermission, this type of intervention should be given by way of an extension, not intermission.

All University Committees (including Department and Faculty level Committees) should have unambiguous records of which members receive which meeting papers and those individuals involved in decisions. The maintained records should be unaffected by staff turnover.

### *Case Study 2*

Student Complaint Procedure – partially upheld

**Case:** A student raised a complaint about an OSCCA process that had taken place. The complaint alleged that the University did not have sufficient expertise to run the process and that the process took longer than the advertised timescales and this had a significant impact on the student. It was determined that the process and expertise was appropriate but that although the matter was complex, the process had taken longer that it should, in part due to inadequate resource. The Complaint Officer found that the student was substantively impacted by the delay and therefore, a financial remedy was offered.

**Learning:** While resource for this process has been increased (and had already been increased by the time this complaint was being considered), this is an example of needing to future proof staff resource. When assessing whether it is necessary to recruit further staff consideration should be given to the time it takes to recruit and train specialist staff.

# Examination Review Procedure - statistics

Students can request reviews of formal (summative) examination results on the grounds of:

- procedural irregularities that have materially affected the results;
- bias or reasonable perception of bias in the examination process;
- withdrawal of academic provision in relation to industrial action or COVID-19; and
- for postgraduate Students ineligible for any examination allowance procedure, mitigating circumstances unknown to examiners for good reason.

Figure 2 – Examination Review cases

Year	Group	Exam review stage			Review stage	
		received	investigated	upheld	request	upheld
2020-2021	<b>Total</b>	<b>103</b>	<b>58</b>	<b>8*</b>	<b>4*</b>	<b>0</b>
	Grounds**	a) irregularities: 73 b) bias: 30 c) withdrawal: 19 d) mit circs: 12	a) irregularities: 50 b) bias: 15 c) withdrawal: 6 d) mit circs: 0	a) irregularities: 8 b) bias: 0 c) withdrawal: 0 d) mit circs: 0		
	Course	UG: 48 PG/Grad: 35	UG: 42 PG/Grad: 16	UG: 5 PG/Grad: 3		
	Gender	Female: 46 Male: 37	Female: 21 Male: 38	Female: 2 Male: 6		
	Racial identity***/ Fee status	White: 46 (27 home, 19 EU/overseas) BAME: 51 (29 home, 22 EU/overseas) Info refused: 6	White: 25 (12 home, 13 EU/overseas) BAME: 30 (14 home, 16 EU/overseas) Info refused: 3	White: 2 (2 EU/overseas) BAME: 5 (3 home, 2 EU/Overseas) Info refused: 1		
	Recorded disability	Disability: 21 No known disability: 82	Disability: 5 No known disability: 53	Disability: 0 No known Disability: 8		
	<b>Total</b>	<b>77</b>	<b>37</b>	<b>4</b>	<b>8</b>	<b>1</b>
	Grounds**	a) irregularities: 59 b) bias: 35 c) withdrawal: 22 d) mit circs: 8	a) irregularities: 29 b) bias: 22 c) withdrawal: 3 d) mit circs: 9	a) irregularities: 4 b) bias: 0 c) withdrawal: 0 d) mit circs: 0		
2019-2020	Course	UG: 48 PG/Grad: 29	UG: 24 PG/Grad: 13	UG: 2 PG/Grad: 2		
	Gender	Female: 38 Male: 39	Female: 15 Male: 21	Female: 1 Male: 3		
	Racial identity***/ Fee status	White: 43 (34 home, 9 EU/overseas) BAME: 30 (14 home, 16 EU/overseas)	White: 24 (19 home, 5 EU/overseas) BAME: 13 (5 home, 8 EU/overseas)	White: 3 (2 home, 1 EU/overseas) BAME: 1 (1 home)		
	Recorded disability	Disability: 15 No known disability: 62	Disability: 8 No known disability: 29	Disability: 0 No known Disability: 4		
	<b>Total</b>	<b>88</b>	<b>52</b>	<b>14</b>	<b>13</b>	<b>0</b>
	Grounds**	a) irregularities: 60 b) bias: 38 c) withdrawal: 22 d) mit circs: 9	a) irregularities: 44 b) bias: 20 c) withdrawal: 2 d) mit circs: 5	a) irregularities: 13 b) bias: 1 c) withdrawal: 0 d) mit circs: 1		
	Course	UG: 47 PG/Grad: 41	UG: 30 PG/Grad: 22	UG: 6 PG/Grad: 8		
	Gender	Female: 41 Male: 47	Female: 23 Male: 29	Female: 6 Male: 8		
2018-2019	Racial identity***/ Fee status	White: 54 (39 home, 15 EU/overseas) BAME: 34 (14 home, 20 EU/overseas)	White: 34 (25 home, 9 EU/overseas) BAME: 18 (6 home, 12 EU/overseas)	White: 7 (5 home, 2 EU/overseas) BAME: 7 (2 home, 5 EU/overseas)		
	Recorded disability	Disability: 23 No known disability: 65	Disability: 19 No known disability: 33	Disability: 5 No known Disability: 9		
	<b>Total</b>	<b>88</b>	<b>52</b>	<b>14</b>	<b>13</b>	<b>0</b>
	Grounds**	a) irregularities: 60 b) bias: 38 c) withdrawal: 22 d) mit circs: 9	a) irregularities: 44 b) bias: 20 c) withdrawal: 2 d) mit circs: 5	a) irregularities: 13 b) bias: 1 c) withdrawal: 0 d) mit circs: 1		
	Course	UG: 47 PG/Grad: 41	UG: 30 PG/Grad: 22	UG: 6 PG/Grad: 8		
	Gender	Female: 41 Male: 47	Female: 23 Male: 29	Female: 6 Male: 8		
	Racial identity***/ Fee status	White: 54 (39 home, 15 EU/overseas) BAME: 34 (14 home, 20 EU/overseas)	White: 34 (25 home, 9 EU/overseas) BAME: 18 (6 home, 12 EU/overseas)	White: 7 (5 home, 2 EU/overseas) BAME: 7 (2 home, 5 EU/overseas)		
	Recorded disability	Disability: 23 No known disability: 65	Disability: 19 No known disability: 33	Disability: 5 No known Disability: 9		

\* 4 cases are ongoing and therefore the outcomes are not recorded.

\*\* some requests include multiple grounds and therefore this figure is greater than the number of requests

\*\*\*Grouping all 'non-white' students into a 'BAME' category avoids the potential identification of individuals

## Examination Review Procedure - trends

This year saw an expected increase in cases, noting the 2019-20 case figures did not include first and second year undergraduates as their assessments were formative. This year 8% of cases were successful on the basis of potential procedural irregularities occurring. The remedy was re-examination either with the same or new examiners, depending on the circumstances. Financial compensation offered in one case for distress and inconvenience.

### Equality and Diversity data

The number of students from Black, Asian and minority ethnicity backgrounds requesting examination reviews for the last 2 years is striking. Only 0.4% of the entire University population request examination reviews and therefore any conclusions drawn from the data should be limited. Nevertheless, while the distribution of home and EU/overseas students making examination reviews are proportionate to the student population, this is not the same for the ethnicities of the students. 53% of students requesting this procedure who chose to disclose their ethnicity are from Black, Asian or minority ethnicity backgrounds, though this group make up 36% of the student population. In addition, though not significant because of the very small figures, the majority of upheld examination review decisions were for students from Black, Asian or minority ethnicity backgrounds.

20% of disabled students requested examination reviews (who make up 13% of the population). However, the majority of these requests related to personal circumstances linked to their disability more appropriately considered using the Review of Decisions of University Bodies Procedure. OSCCA will continue to try to improve information to students about the appropriate procedure to use in different circumstances.

### Case Study 3

Examination Review Procedure – upheld and referred back to new examiners for re-examination

**Case:** During an undergraduate examination the 'ProctorExam' mobile telephone application kept disconnecting, requiring the student to re-start it, reposition the phone and report it to the invigilator. The Exam Review was upheld as the nature of the multiple disconnects was a potential procedural irregularity and the Exam Reviewer considered that only the examiners could assess whether the distractions were substantive. Following re-examination of the student's examination scripts, the examiners agreed that the disturbance was insufficient to amend the student's class.

**Learning:** The University is responsible for the administration of examinations and therefore, issues in the software will amount to procedural irregularities. However, a procedural irregularity will not always result in an amendment of examination results.

### Case Study 4

Examination Review Procedure – upheld and referred back to new examiners for re-examination

**Case:** A student requested a review as they rightly suspected that their Student Support Document (SSD) that included information about marking had not been shared with assessors or examiners.

**Learning:** All Departments and Faculties must have a process in place to ensure that, where appropriate, students' SSDs are shared with assessors and Examiners. Where this does not happen there is an impact on students' results and students suffer distress and inconvenience; there are financial consequences.

# Procedure for the Review of Decisions of University Bodies

A single stage review procedure for decisions made about individual students where the decisions do not relate to admissions or examination results.

The permitted grounds for review are:

- new evidence not previously disclosed for good reason (NE);
- procedural irregularities (PI); and
- unreasonable decisions (UD).

The types of decision that can be subject to review include:

- Examination allowances and disregarding terms/intermission made by Examination Access and Mitigation Committee/Applications Committee (EAMC/Apps Cttee) and Board of Graduate Students (BGS)/Postgraduate Committee (PGC)
- Faculty Board decisions about progression onto Part III additional attempts (FB Prog)
- Faculty Board decisions for professional exam re-sits (FB re-sit)
- Decisions by the Student Discipline Officer (SDO)
- Decisions by the Study Capability Committee (Stud Cap) about fitness to study

The 54% increase in the number of reviews requested is almost a direct correlation with the increase in case figures seen by the Examination Access and Mitigation Committee (EAMC); the decisions that are reviewed most frequently under this Procedure.

To help contextualise the review figures, there were 1,397 applications to the EAMC for examination allowances, intermission/disregard terms and alternative modes of assessment. Of the 1,397 applications, 177 (13%) applications were declined and 61 of these had reviews requested. 25 of the 61 requests (2% of all applications and 14% of the declined applications) were upheld. 10 of the upholds were on the basis of new evidence, which the student had not previously submitted. 15 (1% of all applications and 8% of the declined applications) were upheld due to an 'unreasonable decision', which was usually due to a lack of clarity in the reasoning given by the EAMC.

In relation to the reviews upheld under the ground of 'new evidence', students are required to show good cause as to why the evidence was not previously available and therefore, these are not reviews that the relevant decision bodies could have prevented. 7 reviews related to 'new evidence' relating to a different matter than that described in the student's original application to the EAMC, students were encouraged to withdraw their reviews and instead make new applications to the EAMC (as they were within the timeframe permitted). Clarification of this approach will be added to the OSCCA webpages.

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

The case figures and equality data for the last three academic years are as follows (acronyms are defined on the previous page):

Figure 3 – Reviews of Decisions of University Bodies cases

Year	Group	Formal complaint stage		
		received	investigated	upheld
2020-2021	<b>Total</b>	<b>(48 NE, 15 PI, 54 UD) 74</b>	<b>56</b>	<b>27**</b>
	Decision body and grounds*	EAMC: (40 NE, 6 PI, 43 UD) 61 PGC: (1 NE, 3 PI, 3 UD) 3 FB Prog: (4 NE, 3 PI, 3 UD) 5 FB Re-sit: (1 UD) 1 Stud Cap: (1 NE, 1 PI, 1 UD) 1 SDO: (1 NE, 1 PI, 2 UD) 2 BOE: (1 NE, 1 PI, 1 UD) 1	EAMC: (28 NE, 5 PI, 41 UD) 48 FB Prog: (4 NE, 2 PI, 3 UD) 4 FB Re-sit: (1 UD) 1 Stud Cap: (1 NE, 1 PI, 1 UD) 1 SDO: (1 NE, 1 PI, 2 UD) 2	EAMC: (13 NE, 15 UD) 25 FB Prog: (2 NE, 1 UD) 2
	Course	UG: 53 PG: 21	UG: 41 PG/Grad: 15	UG: 23 PG/Grad: 4
	Gender	Female: 34 Other: 1 Male: 40	Female: 25 Other: 1 Male: 30	Female: 13 Other: 1 Male: 13
	Racial identity***/ Fee status	White: 37 (36 home, 1 EU/overseas) BAME: 32 (20 home, 12 EU/overseas) Info refused: 5	White: 30 (29 home, 1 EU/overseas) BAME: 21 (17 home, 4 EU/overseas) Info refused: 5	White: 17 (16 home, 1 EU/overseas) BAME: 8 (7 home, 1 EU/overseas) Info refused: 2
	Recorded disability	Disability: 35 No known disability: 39	Disability: 31 No known disability: 25	Disability: 18 No known disability: 9
	<b>Total</b>	<b>(32 NE, 17 PI, 26 UD) 48</b>	<b>35</b>	<b>15</b>
	Decision body	EAMC: (27 NE, 8 PI, 15 UD) 32 BGS/PGC:(2 NE, 6 PI, 7 UD) 8 FB Prog: (1 NE, 1 PI, 3 UD) 4 FB Re-sit: (2 NE, 2 PI, 1 UD) 4	EAMC: (18 NE, 8 PI, 14 UD) 23 BGS/PGC:(2 NE, 3 PI, 5 UD) 5 FB Prog: (1 NE, 2 PI, 1 UD) 3 FB Re-sit: (2 NE, 2 PI, 1 UD) 4	EAMC: (10 NE, 2 UD) 11 BGS/PGC: 0 FB Prog: (1 NE, 1 UD) 2 FB Re-sit: (2 NE) 2
	Course	UG: 36 PG/Grad: 12	UG: 27 PG/Grad: 8	UG: 13 PG/Grad: 2
	Gender	Female: 26 Male: 22	Female: 17 Male: 18	Female: 8 Male: 7
	Racial identity***/ Fee status	White: 23 (19 home, 4 EU/overseas) BAME: 25 (11 home, 14 EU/overseas)	White: 17 (14 home, 3 EU/overseas) BAME: 18 (9 home, 9 EU/overseas)	White: 10 (8 home, 2 EU/overseas) BAME: 5 (4 home, 1 EU/overseas)
	Recorded disability	Disability: 26 No known disability: 22	Disability: 17 No known disability: 18	Disability: 5 No known Disability: 10
2018-2019	<b>Total</b>	<b>43</b>	<b>34</b>	<b>12</b>
	Decision body	Apps Cttee: 27 BGS: 14 FB Prog: 1 BoE: 1	EAMC: 26 BGS: 7 FB Prog: 1 BoE: 0	EAMC: 10 BGS: 2 FB Prog: 0 BoE: 0
	Course	UG: 28 PG/Grad: 15	UG: 26 PG/Grad: 8	UG: 10 PG/Grad: 2
	Gender	Female: 22 Male: 21	Female:16 Male: 18	Female: 4 Male: 8
	Racial identity***/ Fee status	White: 16 (12 home, 5 EU/overseas) BAME: 26 (14 home, 12 EU/overseas)	White: 14 (9 home, 5 EU/overseas) BAME: 21 (12 home, 9 EU/overseas)	White: 4 (3 home, 1 EU/overseas) BAME: 8 (5 home, 3 EU/overseas)
	Recorded disability	Disability: 18 No known disability: 25	Disability: 18 No known disability: 16	Disability: 7 No known disability: 5

\* cases can include multiple grounds and therefore the grounds will not equal the number of cases

\*\* 3 cases remain ongoing and therefore the outcome is unrecorded

\*\*\*Grouping all 'non-white' students into a 'BAME' category avoids the potential identification of individuals.

# Procedure for the Review of Decisions of University Bodies – Equality and Diversity data

Due to the types of decisions this procedure reviews, it is unsurprising that it is accessed disproportionately by students with a recorded disability, this is because:

- Alternative modes of assessment (a type of EAMC application) are specifically for disabled students; and
- It is more likely that unforeseen circumstances will have a more significant impact on a disabled student and therefore, more likely to lead to an application for an examination allowance, intermission or exceptional third attempts or special consideration for progression to Part III.

43% of the requests are from Black, Asian or minority ethnicity backgrounds choosing to review decisions, while they make up 36% of the student population. This would seem to reflect the trend in the Examination Review Procedure that such students who are submitting individual non-anonymised applications suspect that they have not been treated fairly.

While 43% of students requesting this procedure were from Black, Asian or from minority ethnicities, only 32% of this group of students had 'upheld' reviews. There were only 27 upheld outcomes and therefore, these figures are too small to draw definitive conclusions. Nonetheless, informing students that the EAMC and Reviewers within this procedure are unaware of a student's ethnicity unless the student explicitly includes it within their application may be helpful in building students' confidence.

## Case Study 5

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

**Case:** A student requested a specific reasonable adjustment for an examination but an alternative adjustment was put in place without explanation about why the student's preferred adjustment was not chosen. It was held that it was reasonable for the student to expect an explanation for why the preferred adjustment could not be put in place and so the case was referred back. The decision remained the same but the Committee provided further reasoning for their decision.

**Learning:** Where students specific reasonable adjustments are declined, the decision letter should be explicit that the adjustment was considered and explain the reason for it being declined.

## Case Study 6

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

**Case:** A student requested their original class to be reconsidered, by removing one of the assessments taken as part of the exam that had been affected by medical circumstances. The Reviewer upheld the request because by removing the assessment, the student was on the borderline of the higher class. The EAMC reconsidered the case, however, confirmed their original decision as the allowance requires the candidate to perform '*at the standard of the higher class in all but a relatively small part of the examination*', and even discounting the assessment affected by the circumstance, the student had several marks for papers in the lower class.

**Learning:** The examination allowance permitting students to be awarded a higher class where affected by personal circumstances can only be awarded where the student has '*performed at the standard of the higher class in all but a relatively small part of the examination*'.



## Special Ordinance on Precautionary Action

This procedure is used where a University procedure, College procedure or police investigation/criminal proceedings is ongoing. Its purpose is to enable a full investigation to take place or to protect the student or other members of the Collegiate University community whilst a matter is investigated. Once the underlying procedure has finished, the precautionary action stops.

Precautionary action is risk-based and is not evidence of wrongdoing. It is in addition to automatic requirements in the Student Discipline Procedure that prevent a respondent contacting or approaching any complainants or witnesses. Equality data is limited so that cases cannot be identified.

Figure 4 – Precautionary action procedure

Year	Group	Cases
2020-2021	<b>Total</b>	<b>3 (3 police investigations)</b>
	Detail	<p><b>Case 1:</b> Precautionary action was considered but not put in place for a student who was investigated by the police for a sexual offence against a former student of the University.</p> <p><b>Case 2:</b> Precautionary action was initially put in place for a student following the instigation of a police investigation of a sexual offence involving two students. The action was aimed at limiting interaction between the students but the police investigation was quickly closed under 'No Further Action'.</p> <p><b>Case 3:</b> A student was charged with making indecent images of children, precautionary action was taken, suspending the student from studies. Subsequently, the student was permitted to intermit pending sentencing.</p>
	Gender	Female: 0 Male: 3
2019-2020	<b>Total</b>	<b>4 (4 University investigations)</b>
	Detail	<p><b>Case 1:</b> Complaint relating to sexual misconduct, precautionary action was put in place including limiting contact with complainant and restricting access to University buildings.</p> <p><b>Case 2:</b> Complaint relating to sexual misconduct, physical misconduct and abusive behaviour, precautionary action was initially put in place limiting contact with complainant. Subsequent alleged breach of actions resulted in suspension from physical studies with restricted return permitted later.</p> <p><b>Case 3:</b> Complaint relating to sexual misconduct, precautionary action was put in place including limiting contact with complainant and restricting access to University buildings.</p> <p><b>Case 4:</b> Complaint relating to physical misconduct and abusive behaviour, precautionary action was put in place including limiting contact with complainant and restricting access to University buildings.</p>
	Gender	Female: 0 Male: 4
2018-2019	<b>Total</b>	<b>6 (3 University investigations)</b>
	Detail	<p><b>Case 1:</b> Complaint relating to harassing messages – multiple respondents, precautionary action limited contact with complainant and prevented respondents from discussing the complaint.</p> <p><b>Case 2:</b> Complaint relating to actions – multiple respondents, precautionary action limited contact with the complainant and prevented respondents from discussing the complaint.</p> <p><b>Case 3:</b> Complaint related to fraudulent behaviour – suspended from studies and prevented from accessing University buildings whilst investigation is ongoing.</p>
	Gender	Female: 2 Male: 4

As is evident from the figures when compared to the number of student discipline cases, precautionary action remains rare. This is partly because the Student Discipline Procedure includes its own requirement for the respondent to have no contact with the reporting person or witnesses involved in the investigation. Consequently, precautionary action is usually only considered if banning from buildings or suspension may be warranted. As it is not usually possible for a student to be removed from Cambridge and continue studying remotely, suspension is harmful to a student's academic progress and therefore, can only take place where the risk necessitates such action.

## Support and Capability to Study Procedure

The University's Support and Capability to Study Procedure is an updated and improved version of the previous Procedure to Determine Fitness to Study. The updated procedure has two stages:

- Stage 1 is a Department-led meeting which usually results in an agreed action plan between the student and the Head of Department or delegate;
- Stage 2 is a University-level Committee, which can result in an action plan or in the student being temporarily or permanently withdrawn from the University.

Depending on the circumstances, Colleges can refer into the second stage of the Procedure. Otherwise the Procedure is normally used 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 supportive relationship with the student.

2020-21 uses the new Support and Capability to Study Procedure, cases in 2018-19 and 2019-20 use the previous Procedure.

Figure 5 – Support and Capability to Study cases

Year	Cases
2020-2021	<p><b>Case 1</b> – College referred fitness to study matter as it related to a supervisor outside the College. Case was referred to the Student Discipline Procedure.</p> <p><b>Case 2</b> – College referred fitness to study matter relating to a student's lack of engagement. This was referred to stage 1 of the Procedure, with a Department-level meeting. The intervention was successful and the student went onto engage appropriately with the course of study.</p> <p><b>Case 3</b> – Department referred a PhD student who would not amend their research to be able to continue during pandemic restrictions or intermitting their course until the restrictions had finished. The matter was referred to stage 2 University Committee. The Committee provided the student with the option of amending their research, intermitting the course or otherwise requiring the student's withdrawal. The student refused the options and was therefore withdrawn.</p>
2019-2020	<b>Case 1</b> – a student sent a number of potentially concerning and abusive messages to staff and students within the College setting. The Fitness to Study Panel recommended a series of supportive actions
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.

The increased use of the new procedure would suggest that it is more 'fit for purpose' than the previous iteration. It is positive to also have some success with a case using Stage 1 of the new Procedure. Previously, Departments and Faculties would have undertaken informal meetings with students but sometimes felt unsupported by the University as a result of a lack of guidance and formal consequences if that student did not comply with any agreed action plan.



## Informal Procedure for Student Misconduct

Students use this Procedure to report harassment or sexual misconduct by another student if they want to limit the interaction between themselves and the other student by agreement. There is no investigation or findings relating to the alleged behaviour. However, a breach of any agreement limiting interaction would amount to a breach of the University's Rules of Behaviour and therefore subject to the Student Disciplinary Procedure, without the need to investigate the initial allegation of misconduct.

Reporting students can refer the other student's behaviour for formal investigation using the Student Disciplinary Procedure if dissatisfied by the outcome of this procedure.

The table below includes received cases that are not investigated, this is because they are referred to another procedure, they may have originated from someone who is not a student or the complainant may choose to withdraw or stop engaging with the procedure part-way through the process.

Figure 6 – Student Harassment and Sexual Misconduct cases

Year	Group	received	investigated	Resulting in agreement
2020-2021	<b>Total cases</b>	<b>8</b>	<b>6</b>	<b>5*</b>
	Case type	Sexual act: 8 Harassment: 0		
	Reporting student gender	Female: 8    Male: 0		
	Respondent gender	Female: 0    Male: 8		
2019-2020	<b>Total cases</b>	<b>11</b>	<b>11</b>	<b>8</b>
	Case type	Sexual act: 9 Harassment: 2		
	Complainant gender	Female: 9    Male: 2		
	Respondent gender	Female: 1    Male: 10		
2018-2019	<b>Total cases</b>	<b>10**</b>	<b>4</b>	<b>3</b>
	Case type	Sexual acts: 6 Harassment: 4		
	Complainant gender	Female: 8    Male: 2		
	Respondent gender	Female: 2    Male: 10		

\* 1 investigation remains ongoing

\*\* 1 case had 3 respondents

This procedure remains a lesser known and often less expected option for students who report that another student has harassed or inflicted sexual misconduct upon them. However, it is seen by some as the only viable option. It provides action without the University determining whether or not its Rules of Behaviour have been breached; something which can be difficult for reports of activities that often take place in private with little independent evidence.

This procedure requires a number of face-to-face meetings with the student and is resource intensive. However, it has produced actions that would not be possible using the Student Discipline Procedure and feedback received from both reporting and respondent students regarding this procedure continues to be positive.

The majority of reporting students are female and majority of respondents are male, this is indicative of national and global trends relating to sexual misconduct.

For the 2020-21 cases, 7 related to students who both resided in the UK, in the other case both students were international students. None of the respondents had a recorded disability and 2 of the 8 reporting persons had a recorded disability.

## Student Disciplinary Procedure - statistics

This procedure enables the University to investigate and sanction students following reported inappropriate behaviour. Incidents occurring since 1 October 2019 use the 'Student Disciplinary Procedure', which includes an OSCCA investigator and a decision using the balance of probabilities. A Student Discipline Officer (minor matters); or a Discipline Committee determines whether students have breached the University's Rules of Behaviour.

Figure 7 – Student discipline case for behaviour after 1 October 2019

Year	Group	Formal stage			Appeal stage	
		Reports received	investigated	Found breach	R'cvd	upheld
2020-2021	<b>Total</b>	<b>77**</b>	<b>58</b>	(7 Disc Coms, 11 SDO) <b>18***</b>	<b>1</b>	<b>0</b>
	Allegations*	Physical misconduct 4 Sexual misconduct 13 Abusive behaviour 34 Academic misconduct 24 Using false/forged info 4 Comply w/ instructions 14 Unreported crim convic 1 Interfering activities 2	Physical misconduct 3 Sexual misconduct 12 Abusive behaviour 19 Academic misconduct 21 Using false/forged info 1 Comply w/ instructions 12 Interfering activities 2	Physical misconduct 1 Sexual misconduct 2 Abusive behaviour 6 Academic misconduct 11 Using false/forged info 1 Comply w/ instructions 3 Interfering activities 2		
	Respondent	UG: 42 PG: 34 Female: 38 Other: 1 Male: 36	UG: 32 PG: 26 Female: 27 Male: 31	UG: 13 PG: 5 Female: 9 Male: 9		
	Respondent	White: 28 (19 home, 9 EU/overseas)	White: 17 (12 home, 5 EU/overseas)	White: 11 (7 home, 4 EU/overseas)		
	Racial identity****/ BAME:	42 (29 home, 13 EU/overseas)	37 (25 home, 12 EU/Overseas)	6 (3 home, 3 EU/overseas)		
	Fee status	Information refused: 5	Information refused: 4	Information refused: 2		
	Respondent recorded disability	Disability: 60 No known disability: 13 Information refused: 2	Disability: 10 No known disability: 46 Information refused: 2	Disability: 5 No known Disability: 13 Information refused: 0		
	Reporter	student 28, staff 49, public 0	student 15, staff 43, public 0	student 3, staff 15, public 0		
2019-2020	<b>Total</b>	<b>34**</b>	<b>27</b>	(16 Disc Coms, 5 SDO) <b>21</b>	<b>2</b>	<b>0</b>
	Allegations*	Physical misconduct 2 Sexual misconduct 7 Abusive behaviour 11 Academic misconduct 15 Damage property 1 Endanger safety 3 Comply w/ instructions 2	Physical misconduct 1 Sexual misconduct 7 Abusive behaviour 7 Academic misconduct 15 Comply w/ instructions 2	Physical misconduct 2 Sexual misconduct 3 Abusive behaviour 4 Academic misconduct 14 Comply w/ instructions 1		
	Respondent	UG: 26 PG/Grad: 6 Female: 8 Male: 24	UG: 23 PG/Grad: 4 Female: 6 Male: 21	UG: 18 PG/Grad: 3 Female: 5 Male: 16		
	Respondent	White students: 21 (19 home, 2 EU/overseas)	White students: 18 (16 home, 2 EU/overseas)	White students: 17 (15 home, 2 EU/overseas)		
	Racial identity****/ BAME students:	4 (2 home, 2 EU/overseas)	4 (2 home, 2 EU/overseas)	2 (1 home, 1 EU/overseas)		
	Fee status	Information refused: 5	Information refused: 5	Information refused: 2		
	Respondent recorded disability	Disability: 11 No known disability: 20 Information refused: 1	Disability: 7 No known disability: 19 Information refused: 1	Disability: 4 No known Disability: 12 Information refused: 0		
	Reporter	student 15, staff 17, public 2 Female: 15 Male: 19	student 11, staff 15, public 1 Female: 14 Male: 13	student 3, staff 13, public 0 Female: 5 Male: 11		

\* Multiple allegations can be included in a single report

\*\*Some reports did not include a named respondent and therefore respondent details are not included

\*\*\* 8 ongoing and therefore are not recorded in this column

\*\*\*\*Grouping all 'non-white' students into a 'BAME' category avoids the potential identification of individuals.

For reported behaviour taking place prior to 1 October 2019, the University Advocate investigates the matter. The Advocate can choose to 'charge' the student, and where this takes place, the Discipline Committee considers whether a student is 'guilty' of breaching the University's General Regulations using the 'beyond reasonable doubt' standard of proof.

Figure 8 – Student discipline cases for behaviour before 1 October 2019

Year	Group	Received/ investigated	Charge /found	Penalty	Appeal
2019-2020	<b>Total</b>	<b>3</b>		<ul style="list-style-type: none"> <li>That the student should be permitted to re-submit a substantially revised dissertation within the next twelve months, for it to be examined by new Examiners.</li> </ul>	0
	Case type	Harassment: 2 Unfair means: 1	1/0 1/1		
	Gender	Female: 2 Male: 17			
2018-2019	<b>Total</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 case: student received conviction for harassment of a member of the public, outcome: completed current year of study remotely and suspended for 2 years</li> </ul>	1 not upheld
	Case type	Harassment: 12 Unfair means: 3 Fraud: 1 Not following instructions: 2	3/2 1/1 0 0		
	Gender	Female: 2 Male: 17			

## Student Disciplinary Procedure - trends

In the past year, discipline cases have split largely into three categories: firstly, academic misconduct; secondly, personal misconduct (physical misconduct, sexual misconduct and abusive behaviour); and thirdly, not complying with instructions given by the University. The final category is primarily for students who, despite reminders from the University and College, did not complete online registration: this is a contractual requirement for all students and a visa requirement for international students. For the academic misconduct and personal misconduct categories the challenges and relevance of equality data are different and therefore, the analysis of this data is set out below.

### Academic misconduct

While proportionately the number of cases are very low both across the student population and in comparison to other universities, there was still a significant increase in academic misconduct cases. The 24 cases referred to OSCCA were in line with last year's 15, when only final year undergraduates had summative assessments. 11 of the cases are from postgraduate students; 2 from PhD candidates when undertaking the first year assessment and the rest from a range of other postgraduate courses.

21 of the cases went forward for investigation, though some investigations were stopped due to students withdrawing from the course. 6 students had minor sanctions imposed by the Student Discipline Officer and 10 were referred to the Discipline Committee, 6 of which have taken place. The other 4 are due to take place soon; one of the challenges of this significant increase has been investigating and considering a significant number of cases all being reported at roughly the same time. A delay in the process can have a substantive impact on the student and the investigation and consideration process for academic misconduct will be reviewed.

The penalties issued for academic misconduct to date are as follows:

Figure 9 – Academic misconduct penalties

Year	Penalties	Department	Respondent
2020-2021	• Written apology, written reflection and educative session (x2)	1x Philosophy Tripos	Male: 4
	• Written warning, educative session and written reflection	2x Theology Tripos	Female: 7
	• Written warning, written apology, educative session and written reflection (x2)	2x Engineering Tripos	White 7
	• Written warning and written reflection	2x ASNC Tripos	BAME 5
	• Written warning, mark for assessment amended to 0	1x PCIDBE	Info Refused 0
	• Mark for two assessments amended to 0 with permission to resubmit for capped mark	1x MPhil Conservation Leadership	Home 7
	• Confirming a fail mark, educative session, written reflection, written apology	1x Medical Tripos	Overseas 5
	• Requirement to re-submit assessment, written reflection, educative session	1x Real Estate Finance	Disability 2
	• Mark for assessment amended to 0, written apology	1x NOTAF Land Economy	No disability 10
	• Two written assessments to 0		
2019-2020	• Written apology, written reflection and educative session	4x BBS Tripos	Male: 9
	• Marks for assessments amended to 0	1x MPhil Comp Sci	Female: 4
	• Marks for two assessments amended to 40 pass mark and no safety net	1x English Tripos	White 10
	• Dissertation mark 0	1x MSt Int' Relations	BAME 2
	• Assessment amended 0, permitted to re-sit and written apology	1x Med Sci Tripos	Info refused 1
	• Re-mark essay without credit for plagiarised material, and written reflection	1x MBBCB	
	• Re-submit dissertation at pass in order to progress, written apology	1x Philosophy Tripos	Home 12
	• Re-mark essay without credit for plagiarised material, and written apology	1x PBS Tripos	Overseas 1
	• Mark for assessment reduced by 10% and no safety net	2x Theology Tripos	
	• Mark for assessment amended to 0 and no safety net		Disability 4
	• Reduction in degree class from 2.2 to 3		No disability 9
	• Assessments reduced by 10% & 5%, written apology and written reflection		

## Student Disciplinary Procedure - trends

### Personal misconduct (physical misconduct, sexual misconduct and abusive behaviour)

The most challenging aspect of this type of misconduct has been the time taken to conduct investigations. Almost all of the ongoing investigations relate to personal misconduct and the reasons for extended timeframes vary from police involvement, to significant numbers of witnesses involved and the capacity of the investigator. The time taken to investigate cases is mitigated by the interim actions imposed on respondent students – not being permitted to contact or approach the reporting student and any witnesses, and in some cases further restrictions to College or University buildings and facilities - but this is still far from ideal. To improve the situation, the University has permitted OSCCA to recruit an additional investigator.

In relation to apologies as a penalty, these are all reviewed by the Chair of the Committee. Apologies are only sent onto the reporting person where this is wanted by them. The respondent does not know whether the reporting person received a copy of the apology.

Figure 10 – Personal misconduct penalties

Year	Penalties – issued by Discipline Committee	Respondent details		Reporting person details	
2020-2021	<ul style="list-style-type: none"> <li>1x Educative session</li> <li>2x No contact order</li> <li>2x written warning and no contact order</li> <li>1x written apology, restrictions on contact/facilities, ongoing support</li> <li>1x written apology, written reflection, educative session</li> </ul>	Male:	4	Female:	3
		Female:	2	Male:	3
		White	3	White	2
		BAME	2	Unknown (staff)	4
		Info refused	1	Home	1
		Home	2	EU/Overseas	1
		EU/Overseas	4	Unknown (staff)	4
		No disability	3	No disability	2
		Known disability	3	Unknown (staff)	4
		<b>Respondent details</b>		<b>Reporting person details</b>	
2019-2020	<ul style="list-style-type: none"> <li>8 cases in total</li> <li>Multiple respondents/reporters</li> <li>3 cases relate to single respondent student</li> <li>Time taken to report</li> <li>All cases relate to sexual misconduct</li> <li>Majority of cases delayed due to police investigation</li> <li>All but one reported during the Easter term or summer vacation period 2021</li> </ul>	<b>Ongoing cases relating to personal misconduct</b>		<b>Respondent details</b>	
		<b>Reporting person details</b>		<b>Respondent details</b>	
		Male:	7	Female:	7
		Female:	1	Male:	1
		White	2	White	6
		BAME	5	BAME	2
		Info refused	1	Home	6
		Home	7	EU	2
		EU/Overseas	1	No disability	4
		No disability	8	Known disability	4
2019-2020	<ul style="list-style-type: none"> <li>No contact order, restrictions on building access, written warning, written apology</li> <li>No contact order, temporary suspension from access to physical buildings, restrictions on building access, College ban, engage with specialist service to provide rehabilitative work and assessment, written apology, written reflection</li> <li>No contact order, building restrictions, online course, reflective discussion.</li> <li>4x written apology</li> <li>2x written apology, educative session, written reflection, no contact order, restrictions on facilities</li> </ul>	Male:	10	Female:	9
		White	7	Male:	1
		Info refused	3	White	9
		Home	9	Info refused	1
		EU/Overseas	1	Home	9
		No disability	7	EU/Overseas	1
		Known disability	3	No disability	8
				Known disability	2

## Equality and Diversity data

The gender of respondent and reporting students is starkly represented through this data, although it is important that the University continues to maintain gender neutral campaigns around reporting so as not to introduce further barriers to reporting students who may already feel marginalised.

In addition, and in reference to the statistics for all potential disciplinary offences, although the figures are very small, 12 out of 14 of the students reporting any inappropriate behaviour were white, and one 'information refused'. As a result, it appears that students from Black, Asian and minority ethnicity backgrounds are not proportionately using this procedure. Engagement with the Cambridge SU BME Officer and the BME student campaign will attempt to address barriers in reporting.

## Anonymous reporting tool

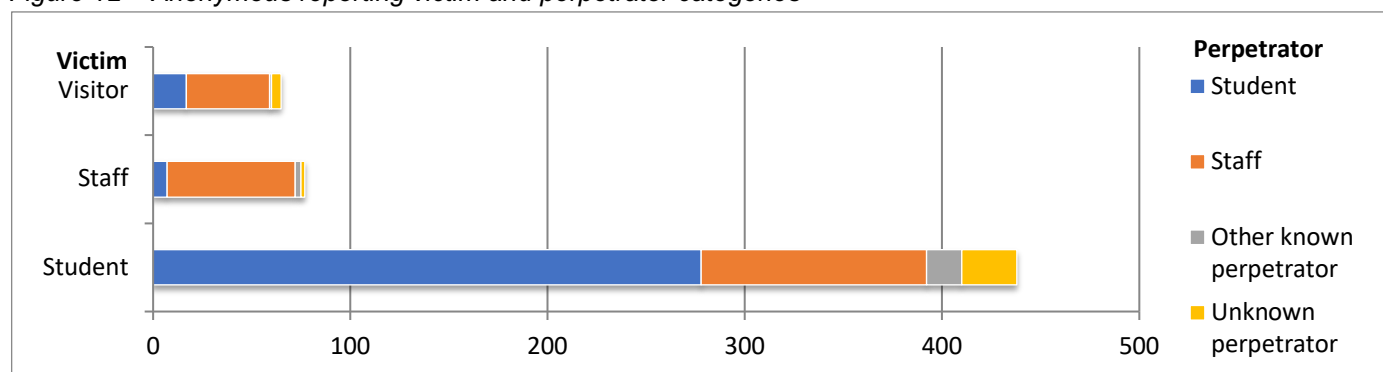
Since 5 May 2017, the University has been enabling students, staff and visitors to anonymously record incidents of harassment, sexual misconduct and discrimination. These reports are not verifiable; however, they indicate the types of behaviour that are occurring within the Collegiate University community.

Figure 11 – anonymous reporting data by time taken to report

Year	Incident took place in the:								Total
	Last week		Last month		Last year		Over a year		
	No.	%	No.	%	No.	%	No.	%	No.
2020-2021	36	32%	21	19%	33	29%	23	20%	113
2019-2020	53	43%	25	20%	30	24%	15	12%	123
2018-2019	55	43%	18	14%	33	26%	23	18%	129
2017-2018 Breaking the Silence launch	19	10%	29	15%	57	30%	87	46%	189
2016-2017 (from May 2017)	12	13%	13	14%	38	41%	30	32%	93

This table demonstrates the continued use of the anonymous reporting system, despite no significant ongoing University campaign efforts. It shows that when students (and to a lesser extent staff and visitors) first started using this mechanism, they were primarily reporting issues that had taken place some time ago. However, over the years this trend has changed to some extent and now, either because of their knowledge of the tool or because they are looking for University reporting tools earlier, the majority of users are reporting incidents within a month of them occurring. This suggests that a greater proportion of the Collegiate University community are recognising or more comfortable with anonymously reporting incidents of harassment and discrimination earlier.

Figure 12 – Anonymous reporting victim and perpetrator categories



The majority of reports focus on student on student misconduct but this year has also seen students report 15 incidents of staff misconduct. 1 of these relates to offensive comments and the others relating to physical or sexual misconduct with the majority being linked to treating the student differently on the basis of perceived personal traits, and these ranged from age, disability, gender, sexual orientation, ethnicity and nationality.

In the last two years, the University has collected data on the proportion of users who have sought support for the behaviour that they have reported. It is noticeable that the proportion of those who have reached out to the University or College for support have halved over the last year.



Figure 13 – anonymous reporting data – accessing support

Year	Reporter has sought support from:													Total
	Uni/College		external		Family/friend		Will do soon		No support		unanswered			
	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	
2020-2021	13	12%	10	9%	41	36%	12	11%	36	32%	1	1%	113	
2019-2020	26	21%	13	11%	35	28%	17	14%	29	24%	3	2%	123	
2018-2019	26	20%	3	2%	46	36%	12	9%	42	33%	0	0%	129	

This system also captures the sex of the person reporting the matter; either the sex of the person affected by the incident, or the person reporting it on someone else's behalf.

Figure 14 – anonymous reporting data – reporting person's sex

Year	Sex of affected person where reporting it themselves:								Total
	Woman		Man		Other		Unstated		
	No.	%	No.	%	No.	%	No.	%	
2020-2021	51	64%	14	18%	5	6%	10	12%	80
2019-2020	66	69%	18	19%	0	0%	11	12%	95
2018-2019	66	72%	20	22%	1	1%	5	5%	92

Sex of person reporting it on someone else's behalf								Total
Woman		Man		Other		Unstated		
No.	%	No.	%	No.	%	No.	%	
12	36%	9	27%	3	9%	9	27%	33
8	29%	13	46%	2	7%	5	18%	28
16	43%	14	38%	0	0%	7	19%	37

The majority of those reporting incidents are women, which is in line with data from other universities and national statistics on those who are more affected by harassment, discrimination and sexual misconduct. Last year's swell of men reporting incidents on behalf of women has reduced and therefore, was likely to be as a result of the relatively small numbers of reporters, rather than a trend.

The fact that the number of annual reports are slowly dropping should not be seen as evidence of a drop in prevalence. It is likely linked to the time that has elapsed since the University has campaigned around this issue. Without a larger dataset it is difficult to provide any reliable analysis of the data captured.

## Anonymous reporting – identifying others

As a result of University funding secured by HR, OSCCA participated in the creation of a portal and accompanying webpages entitled 'Report and Support'. The intention was to create a 'one stop shop' for all forms of reporting including anonymous reporting. The revised anonymous system included the ability for those reporting anonymously to identify individuals involved so that informal follow up action could be taken where appropriate.

OSCCA consulted with students and Colleges about the student element of the new system. There was a positive response by many; for years Colleges have struggled to anonymously report postgraduate students' concerns to Departments or Faculties without identifying the student – OSCCA has previously acted as a go-between for this reason.

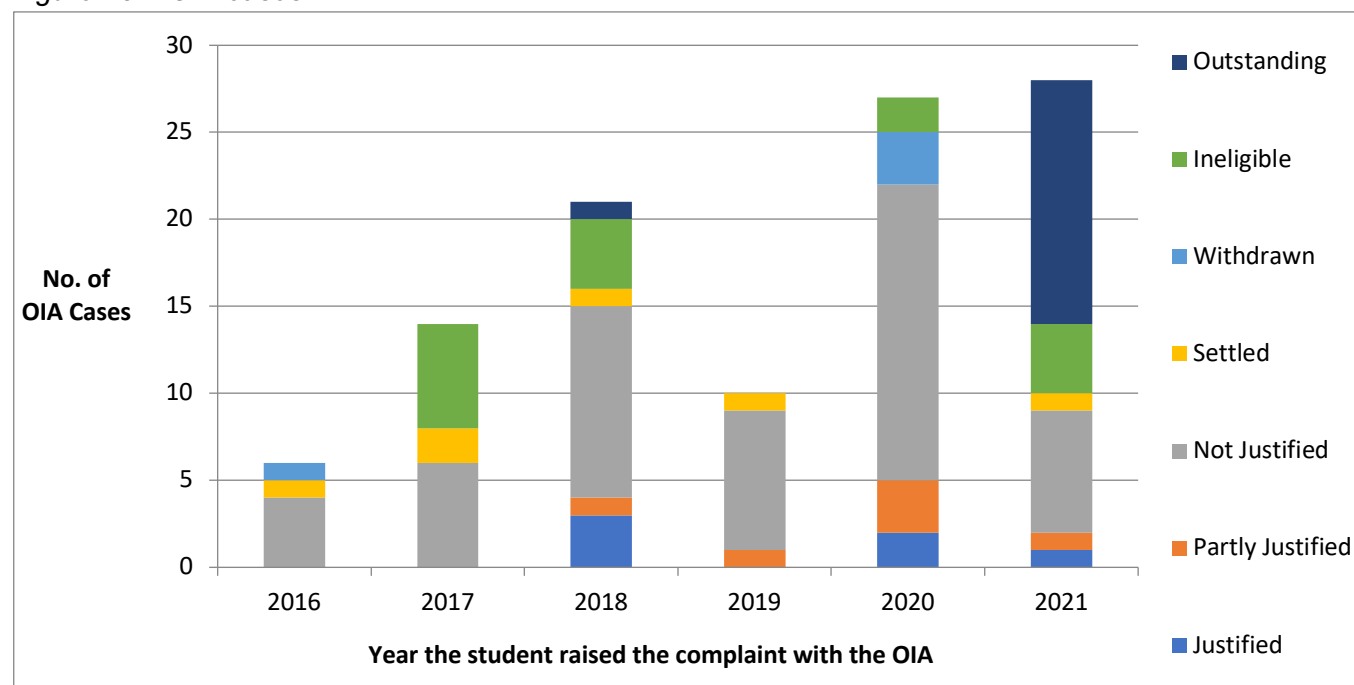
The new anonymous reporting system was stopped after 2 weeks in order to undertake further consultation, to determine whether it was appropriate for anonymous (and unverified) reporters to be able to identify others. However, within the 2 weeks, 1 anonymous report was acted upon and resolved, with the relevant staff member receiving information about the incident that had been reported by a student and subsequently amending their behaviour.

## 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 15 – OIA cases



The justified cases are summarised as follows:

### Case Study 7

OIA case – partly justified outcome: examination review

**Case:** A student had requested an examination review on a number of matters relating to procedural irregularity and bias. The University dismissed the case on the basis the student was questioning academic judgement and there was no evidence the student has been substantively disadvantaged by the matters raised. The student complained about all matters to the OIA.

The OIA dismissed all elements except one; while the OIA accepted that it could not interfere with academic judgement, it wished to see the evidence that the marking and moderation procedure has been correctly followed in relation to one examination. The Faculty's Examiners, in accordance with Faculty policy, had destroyed all records of the marking processes retaining only the final markbook. The OIA would not accept a statement from the Senior Examiner confirming that the marking and moderation processes had been following as it was not contemporaneous.

The OIA recommended that the student's examination paper be re-examined as the marking and moderation processes could not be evidenced. The General Board's Education Committee subsequently reviewed and revised the guidance to Examiners to retain sufficient evidence of marking procedures having taken place (see the guidance for further details).



### Case Study 8

OIA case – justified outcome: Review of Decision of University Body

**Case:** The student made an application to the EAMC for an examination allowance via the College. The student subsequently stated that the College had not accurately communicated the matter to the EAMC, which has led to the request being dismissed.

The OIA considered that as a result of the errors and inaccuracies put forward in the student's cases it was reasonable that the matter should be reconsidered by the EAMC with the correct information. The OIA also considered that the requirement for the student to provide evidence of the impact of a family member's significant medical treatment during COVID-19 lockdown restrictions was unreasonable.

It is the OIA's opinion that it is best practice for students to make their own application for an examination allowance. However, this matter has been reviewed by the EAMC who have concluded that College involvement provides a better quality of application and is therefore, in the students' interest to continue.

### OIA 2020 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 2020 annual statement can be read here in full:

<https://statements.oiahe.org.uk/statement/NjhkYmFmYjYtOGI2Yy00OWQ3LWFmZjYtYWVjZDg5OTZjNGEyLzlwMjA%3D>.

It is noted that in 2020 the University came within the lowest section of band F. Therefore, as in previous statements, the comparison data is not necessarily directly comparable as band F includes institutions with 20,001-30,000 but provides a useful guide.

During the 2020-21 academic year, the OIA reviewed the previous conclusion that there should be a single subscription encompassing both the University and the Colleges. It concluded that instead each College should register separately with the OIA and pay separate subscriptions to the University subscription. This revised arrangement will take effect from January 2022. It will not affect the statistics in this report, which have only ever included cases resulting from University procedures.