

## CODE OF CONDUCT FOR STUDENTS IN RESPECT OF HARASSMENT AND SEXUAL MISCONDUCT

The University is committed to providing an environment that is free from discrimination and affirms the right of all members to be treated with dignity and respect. The University will not tolerate harassment of one member of its community by another nor sexual misconduct. The University takes allegations of harassment and sexual misconduct very seriously and may take action, including disciplinary action, in response to a complaint from a student.

The University defines harassment as single or repeated incidents involving unwanted or unwarranted conduct towards another person which it is reasonable to think would have the effect of (i) violating that other's dignity or (ii) creating an intimidating, hostile, degrading, humiliating, or offensive environment for that other.<sup>1</sup>

Harassment may be verbal, psychological, or physical, in person or via a virtual platform, or through other methods of contact. Harassment may occur in the course of an academic, sporting, social, cultural, or other activity either within the Precincts of the University<sup>2</sup> or elsewhere in the context of a person's membership of the University, or in circumstances where the victim of the harassment is a member, officer, or employee of the University or a College.

Under this Code of Conduct unacceptable behaviour, whether intentional or not, can take a variety of different forms. The following descriptions are not exhaustive, but give an indication of the types of behaviour which the University considers to be unacceptable:

- making sexually offensive comments about dress or appearance, the display or distribution of sexually explicit material, or demands for sexual favours;
- engaging in harassment on the grounds of a person's sexuality (or assumptions about a person's sexuality) including making derogatory homophobic, transphobic, or biphobic remarks or jokes aimed at a particular person, offensive comments relating to a person's sexuality, refusal to acknowledge a person's gender or identity, or threats to disclose a person's sexuality to others;
- making offensive references to a person's race, ethnicity, skin colour, religion or nationality, dress, culture, background or customs which have the effect of ridiculing or undermining an individual or fostering hatred and/or prejudice towards individuals or particular groups;
- ignoring, disparaging, or ridiculing a person because of mistaken assumptions about their capabilities, or making offensive reference to an individual's appearance, in the context of their disability;
- controlling or coercive behaviour, such as pressure to subscribe to a particular political or religious belief.

Online harassment may take the form of intimidating, offensive, or graphic posts on social media sites or chat rooms, or communications by email, text, or instant messaging.

Sexual misconduct includes the following, whether or not within a sexual or romantic relationship, including where consent to some form of sexual activity has been given and then withdrawn, or if consent has been given on previous occasions:

- sexual intercourse or engaging in a sexual act without consent;
- attempting to engage in sexual intercourse or engaging in a sexual act without consent;
- sharing private sexual materials of another person without consent;
- kissing without consent;
- touching inappropriately through clothes without consent;
- inappropriately showing sexual organs to another person;
- repeatedly following another person without good reason;
- making unwanted remarks of a sexual nature.

### Footnotes

<sup>1</sup>See Regulation 6 of the General Regulations for Discipline.

<sup>2</sup>See Regulation 2 of the regulations for Residence and Precincts of the University.

## Procedure and explanatory notes for Handling Cases of Student Harassment and Sexual Misconduct

<b>Procedure</b>	<b>Explanatory Notes</b>
<b>1. Glossary</b>	
1.1 In this procedure the following terms shall have the meanings set out below:	
Code of Conduct	The Code of Conduct for Students in respect of Harassment and Sexual Misconduct as set out in Appendix 1
Complainant	Student who has made a complaint under this procedure
Working Day	Any day except weekends, public holidays, and any other day when the University Offices are closed
OSCCA	The Office of Student Conduct, Complaints and Appeals
Panel	The Harassment and Sexual Misconduct Panel (see paragraph 6.3.1)
Respondent	Student about whom a complaint has been made under this procedure
Student	Person pursuing a course of study leading to the award of a degree, diploma or certificate of the University
<b>2. Scope of procedure</b>	
2.1 This procedure applies where a Student wishes to complain that the behaviour of another Student contravenes the Code of Conduct and constitutes an offence against the discipline of the University.	<p>This procedure applies only to complaints by students about the conduct of other students. The Head of OSCCA will be able to advise on the correct procedure for other types of complaint made by or about students.</p> <p>Because this procedure places an emphasis on reaching consensual resolution, complaints made by a third party and anonymous complaints will not normally be accepted (see paragraph 2 of the Policy in the Appendix). College Tutors and others may wish to discuss alternatives to the use of this procedure with the Head of OSCCA.</p> <p>In cases where a complaint is referred for consideration under the University's disciplinary procedures, there are different disciplinary procedures applicable depending on whether the Respondent is a matriculated student or not.</p> <p>Matriculated students, i.e. all those pursuing a degree course, will be subject to the University's General Regulations for Discipline and the disciplinary procedure set out in the University's Statutes and</p>

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- 2.2 A complaint under this procedure may be brought by or against two or more Students where the complaint is about harassment or sexual misconduct arising from the same event(s). In such cases references in this procedure to the 'Complainant' or the 'Respondent' shall be construed as appropriate as referring to more than one person.
- 2.3 A Complainant may choose whether to raise a complaint under this procedure or under an equivalent College procedure, if applicable. However, it is the expectation of the Colleges and the University that this procedure will normally be used where:
- a) the complaint relates to sexual misconduct; or
  - b) the complaint relates to conduct occurring in the context of University societies or sports clubs; or
  - c) the complaint is brought against Students at more than two Colleges.
- 2.4 A complaint of harassment or sexual misconduct may be brought under this procedure whether or not it has been reported to the police (but see paragraph 3.6).
- 2.5 A complaint cannot be brought under this procedure where the Complainant has previously made a complaint about the same event(s) which has been dealt with under

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Ordinances.

Non-matriculated students studying for a diploma or certificate will be subject to the disciplinary procedures of the University institution responsible for their course of study.<sup>1</sup>

For the purposes of the University's General Regulations for Discipline, a definition of harassment is set out in Regulation 6 (*Statutes and Ordinances*, p. 191). This definition covers acts of sexual misconduct. Under Regulation 6, a member of the University or person *in statu pupillari* commits a breach of the General Regulations for Discipline if that person engages in an act of harassment against another member, officer, or employee of the University or a College in any circumstances.

Complaints about the behaviour of officers of the Cambridge University Students' Union or the Graduate Union in the course of their duties should be referred to the relevant Union.

Sub-paragraph (c) anticipates a complaint in which there is more than one Complainant and/or Respondent, in accordance with paragraph 2.2.

Bringing a complaint under this procedure does not prevent the Complainant from reporting the matter to the police at any time. See also paragraph 3.6 concerning suspension of this procedure pending the outcome of any police investigation and/or criminal proceedings. The University will support the Complainant in reaching a decision on whether to make a complaint to the police.

See the Appendix regarding the exceptional circumstances in which the Head of OSCAA may report the matter to the police.

A complaint that has been dismissed by a College will be treated as one which has been dealt with by the College for the purpose of

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the University's Student Complaints Procedure or a College complaints procedure.

- 2.6 The General Board shall approve and keep under review explanatory notes, to be read in conjunction with this procedure. Those notes shall include a policy on the use of personal information under this procedure.

### 3. General principles

- 3.1 Any reference in this procedure to a University officer or other named role includes a deputy appointed by that officer or role-holder to exercise the functions assigned to that officer under this procedure

- 3.2 The University will act reasonably in considering complaints under this procedure, having regard to the individual circumstances of the case. Every effort will be made to ensure that all parties are treated with fairness and dignity.

- 3.3 The time limits set out in this procedure may be varied by the Head of OSCCA for good reason, after consultation with the Complainant and the Respondent as appropriate.

- 3.4 A written decision issued in accordance with this procedure shall also include the reasons for that decision.

- 3.5 The Head of OSCCA may suspend the consideration of a complaint at any stage of this procedure and/or refer the matter for consideration under another procedure, after consultation with the Complainant and the Respondent as appropriate.

- 3.6 Where the events which are the subject of a complaint under this procedure have been reported to the police, the Head of OSCCA will normally suspend the procedure

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this procedure.

A Complainant who believes that he or she has suffered any reprisal, or has received a threat of reprisal, as a result of making a complaint in good faith should raise the matter with the Head of OSCCA.

The Head of OSCCA will keep the Complainant and the Respondent informed of the general progress of the complaint. Where a complaint under this procedure leads to disciplinary proceedings, the Complainant will be kept informed of the progress in the proceedings and will be formally notified of the outcome of any disciplinary hearing and any sanctions applied.

The Head of OSCCA may suspend the consideration of a complaint and recommend to the Complainant that he or she should raise it under an external complaints procedure (see also paragraph 6.1.4 concerning College complaints procedures).

The Head of OSCCA may refer a case for consideration under one or more of the following internal procedures:

- the University's Fitness to Study procedure (*Statutes and Ordinances*, p. 225) or an equivalent College procedure
- the University's Fitness to Practise procedures (*Statutes and Ordinances*, p. 207 and p. 215)

*Guidance for Higher Education Institutions*<sup>2</sup> recommends that, if a matter is being dealt with under the criminal process, then, save for taking any necessary precautionary action (see paragraph 3.7), any

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pending the outcome of any police investigation and/or criminal proceedings.

- 3.7 If the Head of OSCCA considers that precautionary action is necessary to protect any person or to enable a full and proper investigation of the complaint to be carried out, the Head of OSCCA may refer the matter to the Academic Secretary with a view to the Academic Secretary exercising the discretion under Special Ordinance D (v): Precautionary Action.

- 3.8 Where, at any point during this procedure, the Complainant and Respondent have agreed to seek alternative resolution of the complaint under paragraph 5 but have been unable to reach an agreed outcome, the Head of OSCCA will consider whether further action should be taken under this procedure and, if so, at what stage.

- 3.9 The Complainant may withdraw a complaint at any time during this procedure, by notifying the Head of OSCCA in writing. Where a complaint is withdrawn no further action will be taken under this procedure, but the Head of OSCCA may refer the matter for consideration under another University procedure.

- 3.10 None of the members of any body constituted under this procedure will have any previous knowledge of the case or any material connection with either the

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internal disciplinary process should be suspended until the criminal process is at an end.

Under Special Ordinance D (v), the Academic Secretary has authority to take precautionary action where any matter is being dealt with under a University procedure or as part of a criminal process.

Where the risk is not considered high enough to require the suspension of a student in full from the student's studies, it may still be necessary to exclude the student from certain University facilities or premises, or impose conditions on the student's access to such facilities and premises. If appropriate, a College or Colleges may be consulted and agree to exclude the student from certain College facilities or accommodation. Precautionary action may include a requirement that the student should have no contact of any kind with named individuals, for example, the complainant or potential witnesses.

This action is not intended to be a punishment and it does not make any presumption of wrongdoing. It is to protect both parties whilst the allegation is being dealt with under a University procedure or as part of a criminal process, and/or to ensure that a full and proper investigation (whether by the police or the University) can be carried out.

If a student breaches any restrictions that have been imposed, this may be a breach of the General Regulations for Discipline. A breach can be considered as part of any subsequent University investigation of the original complaint or as a separate matter. A breach of the restrictions may be considered to increase the level of risk to the University community and therefore may increase the level of restriction subsequently imposed upon a student.

A Complainant who is considering whether to withdraw a complaint may wish to discuss the matter with those able to offer support as listed in the note to paragraph 4.2.

No person serving under this procedure as a member of a decision-making body or as an investigator will have any previous knowledge

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Complainant or the Respondent. The holders of the offices to which this procedure refers shall appoint standing deputies to act on their behalf in the event of any conflict of interest.

### 4. **Support and guidance**

- 4.1 The Head of OSCCA will provide advice at the outset to help both Complainants and Respondents to understand this procedure.
- 4.2 Complainants and Respondents are entitled to be accompanied by a supporter at any meeting held under this procedure. A supporter may be a tutor, student representative, or a friend. Complainants and Respondents are also entitled to be accompanied by a legal representative at such meetings.

### 5. **Alternative resolution**

- 5.1 Alternative resolution may be suitable for dealing with some cases that are brought under this procedure, and Colleges play a key role in supporting such processes. Wherever appropriate, Complainants are encouraged to seek alternative resolution to

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of the case or any material connection to the Complainant or the Respondent. Normally no person who is a member of the Department/Faculty or College of the Complainant or the Respondent will be involved in consideration of the case. The Complainant or the Respondent (or their representatives) will be entitled to object to the involvement of an individual for good cause. Standing deputies are appointed on a rolling basis, without reference to a specific complaint.

The Head of OSCCA will be able to direct both Complainants and Respondents to the following sources of advice and support:

- personal support available within the collegiate University and in the local community
- guidance and support for seeking alternative resolution of the complaint, including mediation
- legal advice and representation available free of charge from a panel of volunteers in the Faculty of Law; a list is available from the Secretary to the Faculty Board of Law.

The Appendix sets out the University's policy on the use of personal information under this procedure. A copy of the Appendix should normally be provided to Complainants, Respondents, and witnesses to events relating to the complaint so that they understand how their personal information will be used and the limits on confidentiality. The policy explains how information may be shared with certain University and College officers.

The Complainant and the Respondent can be accompanied to any meeting under the procedure by a College tutor, a student representative, or a friend. 'Student representative' in this context means a CUSU or GU officer or an advisor with the Student Union Advice Service. In addition, each is entitled, if they wish, to be accompanied by a legal representative; the officer convening a first meeting under the procedure will normally remind the Complainant/Respondent of this in writing.

See the explanatory note for 4.2

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their concerns before bringing a formal complaint under this procedure.

- 5.2 Alternative resolution may not be appropriate for some complaints of harassment or sexual misconduct because of the seriousness of the allegations, or because the relationship between the parties has broken down. In such cases the complaint will be considered in accordance with the formal procedure (paragraph 6).

### 6 Formal procedure

#### 6.1 *Raising a complaint with OSCCA*

- 6.1.1 A Student who wishes to make a complaint under this procedure must do so in writing. The Complainant should set out details of the complaint together with details of any attempts at alternative resolution, if appropriate.

A formal written complaint should be addressed to the Head of OSCCA and sent to the postal or email address above, using the form available online at [\[http://www.studentcomplaints.admin.cam.ac.uk/harassment-and-sexual-misconduct/if-you-have-been-affected-harassment-or-sexual-misconduct\]](http://www.studentcomplaints.admin.cam.ac.uk/harassment-and-sexual-misconduct/if-you-have-been-affected-harassment-or-sexual-misconduct). Anonymous complaints will not normally be accepted; see the Appendix.

- 6.1.2 The complaint should be addressed to the Head of OSCCA.

- 6.1.3 A complaint must be made within three months of the occurrence of the events which are the subject of the complaint (but see paragraph 3.3).

- 6.1.4 On receipt the complaint will be considered initially by a group comprising the Head of OSCCA, the Pro-Vice-Chancellor (Education), and the Secretary of the Senior Tutors' Committee. The convenor of the group will be the Head of OSCCA. The group will determine (by a majority decision) whether to:

If a complaint does not fall within the scope of this procedure, it may nevertheless be referred for consideration under another procedure; see the note on paragraph 3.5 above.

- a) refer the complaint for investigation under paragraph 6.2 of this procedure;
- b) dismiss the complaint because it is considered to be without merit, or vexatious, frivolous, or malicious;
- c) reject the complaint because it does not fall within the scope of this procedure;
- d) decline to refer the complaint for investigation under this procedure and recommend to the Complainant that the complaint is raised under a College procedure;
- e) decline to refer the complaint for investigation under this procedure for other reasons;
- f) recommend to the Complainant that alternative resolution of the complaint is sought.

See paragraph 2.3 concerning the complaints which would ordinarily be considered under this University procedure; the group may agree to consult with the Complainant and/or the College before deciding whether to decline a complaint and recommend its referral for consideration under that College's equivalent procedure.

The University reserves the right, after due consideration, to take no further action and may decline to refer the matter for investigation under this procedure for any reason, for example, because it lacks the necessary investigatory powers or forensic capability.

- 6.1.5 The Head of OSCCA will notify the Complainant in writing of the decision of the group within ten Working Days of receipt of the written complaint.

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6.1.6 In the event that a decision of the group falls within paragraph 6.1.4(b)–(f) and the Complainant is unhappy with that decision, the Complainant shall have the right to request a review of that decision in accordance with paragraph 6.6. The review will be considered by a Panel appointed in accordance with paragraph 6.3.1.

### 6.2 *Investigation*

6.2.1 Where a complaint is referred for investigation, the Head of OSCCA will appoint an investigator to carry out an investigation of the case. The role of the investigator is to prepare a report, which sets out the undisputed facts of the case and any points of difference and makes recommendations based on the evidence and policies in place.

The Head of OSCCA will appoint an investigator from a pool of investigators (which may include external investigators) who have undergone training in investigating complaints under this procedure.

6.2.2 The investigator shall conduct the investigation as the investigator thinks fit, within the context of the general principles set out in paragraph 3 and the explanatory notes issued by the General Board under paragraph 2.6. The investigator may interview (with their consent) the Complainant and the Respondent and any other person involved in the events which are the subject of the complaint and consider or request any other evidence which appears to the investigator to be relevant.

The following sets out the normal format of the investigation. The investigator will offer to have individual meetings with the Complainant and with the Respondent, and may also seek to have a meeting with any witnesses. Witnesses may be accompanied at a meeting by a supporter and/or legal representative in the same way as the Complainant and the Respondent are entitled to be accompanied. Each meeting will be minuted and the minutes agreed with those present as a correct record (or any disagreement noted), at which point any other record of the meeting will be destroyed.

6.2.3 When or before inviting the Respondent to interview, the investigator must:

When the Respondent is reminded that he or she is entitled to seek independent legal advice, reference will be made to the availability of legal advice and representation free of charge from a panel of volunteers in the Faculty of Law (see paragraph 4.2 above).

- a) give the Respondent (and, if relevant, his or her representative) sufficient information to enable the Respondent to understand the nature of the alleged misconduct, including for example a broad summary of the evidence and the number and identities of those involved, together with the place where, and time when, the misconduct is alleged to have been carried out;
- b) notify the Respondent that he or she does not have to say anything and that no adverse inferences may be drawn from the Respondent's failure to attend for interview or otherwise participate in the investigation;
- c) warn the Respondent that the University may be required to provide as evidence in any subsequent criminal investigation or proceedings in a court of law information regarding the complaint, including any admission made in the course of this procedure (and/or any made during mediation or any subsequent disciplinary proceedings) and that any admission made in the course of this procedure may also be used as evidence in University disciplinary proceedings, save that the University will abide by the confidentiality of any mediation, and anything which is said in the course of mediation will not be used in evidence in any University disciplinary proceedings;



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- d) remind the Respondent that he or she is entitled to seek independent legal advice, and provide sufficient notice of the interview as the Respondent may reasonably require to secure such advice if he or she wishes.
- 6.2.4 Where the Respondent declines to cooperate with an investigation, the investigator may still continue with the investigation in the absence of the Respondent's cooperation. The investigator will aim to complete the investigation within twenty Working Days of the complaint being referred for investigation, but some cases may require longer, in which case the investigator will keep the Complainant and the Respondent informed about progress.
- 6.2.5 On receipt of the investigator's report, the Head of OSCCA may:
- a) refer the complaint for consideration by a Harassment and Sexual Assault Panel under paragraph 6.3; or
  - b) decide to deal with the complaint under paragraph 6.3 without reference to the Panel.
- 6.3 *Consideration of the case*
- 6.3.1 If the case is referred to a Panel, the Registry will appoint three members of the University, one of whom shall be a Student, to serve.
- 6.3.2 The Head of OSCCA or the Panel shall consider the complaint and the report prepared by the investigator. The Head of OSCCA or the Panel may meet (with their consent) the Complainant and/or the Respondent and any other person involved in the events which are the subject of the complaint.
- 6.3.3 Having considered the complaint and the report, and following any meeting(s) under paragraph 6.3.2, the Head of OSCCA or the Panel (by a majority decision) may:
- a) refer the complaint for consideration under the University's disciplinary procedures (see paragraph 6.5);
  - b) dismiss the complaint because it is considered to be without merit, or vexatious, frivolous, or malicious;
  - c) decide that no further action should be taken under this procedure;
  - d) recommend to the Complainant and the Respondent that they should seek alternative resolution of the complaint;
  - e) propose one or more of the resolutions set out in paragraph 6.4.1.
- 6.3.4 The Complainant and the Respondent will be notified in writing of the decision of the Head of OSCCA or the Panel under paragraph 6.3.3 within twenty Working Days.
- 6.3.5 In the event that a decision of the Head of OSCCA or the Panel falls within paragraph 6.3.3(b)–(e) and the Complainant is unhappy with that decision, the Complainant shall
- The Head of OSCCA will normally refer a complaint alleging sexual misconduct to the Panel.
- Both the Head of OSCCA and the Panel have discretion as to whom they meet.
- The Registry shall normally appoint members from among those appointed to serve on the panels of the Discipline Committee and

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have the right to request a review of that decision in accordance with paragraph 6.6. The review will be considered by a committee of three persons appointed by the Registry, one as Chair of the committee.

### 6.4 *Resolutions*

- 6.4.1 The Head of OSCCA or the Panel may propose a resolution to the complaint, which may include (but are not limited to) the following:
- that the Respondent will agree to abide by a conduct agreement issued by the Head of OSCCA, a record of which will be retained by the University and which may be taken into account if a further complaint is made against the Respondent under this procedure;
  - with the prior approval of the relevant body, that the Respondent will take a period of intermission from study;
  - that the Respondent will attend behaviour awareness training or workshops.
- 6.4.2 Both the Complainant and the Respondent must agree to the proposed resolution of the complaint. The Head of OSCCA will facilitate the process of reaching agreement between the Complainant and the Respondent and will issue written confirmation of any agreed resolution(s) to the Complainant and the Respondent.
- 6.4.3 If attempts at reaching an agreed resolution are unsuccessful the Head of OSCCA shall refer the complaint for consideration under the University's disciplinary procedures in accordance with paragraph 6.5.
- 6.4.4 If there are grounds to believe that the Respondent has failed to comply with the terms of an agreed resolution, the Head of OSCCA shall determine whether the complaint should be referred for consideration under the University's disciplinary procedures in accordance with paragraph 6.5

### 6.5 *Disciplinary proceedings*

- 6.5.1 Where the Head of OSCCA or the Panel refers a complaint for consideration under the University's disciplinary procedures, it will be referred to the University Advocate in accordance with Special Ordinance D (iv) or to any other relevant officer. The University Advocate or other relevant officer will be provided with a copy of all relevant material, including the report of the investigator and a copy of the decision of the Head of OSCCA or the Panel.

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University Tribunal and as reviewers under the Student Complaints Procedure.

See the Appendix. A conduct agreement may include an undertaking by the Respondent to refrain from contact with the Complainant for a specified period of time.

The relevant body for the purpose of the consideration of a request for intermission will be the Board of Graduate Studies<sup>3</sup> for applications concerning graduate students<sup>4</sup> and the Council's Applications Committee for applications concerning other students.<sup>5</sup> Approval may be granted by Chair's action on behalf of the relevant body.

Where there is evidence of conduct constituting a failure to comply with an agreed resolution, the Head of OSCCA may decide that the original complaint should be referred for consideration under disciplinary procedures under paragraph 6.4.4. The Head of OSCCA may also consider whether a referral under the University's disciplinary procedures should be made in respect of the conduct which is alleged to constitute a breach of the terms of the agreed resolution.

See the appendix

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- 6.5.2 The University Advocate or other relevant officer may decide to:
- a) invoke disciplinary proceedings against the Respondent;
  - b) refer the case back to the Head of OSCCA for further attempts at an agreed resolution;
  - c) take no further action.
- 6.5.3 The Complainant and the Respondent will be notified in writing of the decision of the University Advocate or other relevant officer within twenty Working Days.
- 6.5.4 Where the University Advocate or other relevant officer decides to take no further action, the Complainant shall have the right to request a review of that decision in accordance with paragraph 6.6. The review will be considered by a committee of three persons appointed by the Registry, one as Chair of the committee. See the note on paragraph 6.3.5 above.
- 6.5.5 Where disciplinary proceedings are brought against the Respondent, a copy of all relevant material, including the report of the investigator and a copy of the decision of the Head of OSCCA or the Panel will be made available to the relevant disciplinary body. See the Appendix.
- 6.6 *Review*
- 6.6.1 In accordance with paragraphs 6.1.6, 6.3.5, or 6.5.4 of this procedure, the Complainant may seek the review of a decision made under this procedure. The review will be carried out by the body specified in the relevant paragraph.
- 6.6.2 A request for a review shall be made in writing and sent to the Registry within 15 Working Days of written notification of the decision (unless, for good reason, the Registry permits a longer period). The request for review shall specify the grounds for review which may be only one or more of the following:
- a) that there was material procedural irregularity in the consideration of the Complainant's case;
  - b) that there was bias or prejudice on the part of the decision-maker;
  - c) that the decision reached was perverse in that it was one which no reasonable decision-maker could have reached on the available evidence;
  - d) that fresh material evidence is available, which was not available and/or not presented for good reason at the time of the original decision.
- 6.6.3 The request for a review should be accompanied by supporting documentation.
- 6.6.4 The reviewing body will consider the request for review and the documentation available to the original decision-maker. The reviewing body may, at its discretion, hold a hearing and regulate arrangements for the conduct of the hearing.

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- 6.6.5 The reviewing body will issue an adjudication in writing as soon as possible, which shall normally be within twenty Working Days of the receipt of the request for a review or (if a hearing is held) within ten Working Days of the hearing. The reviewing body shall have power to confirm, quash, or amend the original decision or refer it back to the decision-maker for further consideration.

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Save where the reviewing body refers the original decision back to the decision-maker for further consideration, the adjudication in writing that is issued by the reviewing body will complete the University's internal procedures in relation to the complaint and, when the adjudication is sent to the Complainant, it should be accompanied by a Completion of Procedures letter in a form which accords with guidance published by the Office of the Independent Adjudicator from time to time.

## 7. Reporting

- 7.1 An annual report of complaints considered under this procedure will be made to the Council, the General Board, and the Colleges, in which references to individual cases will be made anonymously.
- 7.2 The Head of OSCCA will be responsible for the regular review of this procedure.

## Footnotes

<sup>1</sup>See the Administering Bodies under the regulations for Diplomas and Certificates open to Non-members of the University (***Statutes and Ordinances, p. 574***).

<sup>2</sup>*Guidance for Higher Education Institutions on How to Handle Alleged Student Misconduct which may also Constitute a Criminal Offence* prepared and written by Pinsent Masons and published by Universities UK in October 2016.

<sup>3</sup>See the regulations for the Board of Graduate Studies, ***Statutes and Ordinances, p. 120***.

<sup>4</sup>See the General Regulations for Admission as a Graduate Student, ***Statutes and Ordinances, p. 421***.

<sup>5</sup>See the regulations for Allowances to Candidates for Examinations, ***Statutes and Ordinances, p. 229***.

**Policy on the use of personal information under the Procedure for Handling Cases of Student Harassment and Sexual Misconduct**

*A copy is to be provided to the Complainant, the Respondent, and any witnesses at the earliest contact.*

1. The overall purpose of processing personal data in the context of the investigation and resolution of complaints of harassment and sexual misconduct is to decide what steps can appropriately be taken in response to such complaints. Personal data will be disclosed only to those persons who need to see such data for the purposes of conducting an investigation, determining or recommending a resolution, or deciding what other steps can appropriately be taken. Such persons may include the Head of OSCCA, the Pro-Vice-Chancellor (Education), the Secretary of the Senior Tutors' Committee, the Academic Secretary, members of the Harassment and Sexual Misconduct Panel, the investigator assigned to the case, solicitors in the University's Legal Services Office, the University Advocate (or other relevant officer), and members of any committee constituted under the procedure for the purposes of considering a review. An investigation under the procedure is not intended to arrive at a conclusion as to whether a breach of disciplinary regulations has been committed. In the circumstances, documentation generated in the course of an investigation under the procedure may not be disclosed in full to the Complainant and the Respondent except in so far as is reasonably necessary to conduct and to progress a fair investigation or a person has explicitly consented to the disclosure of personal data to the extent that the data relate to her or him.
2. In the interest of fairness to all parties, the University will not normally accept an anonymous complaint under this procedure. Where a complaint is brought under the procedure, the identity of the Complainant may be provided to the Respondent (and the Respondent's supporter and legal representative, if applicable), together with sufficient information to enable the Respondent to understand the gist or substance of the complaint. If you have concerns about the sharing of information between the Complainant and Respondent you should seek advice from the Head of OSCCA.
3. For both the student making the complaint and the student against whom the complaint has been made, the University will seek your written consent before providing the following people with a summary of the complaint, including your name, so that they are aware of the complaint and able to assist in providing you with support: your College Senior Tutor; and/or your Personal Tutor or Graduate Tutor.  
In some cases, your written consent may also be sought to disclose information to: your Head of Department or Faculty or your Supervisor (if you are a research student).
4. The investigator's report will normally be released to the Complainant and the Respondent, but the minutes of any individual meetings will not usually be disclosed with the report. If the matter subsequently becomes the subject of disciplinary proceedings and the decision is taken to charge the Respondent, the Complainant's written complaint and the minutes of any individual meetings with the Complainant and the Respondent and/or with any witnesses will form part of the evidence in those proceedings and can therefore be expected to be disclosed to both sides in full at that point.
5. The University will normally respect the wishes of a person who is the victim of a crime and does not wish to report the matter to the police. However, in exceptional circumstances, where the facts as they emerge give rise to concerns that there is a significant risk to members of the community, the Head of OSCCA may decide to refer the matter to the police. Unless there are exceptional reasons related to the case, the Head of OSCCA will normally inform the Complainant of the intention to report the matter to the police and give reasons before doing so.
6. **The University may be required to provide as evidence in any subsequent criminal investigation or proceedings in a court of law information regarding the complaint, including any admission made in the course of this procedure (and/or any made during mediation or any subsequent disciplinary proceedings). Any admission made in the course of this procedure may also be used as evidence in University disciplinary proceedings, save that the University will abide by the confidentiality of any mediation and anything which is said in the course of mediation will not be used in evidence in any University disciplinary proceedings.**
7. Following completion of the procedure, the investigator's report and a record of the outcome, including any conduct agreement entered into by the Respondent, will be retained securely by the Head of OSCCA usually for not more than one year beyond the Respondent's period of study at the University. This information will be used for the purposes of responding to any complaints regarding the application of this procedure as well as for compiling anonymous statistics regarding its use. Further, where any complaint is subsequently submitted under this procedure by the same Complainant, or by a different complainant, in respect of the same Respondent, giving the University reasonable cause for concern regarding an emerging pattern of potential harassment and/or sexual misconduct, this information may be taken into account by the Head of OSCCA or the Harassment and Sexual Misconduct Panel, as appropriate, in reaching a decision under paragraph 6.3.3 of the procedure, and may also be provided to the University Advocate or other relevant officer if relevant for the purposes of conducting disciplinary proceedings or referral for consideration under another procedure under paragraph 3.5 of this procedure.
8. Nothing in this policy is intended to prejudice any rights of access to personal data which any person may have under the Data Protection Act 1998 or otherwise.
9. If you have any questions or concerns about this policy, please contact the Head of OSCCA in the first instance.