



## Harassment and sexual misconduct policy

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### 1. College policy on harassment and sexual misconduct

Murray Edwards College is committed to providing a safe environment in which all members of the College can participate freely and contribute fully in the life of the College, University and city without fear for their personal security. A safe environment, free of harassment or threat, is fundamental to the academic and social life of our community here in College and within the wider University. Harassment and sexual misconduct will not be tolerated. All members of the community must treat each other with respect and there must be a clear understanding of the types of behaviour which are inappropriate and unacceptable. The College will support and assist the victim of any harassment or assault.

In line with the University, the College 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.

Unacceptable behaviour may include a number of specific behaviours, such as bullying and harassment on account of: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation.

For more information, please read the [College policy on harassment and sexual misconduct](#).



## 2. What College will do for students

Students can expect the College to:

- **Support them in reporting incidents of harassment or sexual misconduct**

The College will ensure appropriate information and assistance is available to support a student in deciding what steps to take following an incident of harassment or sexual misconduct.

- **Treat harassment or sexual misconduct seriously should the complaint not be a criminal matter or the student does not wish to involve the police**

The College procedures on harassment and sexual misconduct allow for complaints concerning harassment and the behaviour of members of the College to be addressed in a robust and fair manner and the College will ensure anyone raising a concern is not victimised or disadvantaged as a result. When the complaint concerns the behaviour of a student from another College, or staff in the wider University, the College will support the student in following the appropriate University procedure.

- **Provide personal support**

Everyone is likely to react differently to an assault. The College will endeavour to ensure a student has access to welfare provision and support, which is appropriate to their needs. Support may be required in the short-term or for a longer period. Steps may need to be taken relating to accommodation or academic arrangements to ensure the student feels safe and can continue to study and participate in the College community.

- **Respect confidentiality**

Whenever possible, the College will respect the confidentiality of someone reporting harassment or sexual misconduct. However, the College has a wider duty of care and if it considers that anyone may be at risk of further harm, it may need to report a crime to the police.

- **Promote a culture of zero tolerance of harassment and sexual misconduct**

The College has a number of procedures and practices for dealing with allegations of harassment and sexual misconduct. For students, this includes the following policies and practices:

- Policy on staff/student relationships
- Student Rules of Behaviour and Disciplinary Procedures
- Consent workshops
- Student race and ethnicity working group
- Support for awareness-raising initiatives by the JCR and MCR
- The College will liaise with the student body on how best to promote a zero tolerance culture

Students are expected to take responsibility for their own conduct. The fact that a student against whom an allegation has been made was under the influence of alcohol or drugs at the time will not be viewed as mitigating the case.



### 3. Student guidance and procedures

#### Seeking advice, guidance and support

Definitions of harassment and sexual misconduct are in our College Policy.

If you believe you have been harassed or been the subject of sexual misconduct, you may need emotional support and advice to talk through your experiences, you may want advice on how to address and prevent the behaviour or you may want to know how to take up a formal complaint. You can also report any incident of harassment or sexual misconduct **anonymously** through the University's [Breaking the Silence website](#).

It is helpful to keep a note or log of the behaviour, including when and where it happened, and how you felt about it. This will help when you talk it through with someone in College. You can seek advice from any of the following:

#### Murray Edwards College

- College Harassment and Discrimination Contact ([Senior Tutor](#))
- [Deputy Senior Tutor](#)
- Your College Tutor
- [College Nurse](#)
- [College Counsellor](#)

#### University

- [Cambridge University Students' Unions' Advice Service](#)
- [Office of the Student Conduct, Complaints and Appeals](#)

If you decide to seek an alternative resolution or would like to raise a complaint with the College or University, you should speak to your College Tutor or the College Harassment and Discrimination Contact/Senior Tutor. They will advise you on the procedures available to you.

If you believe you have experienced sexual assault or rape, please refer to the '[Sexual assault: immediate help](#)' page on our website. This will give guidance on where to find immediate help and support, and about the options you have in making a complaint.

#### Seeking alternative resolutions

##### Direct approach

In some cases relating to some forms of harassment or unacceptable behaviour, students who are unhappy with the behaviour of another student may want to try to resolve the matter themselves directly with the other student. If seeking resolution in this way, a student is advised to seek support (on a confidential basis) from their Tutor, the Senior Tutor or another staff member, either to help them work out what to say or to accompany them when they meet the person about whom they are complaining.

Because of the possibility of counter-accusation or recrimination, all students are advised to alert a supporting person, such as a Tutor, to the problem before approaching the person concerned, even if they feel able to take action on their own.



Students making a direct approach are advised to:

- describe the behaviour very precisely, including where and when it happened;
- make it clear how they feel about what has happened;
- describe the effect it is having on them;
- say precisely what they want to happen going forward.

### **Mediated approach**

If a direct approach has been tried and has not worked, or if a student does not wish to make such an approach, the Tutor or other College adviser may be able to seek to resolve the problem on their behalf.

The College might also propose that both parties agree to cooperate with an independent mediator. The University offers a mediation service that could be used (see Appendix A) if the College is not able to provide a mediator.

If an attempt at an alternative resolution has not resolved the issue to the satisfaction of the student making a complaint, they can raise a formal complaint to the College or to the University. There is no requirement to attempt an alternative resolution before a formal complaint is raised; students may move to a formal complaint immediately if they wish.

### **Student on student: raising a formal complaint**

This is a summary of the procedure relating to student harassment and sexual misconduct. It is intended to help students understand the process of making a formal complaint about another student at Murray Edwards College. If you decide to make a formal complaint, you should read the procedure in full (see Appendix B). Procedures concerning other students or staff are noted below.

### **Purpose of the procedure**

An important feature of the procedure on student harassment and sexual misconduct is that it seeks, where possible, to achieve a fair and mutually acceptable resolution between a student complaining of harassment and a student who is accused of harassment.

Acceptance of a resolution will not require the student who is the subject of the complaint to admit liability nor imply the College has made a finding of wrong-doing. In this sense, the procedure is distinct from the College's student disciplinary procedure, although referral to the disciplinary procedure may be an outcome of an investigation from the student harassment and sexual misconduct procedure.

### **Which procedure to use?**

- If the complaint relates to harassment or unacceptable behaviour of a Murray Edwards student, you should make the complaint under the **College's harassment and sexual misconduct procedure**.
- If the complaint relates to harassment or unacceptable behaviour of students from more than one College, or involving members of a University club or society, it should normally be raised under the [University's harassment and sexual misconduct procedures](#) because of the likely complexity of such cases.



# Murray Edwards College

University of Cambridge

- Subject to the views and wishes of the student making the complaint, Murray Edwards College and the University anticipate that complaints about sexual misconduct will usually be directed to the [University's harassment and sexual misconduct procedures](#).
- Complaints about members of staff or academic staff employed by the College can be pursued through the **College's HR disciplinary procedures**. Students should seek advice from their Tutor, the Deputy Senior Tutor or the Senior Tutor.
- Complaints about academic staff not employed by the College can be pursued through the [College's senior disciplinary procedure](#) (under review). Students should seek advice from their Tutor, the Deputy Senior Tutor or the Senior Tutor.

## Pastoral support

The College will provide pastoral support, as desired, to any Murray Edwards College student involved in the University procedure, whether as a student making a complaint or as a student who is the subject of a complaint.

## How to make a complaint to the University

The University [procedure and guidance documents](#) describe how any student's complaint will be considered, and the possible outcomes. The Head of the University's [Office for Student Conduct, Complaints and Appeals](#) (OSCCA) will be able to answer any specific questions that students or staff might have about the procedure and will endeavour to ensure the students understand the procedure at each stage. The OSCCA can be contacted on [OSCCA@admin.cam.ac.uk](mailto:OSCCA@admin.cam.ac.uk). You can also contact the College's Discrimination and Harassment Contact ([Senior Tutor](#)) for advice on the process.

## [Student on student complaints: summary guide to Murray Edwards College procedure](#)

A detailed procedure is appended. The summary below is intended to guide you.

At all stages of the formal procedure, decisions will be taken by people who are trained to make those decisions. In deciding what, if any, action to take, Murray Edwards College will need to consider a variety of relevant factors, including for example: the evidence that is available to support an allegation; any admission of responsibility by the person against whom the complaint has been made; the limitations of the College's internal procedure in terms of obtaining and assessing evidence; and the need to safeguard the rights of both parties.

Bringing a complaint under the College's procedure does not prevent the student from reporting the matter to the police at any time. If the matter is being dealt with under the criminal process, the College will suspend any action under its procedure, but may take precautionary action to ensure that a full and proper investigation can be carried out and/or to protect the student who is making the complaint, the student who is the subject of the complaint or others while the matter is being dealt with. Any precautionary measures are not intended to be punitive and do not make any assumptions or judgements about the merits of the complaint.

## Raising a complaint

Students making a complaint should write to the Senior Tutor, setting out details of the events that form the basis of the complaint, together with any evidence and, if appropriate, information on any attempts that have been made to resolve the matter informally.



The Senior Tutor will consider the complaint and decide:

- to refer it to an investigation;
- to request the student seeks an alternative resolution on the matter (with the support of the College);
- to recommend the complaint be pursued under University procedures or the College disciplinary procedure;
- to reject or dismiss the complaint.

The student making the complaint will normally be told the outcome of this initial consideration within 10 working days of submitting their complaint.

### **The investigation**

If the case is referred for investigation, a trained investigator will be appointed by the Senior Tutor. The investigation will try to establish as many undisputed facts about what happened as possible. The investigation will be conducted fairly and objectively. The Senior Tutor will liaise with the Head of OSCCA to identify a suitable external investigator, if required.

If the parties are willing, the investigator will meet with both students separately and may also meet any witnesses to the events that are the subject of the complaint. The investigator will then write a report and recommend a course of action.

Both the student making the complaint, and the student who is the subject of the complaint, may be accompanied during the investigation by a supporter, should they wish. A supporter may be a College Tutor, a member of CUSU or the GU, the Students' Unions' Advice Service, the JCR/MCR, a family member or friend.

In some cases, after discussions with the investigator, both parties may agree that alternative resolutions should be explored through mediation. The University Mediation Service is available for students and be useful in these cases (see Appendix A).

### **Outcome of the investigation**

Following the investigation, the report and any recommendation will be considered by the Senior Tutor who may decide that:

- with the agreement of both the student making the complaint and the student who is the subject of the complaint, the parties should seek to resolve the matter through mediation; or
- resolutions should be proposed; or
- the case should be referred for consideration under the College's disciplinary procedure or under the University's disciplinary procedure; or
- the complaint should be dismissed.

Acceptance of a resolution will not require the student who is the subject of the complaint to admit liability nor imply the College has made a finding of wrong-doing.

### **Resolutions**

Resolutions might include asking the student who is the subject of the complaint to abide by a conduct agreement. This might stipulate that the student who is the subject of the complaint will refrain from contact with the student making the complaint, either indefinitely or for a specified period in the first instance. It might be necessary for the student who is the subject of the complaint



to move rooms. The student who is the subject of the complaint may also be asked to agree to intermit or to attend behaviour awareness training.

### **Disciplinary proceedings**

A complaint under the College's formal procedure may lead to disciplinary proceedings under the College's disciplinary procedure; this may be by the student themselves or by other in College. If the latter, the student making the complaint will be kept informed of the progress of the proceedings and will be formally notified of the outcome of any disciplinary hearing and any sanctions applied to the student who is the subject of the complaint that have any impact on the student making the complaint.

### **Dismissal and mediation**

If the complaint is dismissed, the student making the complaint and the student who is the subject of the complaint will be offered help and guidance to restore reasonable relations between them. This process might include mediation.

### **Record keeping**

A record of conduct agreement will be retained by the College and may be taken into account if a further complaint is made against the student who is the subject of the complaint under this procedure, whether that subsequent complaint is made by the original student making the complaint or another.

### **Review**

If the student making the complaint or the student who is the subject of the complaint feels dissatisfied with a decision made using this procedure, they have the right to ask for a review of the decision. This review will be conducted in accordance with paragraph 6.4 of the procedure.

If following the review the original decision is upheld, a completion or procedures letter should be issued to the student making the complaint or the student who is the subject of the complaint, as appropriate, to enable them to raise a complaint with the [Office of the Independent Adjudicator](#) should they wish to do so.

## **4. Appendix A**

Mediation offers a chance for both students to identify and discuss their concerns. Mediation will only be an option if both parties agree to engage with the process, and no student making a complaint will be required to enter into mediation before making a formal complaint.

To support this process, and to complement the work already undertaken by College Tutors in resolution of disputes between students, the University offers a mediation service for students. The student mediation service uses dual mediation by two neutral, independent mediators to assist the students to resolve their differences and reach a mutually acceptable agreement on the way forward.

## **5. Appendix B**

[Formal procedure for Murray Edwards College consideration of cases of student-on-student harassment and sexual misconduct – Ordinance 37a](#)

## **6. Appendix C**

[Policy on the use of personal information under the procedure for handling cases of student harassment and sexual misconduct.](#)