

Murray Edwards College - An Introduction to College and University Procedures and Guidance on Complaints of Harassment or Sexual Misconduct (Student/Student cases)

This document sets out the different options available to any student who wishes to make a complaint of harassment or sexual misconduct against another student. There are several different options, and this brief introduction aims to make these clear. All students are reminded that they can approach the Senior Tutor, or their own Tutor, to discuss and clarify these different options at any point.

If you wish to make a complaint against another student regarding harassment or sexual misconduct, you can choose one of these options:

1. Make a complaint under the University procedure

www.studentcomplaints.admin.cam.ac.uk/harassment-and-sexual-misconduct .

This is recommended especially if the complaint relates to alleged sexual misconduct, but is also an option in cases of alleged harassment.

2. Make a complaint under the Murray Edwards procedure, which is set out in this document.

This might be appropriate if the complaint is of alleged harassment of a student of Murray Edwards by another student in Murray Edwards, or if a student at another College wishes to make a complaint about a Murray Edwards student.

3. Make a complaint under another College's procedure.

This might be appropriate if the complaint is of alleged harassment of a Murray Edwards student by a student at another College.

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Student who is subject of complaint is from Murray Edwards	Harassment: probably Murray Edwards procedure but University procedure possible <i>Sexual misconduct:</i> University procedure recommended	Harassment: probably Murray Edwards procedure but University procedure possible <i>Sexual misconduct:</i> University procedure recommended
Student who is subject of complaint is from another College	Harassment: either another College procedure or University procedure <i>Sexual misconduct:</i> University procedure recommended	N/A

All students are reminded that there are also other sources of information available to them, including the College's advice on dealing with harassment and assault (LINK). The College also provides information for those about whom a complaint is made (LINK) and to students who may wish to seek alternative resolution of an issue before a complaint is made (LINK). Again, the Senior Tutor and tutors are all available to provide guidance and support at any stage of this process.

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Murray Edwards College Code of Conduct and Statement on Harassment and Sexual Misconduct

Code of Conduct

Murray Edwards College 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 College will not tolerate harassment of one member of its community by another nor sexual misconduct. The College will take allegations of harassment and sexual misconduct very seriously and may take action, including disciplinary action, in response to a complaint from a student.

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.

Harassment may be verbal, psychological or physical, in person or via a virtual platform or through other methods of contact.

Under this Code of Conduct unacceptable behaviour, whether intentional or not, can take a variety of different forms. Behaviour is defined as inappropriate if:

- it is unwanted by the recipient;
- it is perceived by the recipient as violating their dignity and/or creating an intimidating, hostile, degrading, humiliating or offensive environment; and the behaviour could reasonably be considered as having that effect having regard to all the circumstances, including the recipient's perception.

These definitions apply whether or not there was an intention to cause the effect. Unacceptable behaviour may include a number of specific behaviours - such as bullying, or harassment on account of sex (including gender reassignment), race, ethnic or national origin, colour, disability, sexuality, religion or belief, or age. Also, behaviour that may appear trivial as a single incident can constitute harassment or bullying when repeated.

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 (but is not limited to) 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 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

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.

Statement 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. Sexual harassment and misconduct will not be tolerated - sexual assault in particular is a very serious criminal offence. The College will support and assist the victim of any harassment or assault.

To this end the College will:

- **Promote a culture of zero tolerance of sexual harassment and misconduct.** 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's procedure on dealing with allegations of harassment and sexual misconduct, policy on Staff/Student relationships, consent workshops, and the College's support for awareness raising initiatives by both the JCR and the MCR all contribute to this zero tolerance culture.
- **Support victims in reporting assaults.** The College will ensure that appropriate information and assistance is available to support a victim in deciding what steps to take following an assault.
- **Treat harassment seriously and respond to it effectively should the complaint not be a criminal matter, or if the victim does not wish to involve the police.** The College procedure on allegations of harassment and sexual misconduct allows 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 that 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.
- **Support victims following assaults.** Everyone is likely to react differently to an assault. The College will endeavour to ensure that a victim 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, for example, so that someone who has previously suffered an assault 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 an assault. 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.

Murray Edwards procedures for handling cases of harassment or sexual misconduct raised by one student (or students) about another student (or students)

Introduction and Background

The following guidance and procedures have been designed to work alongside the University procedure for handling cases of harassment and sexual misconduct: www.studentcomplaints.admin.cam.ac.uk/harassment-and-sexual-misconduct The College has a separate complaints procedure under which students can raise complaints about College academic and non-academic provision, set out here [Murray Edwards Student Complaints procedure](#).

It is recognised that there is a lot of material here, and navigating this might be difficult for students who have experienced harassment or sexual misconduct, or who are accused of it. This document aims to ensure that the choices available to all students, and the processes involved in these, are clear. All students are reminded that they can speak to their Tutor or Senior Tutor at any point about these issues, and that these individuals will be very happy to provide further guidance on the procedures. However, the choice regarding how to proceed with any allegation remains with the student.

Murray Edwards College has, in line with the wider University, a clear Statement on Harassment and Sexual Misconduct (LINK), which includes a Code of Conduct. The College is committed to providing an environment that is free from harassment and discrimination and expects all members of its community to treat each other with respect, courtesy and consideration at all times. All members of the College community have the right to expect professional and appropriate behaviour from others, and have a corresponding responsibility to behave professionally and appropriately towards others.

The College and wider University recognise that to work and study effectively, students need a climate of equal opportunity in which they are respected and valued for their contribution, irrespective of their sex, gender identity (including reassignment), marital, parental or partnership status, race, ethnic or national origin, colour, disability, sexuality, religion or belief, or age. The College will not tolerate the harassment or bullying of any member of its community by another.

The College will treat any allegation of harassment or sexual misconduct of a student by another student seriously, and the Code of Conduct and procedures described here apply to all students.

If a student feels that they have been subject to harassment or sexual misconduct by another student, they can do any or all of the following:

- seek advice, guidance and support;
- seek alternative resolution;
- raise a complaint with the College or with the University (**but not both**).

The course of action that a student chooses to take will depend on many factors. This document describes these different options in more detail.

Advice, guidance and support

Students who feel they have been harassed or been the subject of sexual misconduct are advised to seek support from the College or from the University. Students can seek advice from the Senior Tutor, their own Tutor or another point of contact within the College (including the College Nurse).

Students may also seek independent support and information from the Cambridge University Students' Unions' Advice Service (SUAS).

Murray Edwards College provides guidance for students who are the victims of sexual assault here

(NEEDS LINK). Sexual assault and rape are criminal offences, and students making a complaint will be supported to come to an informed decision as to whether to report such an incident to the Police¹. However, if the student making the complaint decides not to report the incident to the Police, neither the College nor the University will require them to do so. No inferences will be drawn from the student's decision not to report the incident to the Police.

In exceptional circumstances, where the facts as they emerge raise concerns that there is a significant ongoing risk to members of the College or University community, or the wider community, the Senior Tutor may make an executive decision to refer the matter to the Police. The Senior Tutor will, in all but exceptional circumstances, inform the student making the complaint of their intention to report the matter to the Police, and their reasons, before doing so.

In complaints of sexual misconduct that are not reported to the police, the College is likely to advise the student to raise a complaint using the University procedure, and to provide support to them in doing so.

If, at any stage, a student making a complaint feels that they are being disadvantaged or suffering reprisal from any member of College, including the person about whom they have made the complaint, as a result of having made that complaint, they should seek advice and guidance from the Senior Tutor or another senior member of the College.

Alternative resolution

In some cases relating to some forms of harassment, 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 alternative resolution in this way, a student making a complaint is advised to seek support on a confidential basis from their Tutor, the Senior Tutor or another staff member, either to help them to 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 this action on their own.

Students making a complaint should be encouraged to try to describe the behaviour very precisely, including where and when it happened. Students should also make it clear how they feel about what has happened, and describe the effect it is having on them. Finally, they should be encouraged to say precisely what they want to happen going forward.

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 co-operate with an independent mediator seeking to mediate: 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 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. However, there is no requirement to attempt an alternative resolution before a formal complaint is raised, and students may move to a formal complaint immediately if they wish.

Should any incident lead to subsequent police investigation or criminal prosecution, any statement made as part of an alternative resolution procedure is liable to be disclosed to the Police.

¹ The University is planning to establish a post of Harassment and Sexual Assault Advisor at the University Counselling Service (UCS) from October 2017. This post will be able to offer specialist advice and guidance to students. In the meantime, students can seek support from the UCS.

Raising a formal complaint

Complaints can be raised under either the College or the University procedures, but not both. All complaints about harassment or sexual misconduct, whether they are raised with the College or with the University, will be considered on a case-by-case basis as to which is the most appropriate procedure for consideration.

If the complaint is about harassment, students are normally expected to use a College procedure. Students at any College in Cambridge may use this College procedure to raise a complaint about the behaviour of a student or students at Murray Edwards College. If the complaint is made by a Murray Edwards student about the behaviour of a student at another College, it may be possible to raise it under the other student's College's procedure; however, in such cases, the University's procedure could also be used by the Murray Edwards student to raise such a complaint.

Murray Edwards College and the University expect that complaints against students from more than one College, or involving members of a University club or society, would normally be raised under the University's procedure because of the likely complexity of such cases.

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 procedure.

The table below provides a basic visual representation of the student's options.

	Student raising complaint is from Murray Edwards	Student raising complaint is from another College
Student who is subject of complaint is from Murray Edwards	Harassment: probably Murray Edwards procedure but University procedure possible <i>Sexual misconduct:</i> University procedure recommended	Harassment: probably Murray Edwards procedure but University procedure possible <i>Sexual misconduct:</i> University procedure recommended
Student who is subject of complaint is from another College	Harassment: either another College procedure or University procedure <i>Sexual misconduct:</i> University procedure recommended	N/A

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. Full information can be found here www.studentcomplaints.admin.cam.ac.uk/harassment-and-sexual-misconduct 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 that the students understand the procedure at each stage. OSCCA can be contacted on OSCCA@admin.cam.ac.uk.

How to make a complaint to Murray Edwards College

A detailed procedure is appended. What follows is a summary of the procedure and further information about how it will be followed.

At all stages of the formal procedure, decisions on what action will be taken will be made 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 which 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 making the complaint 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 judgments about the merits of the complaint.

In reaching a decision on what action, if any, to take, Murray Edwards College may seek legal advice at any point in the process.

Students making a complaint should make their complaint in writing 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 give initial consideration to the complaint before a decision is made on whether it will be referred for investigation. Some cases may not be referred for investigation: instead the student making the complaint may be asked to seek alternative resolution of the matter, with support from a Tutor or another member of the College; alternatively, the Senior Tutor may recommend that the complaint is raised under the University's procedures. The complaint also may be dismissed or rejected if it does not fall under the scope of the College's procedure (see Appendix B).

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

Investigation

If the case is referred for investigation, a trained Investigator will be appointed by the Senior Tutor to 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 separately with both students and may also meet any witness 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 wish to be accompanied during the investigation by a supporter, such as a Tutor, a member of CUSU, the Students' Unions' Advice Service or MECSU/MCR, a family member or a friend. Both the student making the complaint and the student who is the subject of the complaint are permitted to bring a legal advisor, and the student who is the subject of the complaint will be reminded before they meet with the Investigator that they are entitled to seek legal advice. If a student wishes to take legal advice, this will be at their own expense².

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 may be useful in these cases (see Appendix A).

Consideration of the complaint and possible outcomes

² Students for whom the cost of legal advice would represent a significant financial burden are encouraged to seek support from the Financial Tutor.

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 otherwise; or
- resolutions should be proposed; or
- the case should be referred for consideration under the College'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 that the College has made a finding of wrong-doing.

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.

A record of a 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.

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.

The Senior Tutor will keep both the student making the complaint and student who is the subject of the complaint informed of the general progress of the complaint. Where a complaint under the College's formal procedure leads to disciplinary proceedings, 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 upon the student making the complaint.

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 of 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 the complaint with the Office of the Independent Adjudicator should they wish to do so.

Discipline

The College's disciplinary procedures are set out in detail in Ordinance 37 of the College's Statutes and Ordinances, which can be found here [Murray Edwards College Statutes and Ordinances](#)

Appendix A – Mediation

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.

The mediators are members of staff who have volunteered for the role and who have received formal mediation training. The mediators are impartial; they have no vested interest in the outcome and will not impose an agreement. The mediators are only interested in helping the students to reach a mutually acceptable solution. The mediators will manage the whole mediation process, creating a safe and supportive environment so that both students can talk honestly and openly about what has happened and how it has affected them.

It should be noted that should there be any subsequent police investigation or criminal prosecution, any statement made in mediation is liable to be disclosed to the Police.

Appendix B

Formal procedure for Murray Edwards College consideration of cases of student-on-student harassment and sexual misconduct

1. Glossary

1.1. In this procedure the following terms shall have the meanings set out below:

- Code of Conduct
t The Code of Conduct for Students in respect of Harassment and Sexual Misconduct
- Complainant A 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
- Respondent A student about whom a complaint has been made under this procedure
- Student A matriculated student following a course leading to the award of a degree, diploma, or certificate of the University

2. Scope of procedure

- 2.1. This procedure applies where a student wishes to complain that the behaviour of another student contravenes the College's Code of Conduct in respect of Harassment and Sexual Misconduct.
- 2.2. Murray Edwards College has a general Complaints Procedure under which a student may raise other types of complaint, including a complaint about the College experience or about a member of College staff.
- 2.3. Because this procedure places an emphasis on reaching consensual resolution, complaints made by a third party and anonymous complaints will not normally be accepted. Tutors and others may wish to discuss alternatives to the use of this procedure with the Senior Tutor.
- 2.4. It is possible for a complaint under this procedure to be brought by or against two or more Murray Edwards College students where the complaint is about harassment 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.
- 2.5. A Complainant may choose whether to raise a complaint under this procedure or under the University procedure. However, it is the expectation of the College and the University that the University procedure will 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 Respondents include students from Murray Edwards College and another College.

2.6. A complaint of harassment may be brought under this procedure whether or not it has been reported to the Police – but see paragraph 3.6 below.

2.7. A complaint cannot be brought under this procedure if the Complainant has previously made a complaint about the same event(s) which has been dealt with under the University's procedure.

2.8. No inferences shall be drawn from the Complainant's choice of avenue to pursue the complaint, be it via the College's procedure, the University's procedure or the Police.

3. General principles

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

3.2. The College 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 Senior Tutor 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 Senior Tutor 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 Senior Tutor will suspend the procedure pending the outcome of any police investigation and/or criminal proceedings.

3.7. Under this procedure the President, on the advice of the Senior Tutor, shall have power to impose any precautionary measures set out below for a period of up to 21 days, in the first instance, where the President considers that any such measures are necessary:

(a) to ensure that a full and proper investigation can be carried out in relation to any matter (whether under a procedure in the College, or by the University or the Police); and/or

(b) to protect any person while any matter is being dealt with under a procedure in the College or as part of a criminal process.

If a police investigation is still ongoing at the end of a period of precautionary measures, the President shall have the power to extend any precautionary measures imposed for additional periods of no more than 21 days in duration.

- 3.8. The precautionary measures which the President may impose are any one or more of the following:
 - (a) excluding the person from some or all of the College's facilities and/or premises;
 - (b) imposing conditions on the person
 - (i) in connection with that person's use of the College's facilities and/or premises or that person's contact with other persons, or
 - (ii) in such other ways as may be considered necessary; and
 - (c) suspending the person in question either in full or in part from their studies.
- 3.9. The Senior Tutor will inform the University, through the Head of the Office of Student Conduct, Complaints and Appeals, of precautionary action taken in respect of individual students.
- 3.10. Individual students who are subject to precautionary measures imposed by the President under this procedure 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.
- 3.11. Where, at any point during this procedure, the Complainant and Respondent have agreed to seek alternative resolution of the complaint under section 5 but have been unable to reach an agreed outcome, the Senior Tutor will consider whether further action should be taken under this procedure and, if so, at what stage of the procedure.
- 3.12. The Complainant may withdraw a complaint at any time during this procedure, by notifying the Senior Tutor in writing. Where a complaint is withdrawn no further action will be taken under this procedure, but the Senior Tutor may, if appropriate, refer the matter for consideration under another College procedure.
- 3.13. To ensure that there are no conflicts of interest, no person serving under this procedure as a member of a decision-making body or as an Investigator will have any previous knowledge of the case nor any material connection to the Complainant or the Respondent. The Complainant or the Respondent (or their representatives) will be entitled to object to the involvement of an individual for good cause. 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 Senior Tutor will provide advice at the outset to help both Complainants and Respondents to understand this procedure. Students may also consult their Tutors.
- 4.2. Complainants, Respondents and witnesses are entitled to be accompanied by a supporter at any meeting held under this procedure. A supporter may be a Fellow of

the College (for instance, a Tutor or Director of Studies) or of another College, a student representative, a family member or a friend. Complainants and Respondents will be permitted to be accompanied by a legal representative at such meetings.

- 4.3. Appendix B1 of this procedure sets out the College's policy on the use of personal information under this procedure. A copy of the Appendix will 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 indicates the College and University officers with whom the information is likely to be shared.
- 4.4. First contact with possible student witnesses at another College will normally be made via their Senior Tutor.

5. Alternative resolution

- 5.1. Alternative resolution may be suitable for dealing with some cases that are brought under this procedure, and, wherever appropriate, Complainants are encouraged to consider seeking alternative resolution to their concerns before bringing a formal complaint under this procedure.
- 5.2. Alternative resolution may not be appropriate for some complaints of harassment because the relationship between the parties has broken down or because of the nature of the complaint. In such cases, the complaint will be considered in accordance with the formal procedure (section 6).

6. Formal procedure

6.1. Raising a complaint

- 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.
- 6.1.2. The complaint should be addressed to the Senior Tutor.
- 6.1.3. On receipt of the complaint the Senior Tutor will give the case initial consideration and determine whether to:
 - (a) refer the complaint for investigation under paragraph 6.2 of this procedure;
 - (b) recommend to the Complainant that they should seek alternative resolution of the complaint;
 - (c) decline to refer the complaint for investigation under this procedure and recommend to the Complainant that they should raise it under the University procedure;
 - (d) dismiss the complaint because it is considered to be without merit, or, in very exceptional cases, as vexatious, frivolous or malicious;

- (e) reject the complaint because it does not fall within the scope of this procedure;
- (f) decline to refer the complaint for investigation under this procedure for other reasons.

6.1.4. The Senior Tutor will notify the Complainant in writing of the outcome of this initial consideration within ten Working Days of receipt of the written complaint.

6.1.5. In the event that the outcome of this initial consideration falls within paragraph 6.1.3 (b)–(f) and the Complainant is unhappy with that decision, the Complainant shall have the right to request a review of that decision. The review will be considered by a panel appointed in accordance with paragraph 6.4.

6.2. *Investigation*

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

6.2.2. The Investigator shall conduct the investigation as they think fit, within the context of the general principles set out in section 3. The Investigator may interview (with their consent) the Complainant and the Respondent and any other person involved in, or who witnessed, 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 Respondent will be reminded before they meet with the Investigator that they are entitled to seek independent legal advice.

6.2.3. The Complainant and Respondent will be made aware that the College 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 College disciplinary proceedings. However, the College 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 College disciplinary proceedings.

6.2.4. 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 (all of whom may be accompanied, as noted in paragraph 4.2). Each meeting will be minuted and the minutes agreed with those present as a correct record (or any disagreement noted). The Respondent will not be provided with a copy of the Complainant's written complaint in advance of the meeting with the Investigator but will be provided with information on the substance of the allegation(s). The notes of

any individual meetings will not form part of the Investigator's report unless the consent of the respective party for their inclusion has been given, but they will be liable to disclosure to the Police and may also be used, if relevant, in any subsequent criminal prosecution.

- 6.25. 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.
- 6.26. 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.
- 6.27. The Investigator's report will normally be released to the Complainant and the Respondent, save that parts may be redacted where the Complainant or Respondent or any witness reasonably objects.
- 6.28. On receipt of the Investigator's report, the Senior Tutor may:
 - (a) recommend to the Complainant and the Respondent that they should seek alternative resolution of the complaint;
 - (b) propose one or more of the resolutions set out in paragraph 6.3.1;
 - (c) refer the complaint for consideration under the College's disciplinary procedures;
 - (d) dismiss the complaint because it is considered to be without merit or, in very exceptional cases, as vexatious, frivolous or malicious;
 - (e) decide that no further action should be taken under this procedure.
- 6.29. The Complainant and the Respondent will normally be notified in writing of the decision of the Senior Tutor within twenty Working Days of the receipt of the Investigator's report.
- 6.2.10. In the event that a decision falls within paragraph 6.2.8 (a), (b), (d) or (e) 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 6.4.

6.3. Resolutions

- 6.3.1. The Senior Tutor may propose a resolution to the complaint, which may include:
 - (a) that the Respondent will agree to abide by a conduct agreement issued by the Senior Tutor, a record of which will be retained by the College and which may be taken into account if a further complaint is made against the Respondent under this procedure;
 - (b) that the Respondent change accommodation;
 - (c) with the prior approval of the relevant University body, that the Respondent will take a period of intermission from study;

(d) that the Respondent will attend behaviour awareness training or workshops.

- 6.3.2. Both the Complainant and the Respondent must agree to the proposed resolution of the complaint. The Senior Tutor 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.
- 6.3.3. If attempts at reaching an agreed resolution are unsuccessful, the Senior Tutor shall refer the complaint for consideration under the College's disciplinary procedures.
- 6.3.4. If there are grounds to believe that the Respondent has failed to comply with the terms of an agreed resolution, the Senior Tutor shall determine whether the complaint should be referred for consideration under the College's disciplinary procedures, to be found in the College's Ordinances.
- 6.3.5. Respondents taking medical or veterinary sciences should be aware that a proposed resolution may be reported by the Senior Tutor to the Medics and Vets Progress Panel. This action would only be taken after discussion with the Respondent.

6.4. *Review*

- 6.4.1. The Complainant or Respondent may seek a review of a decision made under this procedure. Hereinafter, the term Review Requestor means the student requesting the review under this procedure.
- 6.4.2. The review will be carried out by a panel of three persons appointed by the President, one as chair of the panel. Two of the members of the panel will be drawn from the Fellowship; the third will be an external member.
- 6.4.3. A request for a review shall be made in writing and sent to the President within 15 Working Days of written notification of the relevant decision (unless, for good reason, the President 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 complaint;
 - (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 new material evidence is available, which was not available and/or not presented for good reason at the time of the original decision.
- 6.4.4. The request for a review should be accompanied by supporting documentation.
- 6.4.5. The review panel will consider the request for review and the documentation available to the original decision-maker. The review panel may, at its discretion, hold a hearing and regulate arrangements for the conduct of the hearing.
- 6.4.6. The review panel 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 review panel shall have power to confirm, quash, or amend the original decision or refer it back to the decision-maker for further consideration.

6.4.7. If the review panel confirms the original decision, the Review Requestor will be issued with a Completion of Procedures letter when provided with the adjudication. If the review panel issues an amended decision then the Review Requestor will be offered a Completion of Procedures letter when provided with the adjudication. Where the Review Requestor remains dissatisfied with the outcome of the procedure, the Completion of Procedures letter will enable the student to submit a complaint to the external ombudsman, the Office of the Independent Adjudicator.

7. *Reporting*

7.1. An annual report of complaints considered under this procedure will be made to the College Council in which references to individual cases will be made anonymously.

7.2. The Senior Tutor will be responsible for the regular review of this procedure.

Appendix B1

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. Murray Edwards College has published a general statement which explains how it uses students' personal information [Murray Edwards Data Protection Statement](#). This specific statement provides information about how the College will use your personal information if you are a Complainant, a Respondent or a witness in a case considered under the procedure for handling cases of student harassment and sexual misconduct. Most of the information is already covered by the general statement, but there are some additional uses of personal data that need to be brought to your attention.
2. A summary of the information you provide as part of your complaint or response to a complaint or as witness testimony and procedural notes (e.g. a record of any actions and decisions and the dates they were taken; the dates of meetings) will be stored in a computer database which can be accessed by staff in the Tutorial Office. This data will be used to compile anonymous statistics about the use of the procedure. Those involved in the case may also make notes at meetings with you; you will be given an opportunity to comment on a written-up copy of those notes so that they can become an agreed part of the record. The information held by the Senior Tutor may be shared with others in the course of dealing with the complaint, and will be treated confidentially in line with the College's general statement on use of personal information.
3. In the interest of fairness to all parties, the College will not normally accept an anonymous complaint under this procedure. It should be assumed that any information provided in support of the complaint, including the identity of the Complainant, will be provided to the Respondent. If you have concerns about the sharing of information between the Complainant and Respondent, you should seek advice from the Senior Tutor who has discretion to withhold information in exceptional circumstances.
4. The Senior Tutor and any Fellows (e.g. Tutors or Directors of Studies) supporting either the student making the complaint or the student against whom the complaint has been made will normally be provided with a summary of the complaint, including the names of both parties, so that they are aware of the complaint and able to assist in providing support:

In some cases, it may also be deemed appropriate to inform the following: Your Head of
Department or Faculty
Your Supervisor (if you are a research student)

The College will aim to seek your consent for sharing information with those listed above, but in exceptional cases may decide that such sharing of information is necessary, for example, because it is in the public interest or to protect the interests of the Complainant or the Respondent . These decisions will be taken on a case-by-case basis, bearing in mind all the circumstances of the particular case. You will be informed of our intention to share the information and the reasons before doing so.

If a complaint is referred for investigation under the procedure, the College will seek your permission for the release of your personal information as included in the Investigator's report before providing a copy of the report to the Complainant and the Respondent .

5. The College 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 Senior Tutor may make an executive decision to refer the matter to the Police. Unless there are exceptional reasons related to the case, the Complainant will be informed of the intention to report the matter to the Police and the reasons before doing so.
6. Any admission made in the course of this procedure (including any made in an agreement reached during mediation or during subsequent disciplinary proceedings) may be used as evidence in any subsequent proceedings in a court of law.
7. Any admission made in the course of this procedure may also be used as evidence in College disciplinary proceedings, but the College will abide by the confidentiality of a mediation agreement and will not seek to use it in evidence.
8. If you have any questions or concerns about this statement, please contact the Senior Tutor in the first instance.