



St Edmund's College guidance on and procedures for handling cases of harassment and sexual misconduct raised by one student (or students) about another student (or students)

The following guidance and procedures have been designed to work alongside the [University's procedure for handling cases of harassment and sexual misconduct](#). The College has a separate general complaints procedure under which students can raise complaints about College academic and non-academic provision.

Background

1. St Edmund's College has adopted the University's Code of Conduct in respect of Harassment and Sexual Misconduct (Appendix A) and affirms its commitment to providing an environment that is free from harassment and discrimination, and the right of all members to be treated with dignity and respect.
2. 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.
3. 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 mitigation.
4. If students believe that they have been subjected to harassment or sexual misconduct by another student, they can do any or all of the following, the details of which are outlined in this document:
 - a) seek advice, guidance and support from College and/or University and/or external organisations;
 - b) attempt to resolve the matter through direct engagement with the student;
 - c) report the matter to the University for formal action to be taken using the University procedure.
5. Both the Reporting Student (the student raising the concern) and the Respondent Student (the student who has been accused of the misconduct) will be advised to think carefully about what information they disclose to others at all stages of seeking resolution of the matter, and should refer to the College's [Data Protection Statement for Students](#) and Appendix B for guidance on how the College may use a student's personal information. Students should ensure that they are aware of the limits that may be applied to the principle of confidentiality, including how any information they provide might be used at later stages of the procedure if the matter is escalated to more formal procedures (including disciplinary procedures), or if it is reported to the Police.

A. Advice, guidance and support

6. Students who believe they have been harassed or been the subject of sexual misconduct are advised to seek support from the College or from the University. Potential support contacts include:
 - College Tutor for pastoral support;
 - The College's Student Wellbeing Team (wellbeing@st-edmunds.cam.ac.uk) for College-based confidential support and guidance;

- The University's [Harassment Violence and Support Service \(HVSS\)](#) for specialist support for those who have experienced various forms of harassment;
 - The [University's Counselling Service](#) for individual or group counselling and confidential support;
 - The [Cambridge Students' Union's Advice Service](#) for independent, confidential and impartial advice;
 - External services and organisations, local and national, as detailed on the [University's website](#).
7. Sexual assault and rape are criminal offences and the Reporting Student will be supported to come to an informed decision as to whether to report such an incident to the Police and can seek specialist advice from the University's HVSS. However, if the Reporting Student decides not to report the incident to the Police, neither the College nor the University will require them to do so. No inferences or assumptions will be made if the Reporting Student decides not to report the matter to the Police.
 8. In exceptional circumstances, where the facts as they emerge give rise to concerns that there is a significant ongoing risk to members of the College or University community, or the wider community, the Senior Tutor (or the University) may make an executive decision to refer the matter to the Police. The Senior Tutor will, in all but exceptional circumstances, inform the Reporting Student that the matter will be referred to the Police, and their reasons for this action, before contacting the Police.
 9. If, at any stage, the Reporting Student feels that they are being disadvantaged or suffering reprisal from any member of the College, including the person they have reported, as a result of reporting the Respondent Student's behaviour they should seek advice and guidance from the Senior Tutor or another senior member of the College.

B. Direct engagement with the student

10. There is **no** requirement that an attempt at direct engagement has been made before a formal complaint is raised. The College would strongly advise all students who feel that they have been the victim of harassment or sexual misconduct of any sort to seek advice from the College or the University (as detailed above) at the earliest opportunity and not try and resolve the matter themselves through direct engagement with the Responding Student.
11. Due to the possibility of counter-accusation or recrimination, if the Reporting Student does decide to seek direct engagement with the Responding Student themselves, they are strongly advised to seek support on a confidential basis from one of the sources listed above (including the College).
12. Where direct engagement takes place at the choice of the Reporting Student, it is recommended that students should take the following steps:
 - a) describe the behaviour very precisely, including where and when it happened.
 - b) explain how the behaviour made them feel and describe the effect it has had/is having on them.
 - c) state precisely what they want to happen going forward (the behaviour to stop, an acknowledgement of the impact etc)
13. If a direct approach has been tried and has not worked, or if a student does not wish to make such an approach, the College Tutor or other College advisor may be able to contact the student on their behalf. The College might also propose that, if both students agree, mediation or a facilitated discussion between them may help address the matter.

14. If an attempt at directly engaging with the other student has not resolved the issue to the satisfaction of the Reporting Student, or the student does not wish to attempt engaging with the other student directly, the student may formally report the matter to the University.

C. Reporting Harassment and Sexual Misconduct to the University

15. Details of how students should report incidents of harassment and sexual misconduct are detailed below and on the [University's website](#). All reports of harassment or sexual misconduct will be considered on a case-by-case basis as to which is the most appropriate procedure for consideration. The College will provide ongoing support, as desired, to any St Edmund's student involved in the University procedure, whether as a Reporting Student or as a Respondent Student.
16. At the conclusion of the University investigation and potential disciplinary process, the Responding Student may still be subject to a separate College disciplinary procedure. However, in cases where the Respondent is found to be in breach of University discipline, the College will not impose a sanction for the same breach but may take appropriate measures in relation to the Respondent for the purposes of protecting the interests of other members of the College.
17. The [University website](#) also contains information about reporting processes outside the University, including reporting criminal offences to the Police. If a criminal investigation is taking place, the University process will usually be paused.
18. The College will treat relevant prison sentences, fines, court-ordered community sanctions, and cautions received by the Respondent as evidence that the Respondent breached the Rules of Behaviour in the way alleged.
19. The College will not treat the discontinuance of criminal proceedings in relation to the Respondent as evidence that the Respondent did not breach the Rules of Behaviour in the way alleged.
20. The College will treat the Respondent's being acquitted of a relevant criminal charge in a court of law as evidence that the Respondent did not breach the Rules of Behaviour in the way alleged.

D. Precautionary Measures

21. The Master, 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 Master 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 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 University or as part of a criminal process.

The Master shall have the power to extend any precautionary measures imposed for additional periods of no more than 21 days in duration.

The precautionary measures which the Master 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
 - iii. suspending the person in question either in full or in part from their studies.

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.

Individual students who are subject to precautionary measures imposed by the Master under this procedure have the right to provide representations when the decision regarding precautionary action is made, or where a decision is required to be made immediately as a result of the level of risk, as soon as possible following the decision. Students who are subject to precautionary measures also have the right to appeal the decision to impose that measure, or ask for a review of the decision if there is a material change in the circumstances of the case. Any such appeal or review will be considered by the Council, convened in line with section 22 below.

E. Review of Precautionary Measures by Council

22. The Respondent may seek a review of the Master's decision to impose precautionary measures. Any precautionary measures which the Master has imposed shall remain in force until the Council had adjudicated on the matter.

- a) A request for a review shall be made in writing and sent to the Council within fourteen days of written notification of the relevant decision. The request for review shall specify the grounds for review which may be only one or more of the following:
 - i. that there was material procedural irregularity in the decision to impose precautionary measures upon the Respondent Student;
 - ii. that there was bias or prejudice on the part of the decision-maker;
 - iii. that the decision reached was perverse in that it was one which no reasonable decision-maker could have reached on the available evidence;
 - iv. that new material evidence is available, which was not available and/or not presented for good reason at the time of the original decision.
- b) The request for a review should be accompanied by supporting documentation.
- c) The Council will consider the request for review and the documentation that was available to the Master. The Council may, at its discretion, hold a hearing and regulate arrangements for the conduct of the hearing.
- d) The Council will issue an adjudication in writing as soon as possible, which shall normally be within thirty days of the receipt of the request for a review or (if a hearing is held) within ten working days of the hearing. The Council shall have power to confirm, quash, or amend the original decision or refer it back to the decision-maker for further consideration.
- e) If the Council confirms the decision to impose precautionary measures, the Respondent Student will be issued with a Completion of Procedures letter when provided with the adjudication. If the Council issues an amended decision, then the Respondent will be offered a Completion of Procedures letter when provided with the adjudication. Where the

Respondent remains dissatisfied with the outcome of the review procedure, the Completion of Procedures letter will enable the student to submit a complaint to the external ombudsman, the Office of the Independent Adjudicator.



Appendix A: Code of Conduct for Students in respect of Harassment and Sexual Misconduct

St Edmund's 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. Harassment may occur in the course of an academic, sporting, social, cultural or other activity either within the Precincts of the University 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 and the College consider 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;
- ignoring, disparaging or ridiculing a person because of 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.



Appendix B: Policy on the use of personal information under the Procedure for consideration of cases of student on student harassment and sexual misconduct

A copy is to be provided to the Reporting Student and the Respondent Student at the earliest contact.

1. St Edmund's College has published a [separate general statement](#) which explains how it uses students' personal information. The current statement provides information about how the College will use your personal information if you are a Reporting Student or a Respondent Student in a case considered under the procedure for consideration of cases of student on 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. Where information and/or documents are provided to the College in relation to this procedure, or where documents are created under this procedure (e.g. a record of any actions and decisions and the dates they were taken; the dates of meetings), this information will be stored in an electronic filing system which can be accessed by staff in the Tutorial Office. 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. It should be assumed that any information provided by one student during this procedure shall be shared with the other student. If you have concerns about this, you should seek advice from the Senior Tutor who has discretion to withhold information in exceptional circumstances.
4. The Senior Tutor and Tutor of either the Reporting Student or Respondent Student shall normally be provided with a summary of the reported matter and the names of both students, so that they are aware 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 consent for sharing information with those listed above, but in exceptional cases may decide that such sharing of information without consent is necessary, for example, because it is in the public interest or to protect the interests of the Reporting Student or Respondent Student. 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 the intention to share the information and the reasons before it is shared.

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 Reporting Student 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, informal discussions 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, with the exception that 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.