

## **Guidance on and procedures for handling cases of harassment or 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 procedure for handling cases of harassment and sexual misconduct: [www.studentcomplaints.admin.cam.ac.uk/harassment-and-sexual-misconduct](http://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.

1. Peterhouse has adopted the University's Code of Conduct in respect of Harassment and Sexual Misconduct (Annex) 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 mitigating the case.
4. If students believe 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 University.
5. Both the Complainant and the Respondent will be advised to think carefully about what information they disclose to others at all stages of seeking resolution of the matter. 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 case is escalated to more formal, including disciplinary, procedures, or if it is reported to the Police.

### **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. Students can seek advice from one of the College's Harassment Officers (the Senior Tutor and the Assistant Chaplain), their College Tutor or another point of contact within the College (i.e. the College Nurse and Wellbeing Advisor or the Mental Health Advisor).
7. Students may also seek independent support and information from the Cambridge University Students' Unions' Advice Service (SUAS).

8. Sexual assault and rape are criminal offences, and Complainants will be supported to come to an informed decision as to whether to report such an incident to the Police. However, if the Complainant 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 Complainant's decision not to report the incident to the Police.
9. 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 may make an executive decision to refer the matter to the Police. The Senior Tutor will, in all but exceptional circumstances, inform the Complainant of their intention to report the matter to the Police, and their reasons, before doing so.
10. If, at any stage, Complainants feel that they are being disadvantaged or suffering reprisal from any member of the College, including the person they have made a complaint about, as a result of complaining about harassment or sexual misconduct, they should seek advice and guidance from the Senior Tutor or another senior member of the College.

### **Alternative resolution**

11. In some cases relating to 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.
12. If seeking alternative resolution in this way, a student is advised to seek support on a confidential basis from one of the College's Harassment Officers (the Senior Tutor and the Assistant Chaplain), a College Tutor, or another staff member (i.e. the College Nurse and Wellbeing Advisor or the Mental Health Advisor), either to help them to work out what to say, or to accompany them when they meet the person they are complaining about. Because of the possibility of counter-accusation or recrimination, Complainants are advised to alert a supporting person, such as their Tutor, to the problem before approaching the person concerned, even if they feel able to take this action on their own.
13. Students 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.
14. 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 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.
15. If an attempt at alternative resolution has not resolved the issue to the satisfaction of the Complainant, the Complainant can raise a formal complaint to the University.

However, there is no requirement that an attempt at alternative resolution has been made before a formal complaint is raised.

### **Raising a formal complaint**

16. Complaints must be raised under the University procedures. All complaints about harassment or sexual misconduct will be considered on a case-by-case basis as to which is the most appropriate procedure for consideration.
17. If the complaint is about the behaviour of a student at another College, it may be possible to raise it under that student's College's procedure; if this is not possible, the University's procedure can be used to raise such a complaint.
18. The College will provide pastoral support, as desired, to any Peterhouse student involved in the University procedure, whether as a Complainant or as a Respondent.

### **How to make a complaint to the University**

19. The University procedure and guidance documents describe how the Complainant'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 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](mailto:OSCCA@admin.cam.ac.uk).

The link to the University webpage for students reporting harassment, bullying, discrimination or sexual misconduct:

<https://www.studentcomplaints.admin.cam.ac.uk/reporting>

### **Precautionary Measures**

22. 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
- (c) 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 decisions or ask for a review of the decision if there is a material change in the circumstances of the case. The appeal will be conducted in accordance with paragraph 23 of the procedure.

### **Review of Precautionary Measures**

23. 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 review panel had adjudicated on the matter.

- i. The review will be carried out by a panel of three Fellows appointed by the Senior Fellow. A Fellow may not accept appointment to the review panel, if they have direct knowledge of the formal complaint which has given rise to the precautionary measures in question, or if they have personal acquaintance with the Complainant or the Respondent.
- ii. A request for a review shall be made in writing and sent to the Senior Fellow within 15 Working Days of written notification of the relevant decision (unless, for good reason, the Head of House 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 decision to impose precautionary measures upon the Respondent;
  - (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.
- iii. The request for a review should be accompanied by supporting documentation.
- iv. 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.

- v. 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.

If the review panel confirms the decision to impose precautionary measures, the Respondent will be issued with a Completion of Procedures letter when provided with the adjudication. If the review panel 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.

## Annex

### Code of Conduct for Students in respect of Harassment and Sexual Misconduct

Peterhouse 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.