

JUNIOR MEMBERS - RESPECT AND DIGNITY

1. Introduction.

The College's core values encompass freedom of thought and expression, and freedom from discrimination. The College is committed to maintaining a learning, living and working environment in which the rights and dignity of all members of the community are respected. The College therefore expects all members of its community to treat each other with respect, courtesy and consideration. Each person has the right to expect professional behaviour from others and has a corresponding responsibility to behave professionally towards others.

Freedom of speech and academic freedom are protected by law though these rights must be exercised within the law and the context of the College's obligations under the Prevent legislation. Vigorous academic debate will not amount to harassment when it is conducted respectfully and without violating the dignity of others.

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 has procedures to deal with any less positive relationships in general and in particular with inappropriate behaviour (including bullying, harassment, victimisation, or discrimination) that may affect the well-being of individuals within the College. This document sets out the action which is recommended to address any inappropriate behaviour occurring within the College, with support if needed, in the knowledge that any concerns or complaints will be dealt with appropriately and fairly by the College.

This guidance is intended primarily for:

- i. students who have complaints concerning the behaviour of other students at the College (and who consider that they have been harassed or bullied by another student or students at the College) where the complaint arises within the College teaching, learning living and working environment; and
- ii. students who have complaints concerning the behaviour of members of College staff (and who consider that they have been harassed or bullied by a member of College staff) where the complaint arises within the College teaching, learning, living and working environment.

Allegations of inappropriate behaviour will be taken very seriously by the College and could result in disciplinary action.

The College will take action to ensure that any student raising a genuine concern related to harassment and bullying, or other inappropriate behaviour, is not victimised as a result. However, where such allegations are proven to be vexatious or malicious, a complainant may be the subject of disciplinary action.

2. University Dignity@Study Policy.

The University has its own complaints and review procedure for complaints, including allegations of harassment or bullying, which arise within the University teaching, learning and working environment. For further information, see:

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

3. Inappropriate Behaviour.

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.

This definition applies whether or not there was an intention to cause that effect.

Inappropriate 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.

4. Criminal Offences.

Some types of harassment may be criminal offences. Students should inform the police about any harassment which is a criminal offence. Students may consider doing this themselves or they may prefer to ask someone from the College to assist them. Action by the College in accordance with the procedures set out here may take place whether or not the police decide to proceed. In some cases the College procedures may need to be delayed while a police investigation is carried out.

If a student is physically injured in any way in an assault, the individual should seek medical help and advice immediately. It is also important in such circumstances that the police are informed. A student may also seek advice and help from sources of support in College, such as a friend or a Tutor, or seek support from external sources such as CUSU or specialist organisations such as the Rape Crisis Centre (links are available in section 8 of this document).

5. Recommended Procedure.

The College aims to handle complaints in a way which is sympathetic, fair, and efficient, which encourages informal conciliation, facilitates early resolution, maintains individual privacy and confidentiality, and permits useful feedback.

The three stages outlined below constitute a best practice procedure.

Stage 1: Discussion and advice

At the earliest stage a misunderstanding or disagreement may be resolved through a calm, honest and balanced discussion between parties with support as necessary.

It is important to report the nature of the complaint as soon as possible or make someone else (someone with some authority) aware of the situation and to seek appropriate informal advice and support. Often this can resolve the matter quickly and informally. If someone feels unable to do this they are strongly encouraged to confide in someone they know, telling them the details of the situation at the time it takes place in order to ensure they have some immediate support.

The natural first point of contact for a student with a complaint is their Tutor or another Tutor. Equally the student may contact another person in College such as a Director of Studies, the Dean, the Chaplain or the College Nurse. If there is difficulty in contacting them, the Porters' Lodge staff will be able to assist in reaching them. In addition, advice can be sought from an Officer of the JCR or the MCR (such as the Women's Officer or Welfare Officers) or from CUSU.

A student who contacts their Tutor, or another of those listed above, can expect to be given advice on how to proceed and on the appropriate course of action, advice about what would constitute an appropriate remedy, and an opportunity to consider whether there is indeed a complaint to be addressed. The student will then be in a position to decide whether, and if so how, to proceed further.

In the event of a complaint being made against a person outside the College the Tutor or other adviser will recommend an appropriate procedure to be followed.

Further support for pursuing any action under this procedure may be available through the sources shown in the links in section 8 of this document. The University's advice on dealing with difficult situations – 'Advice for students who feel they are being harassed or bullied' and 'Advice for students who are accused of harassment or bullying' – is appended to this document.

Stage 2: Informal processes

If the complainant is unable or reluctant to directly approach the person complained against resolution may be pursued and achieved by the involvement and intervention of an appropriate senior member of the College.

In such cases the complainant may ask their Tutor, or one of the other people at the College who are listed at stage 1 above, for help in achieving an informal resolution of the problem. Resolution might be explored through mediation and/or some form of conciliation.

Usually a senior member of the College will be identified to act as a mediator or conciliator. Every effort will be made to achieve prompt consideration and resolution of a complaint. The aim should be to conclude matters expeditiously – within a period normally of no more than six weeks if term time and eight weeks if outside of term. Both the complainant and those concerned in the complaint will be expected to co-operate in achieving that result. If for any reason the informal process does not seem to be working, or is taking an unacceptably long time, either party may withdraw from the process.

Stage 3: Formal complaints

If a student is dissatisfied with the outcome of such an informal process as outlined above, he or she may consider whether to raise the matter formally. A formally lodged complaint will be investigated independently, thoroughly and without delay with an adjudication reached according to approved procedures.

Should a complaint remain unresolved after the informal stage, the complainant can request that the Senior Tutor refers the matter through the procedures laid down in section 6.1 and 6.2 of the Student Handbook. These can be found at:

<http://www.sel.cam.ac.uk/ughandbook/discipline/dignity-respect-study/>

Students must exhaust informal routes before making a formal complaint, or give a good reason for not doing so. A good reason might be that the problem is particularly serious, or that when it was raised informally there was a refusal to deal with it. Informal processes are suitable for dealing with many problems but if a complaint includes very serious allegations, and especially where a person complained against must have an opportunity to give his or her side of the matter, it may be necessary to refer straight to a formal stage. If, following investigation, informal routes seem not to have been exhausted the matter may be referred to informal resolution. A student may withdraw a complaint or stop the process at any time in stage 1 or 2, and in stage 3 may do so with the consent of the College Council.

A complainant should make a complaint in a timely fashion, at the earliest opportunity after the incident or the most recent occurrence of behaviour complained against. There may be cases in which a complaint is unavoidably delayed. Bullying or harassment can have a serious effect on people and a complainant may not feel able to make a complaint without initial support or counselling. Equally a complaint made after a significant time lapse may put an unacceptable strain on the person complained against and may make resolution more difficult.

6. Confidentiality.

All information concerning allegations of inappropriate behaviour, harassment and bullying must be treated in the strictest confidence and breaches of confidentiality may give rise to disciplinary action.

All parties involved in a complaint (including witnesses, representatives, or friends) should maintain strict confidentiality. There are however limits to how far confidentiality can be maintained. Where criminal offences or serious risks to the safety of the complainant or others are involved, there may be a duty on the College to notify the police and or other bodies. There will need to be disclosure to those involved in the procedures outlined in this document to the extent that it is needed for the procedures to operate effectively. The anonymity of the individuals involved in any complaint should be preserved as far as possible.

7. Disciplinary action.

Junior members

In cases where a formal complaint against a junior member is upheld, the matter may be referred by the Senior Tutor to the Dean who may, upon investigation, refer the matter to a Board of Discipline or take such other action as is considered appropriate.

Senior members

In cases where a formal complaint against a senior member of the College is upheld the Master may ask the Governing Body to proceed in accordance with the College Statute relating to disciplinary matters.

College staff

In cases where a formal complaint is made by a student against a member of the College staff is upheld it shall be dealt with in accordance with the grievance and disciplinary procedure laid down in the Staff Handbook.

8. Sources of information, advice and support.

Those in College who might be approached:

Tutors

The Senior Tutor

The Graduate Tutors

Directors of Studies

The Dean

The College Nurse

The Officers of JCR

The Officers of the MCR

The Chaplain

Related Policies and Procedures

The College has a number of policies and procedures on matters relating to equal opportunities, sexual assault and harassment, and student welfare. These can be found in the Student Handbook. at <http://www.sel.cam.ac.uk/ughandbook/policies-and-procedures/>

Related University Policies and Procedures

The University publishes a number of policies and procedures related to specific issues which may be helpful. These are readily available via <http://www.admin.cam.ac.uk/offices/hr> , and include the following:

Dignity@Study
Dignity@Work
Child Protection
Equal Opportunities
Gender Equality
Race Equality
Disability

The University policy on misconduct in research may be relevant and can be found at: <http://www.admin.cam.ac.uk/offices/research/Research/Misconduct.aspx> .

Information about University student complaint and review procedures can be found elsewhere in the University Student Handbook: <http://www.cam.ac.uk/staffstudents/studenthandbook/complaints.html>

Related Sources of Advice and Information

University Counselling Service

2-3 Bene't Place, Lensfield Road, Cambridge CB2 1EL

Tel: 01223 332865

Email: reception@counselling.cam.ac.uk

<http://www.counselling.cam.ac.uk/>

Professional counsellors and therapists to whom students can talk in order to work through issues that affect them.

CUSU (Cambridge University Students Union)

Old Examination Hall, Free School Lane, Cambridge CB2 3RF

Tel: 01223 333313 (Fax: 01223 333179)

Email: info@cusu.cam.ac.uk

<http://www.cusu.cam.ac.uk/>

CUSU can provide information, advocacy, resources and support in understanding your options and going through College and University procedures.

Accessibility & Disability Resource Centre

Keynes House, Trumpington Street, Cambridge CB2 1QA

Tel: 01223 332301 (Textphone: 01223 764085)

Email: ucam-disability@lists.cam.ac.uk

<http://www.admin.cam.ac.uk/univ/disability/>

The ADRC provides information and advice on disability issues.

Graduate Union

17 Mill Lane, Cambridge CB2 1RX

Tel: 01223 333312

<http://www.gradunion.cam.ac.uk/>

The GU works on issues that affect Graduate Students at the University, and can support individual students.

Linkline

21 Jesus Lane, Cambridge CB5 8BQ
Tel: 01223 367575 or Network (7)444444.
<http://www.linkline.org.uk/>
Helpline run by students for students (Full Term only, 7pm-7am).

NHS Direct

Tel: 0845 4647
<http://www.nhsdirect.nhs.uk>
24-hour medical advice and information helpline.

Police – Cambridgeshire

Tel: 999 (emergencies); 0845 456 456 4 (all non-emergency enquiries)

Rape Crisis

Box R, 12 Mill Road, Cambridge CB1 2AD.
Helpline tel: 01223 245888
<http://www.cambridgerapecrisis.co.uk>
Information, advice and support for women survivors of rape and sexual abuse and for those supporting them.

The Samaritans (Cambridge Branch)

4 Emmanuel Road, Cambridge CB1 1JW.
24-hour helpline: 01223 364455 or 08457 909090
<http://www.samaritans.org.uk>
Befriending helpline for those in crisis or despair.

Appendix 1

ADVICE FOR STUDENTS WHO FEEL THEY ARE BEING HARASSED OR BULLIED

(taken from the University Student Handbook)

You may find it useful to consider the following points:

Before deciding what to do about the situation, you may find it helpful to seek confidential help and advice. Many people find it difficult to think clearly about a situation which is causing them distress. Discussing the problem with someone gives you the opportunity to analyse how you feel about it, what effect it is having on you, and what you believe is needed to solve the problem.

Discussion with any 'advisor' will normally be strictly confidential, and further action involving you will not be taken without informing you. You should be careful to protect your own confidentiality, and must also protect the confidentiality of all others involved in the situation. You should be aware there are limits to confidentiality. If you state that you do not want any further action to be taken, you may be asked to confirm this in writing. Action of some kind may, however, still need to be taken to protect others, although every effort will be made to maintain confidentiality.

You should always keep a record of the incidents which are causing you distress.

If you can avoid confrontation you have a better chance of solving the problem. If you are unhappy with somebody's behaviour towards you and feel able to tell him or her how you feel and what you would like to see changed, either face to face or by letter, this may resolve the situation and restore good working relationships. If seeking resolution in this way you may want to ask for support on a confidential basis, either to help you to work out what to say or to accompany you when you meet the person you are complaining about.

Because of the possibility of counter-accusation or recrimination, it is probably wise to alert a supporting person to the problem before you approach the person concerned, even if you feel able to take this action on your own.

If you want to communicate this message by letter, you will find a simple form of words suggested at the end of this section.

Even if you are able to resolve the situation yourself, you may wish to inform an 'advisor' in your own institution or that of the person complained against so that he or she is aware of any situation or incident which could cause future difficulties.

Since formal complaint is commonly stressful and burdensome to all parties, it is important to make every effort to achieve resolution informally before resorting to it.

If you have tried a direct approach and it has not worked, or if you do not feel confident enough to try it, you may ask an appropriate 'advisor' to seek to resolve the problem on your behalf. You may also agree to co-operate with an independent conciliator seeking to mediate.

If neither of these approaches has or would have the desired effect or the matter is particularly serious, you can make a formal complaint to your Senior Tutor or Head of Institution or an appropriate deputy who will then arrange for a formal investigation within the timescales outlined in the relevant procedures.

If you are not satisfied with the outcome of a formal investigation you may be able to complain to the Independent Adjudicator for Higher Education (OIA).

If your complaint is not upheld you may still expect steps to be taken to help restore reasonable working relations between you and the person against whom you made the complaint.

If your complaint is not upheld and is found to be malicious or vexatious, disciplinary action may be taken against you.

If action is taken against someone as a result of your complaint, you can expect to be informed of this (though not necessarily of the nature of the action).

If the behaviour which is causing you distress involves messages or offensive material sent to you by computer of which you cannot identify the source, you can send an email to the University Computing Service at <mailto:confidential@ucs.cam.ac.uk>, It will be dealt with by a senior member of the Computing Service. You can also make an appointment via Reception to see the appropriate person in the Computing Service for advice and assistance about the problem.

Using the right words

The following suggests a format and some words which it may be helpful to use in a letter, an email, or in speech to some-one whose behaviour you feel is inappropriate:

- a. Describe the behaviour very precisely, where and when it happened. If you are vague the person causing the problem may not understand what you are talking about.
- b. Tell the person how you feel about what has happened.
- c. Describe the effect it is having on you (you may find you are avoiding the person, or working less effectively so that your study performance is affected).
- d. Say precisely what you want to happen. Including the steps outlined in 1-3 above you could write or say:
On the [date/day], at [time], you [describe the behaviour precisely]. Your behaviour made me feel [describe your feelings and reactions.] I wish you to stop [the behaviour]. You are harassing/bullying me and I have made a written record of the details. If this behaviour towards me is repeated I may make a formal complaint.

This form of words (adapted from *Eliminating Sexual Harassment*, Herbert 1994, p. 102) is one which should be recognised by everyone as a signal that a complainant is objecting to harassment or bullying and is seeking an informal resolution of the problem.

Appendix 2

ADVICE FOR STUDENTS WHO ARE ACCUSED OF HARASSMENT OR BULLYING

(taken from the University Student Handbook)

You may seek confidential advice. It is advisable to seek advice before taking any other steps. Any discussion will be confidential but you should be aware of the limits to confidentiality.

Listen carefully and calmly to what is being said. If you find that you have unintentionally caused offence, or you believe that your words or actions have been misinterpreted or misjudged then you will need to keep calm in order to try to reach an understanding with the person accusing you.

If you believe the accusation to be unfounded say so, but arrange to seek advice and support as soon as possible whether the situation is resolved informally or formally.

You may wish to be accompanied at any interview or other stage in the procedure by a member of College or University staff, e.g. a College Tutor, Director of Studies or Counsellor, or another student.

Be prepared to participate in conciliation or mediation if an attempt is made to resolve the matter informally.

If a complaint made against you is not upheld you may expect steps to be taken to help restore reasonable relations between yourself and the person who made the complaint.

Be honest. If you come to realise that you have harassed or bullied another person be ready to change the behaviour causing offence.

You may wish to seek support in changing your behaviour in future: the University Counselling Service may be able to help you.

If a complaint made against you is upheld and where there is evidence of wilful misconduct or seriously irresponsible behaviour, this may lead to disciplinary procedures against you.

If you are not satisfied with the outcome of an investigation of a complaint made against you, you may complain in accordance with the relevant procedure.

At all times you should observe confidentiality and you can expect all other parties involved to do the same. You should also ask any witnesses or advisers likewise to maintain absolute confidentiality.