

## College guidance on and procedures for handling reports of physical misconduct, sexual misconduct or abusive behaviour raised by students about other students

### Introduction and overview

The College takes reports of misconduct (including physical, sexual or abusive behaviour) very seriously. This document describes the support that is available and sets out the College's procedure for responding to such reports. Note, however, that reports can be made to the University *or* to the College– or to the Police in criminal matters. Advice on which path to follow is provided in this document.

**University procedures:** There are two mechanisms for responding to reports of student misconduct. The [informal complaint procedure for student misconduct](#) aims for mutually agreed voluntary outcomes but does not include a formal investigation. The [student disciplinary procedure](#), however, involves a formal investigation for breach of the University Regulations and may lead to a selected range of measures being imposed. University procedures are typically used when the complaint involves sexual misconduct, University Societies or Sports Clubs, or where multiple Colleges are involved. Complaints of University staff misconduct are handled through the [University's student complaints](#) procedure. Reports can be submitted through the University's Report and Support portal. Matters relating to sexual misconduct are normally referred to the University procedures.

**College procedures:** Similar to the University there are two mechanisms for responding to reports of student misconduct. The first level procedure for handling reports of physical misconduct, sexual misconduct or abusive behaviour (outlined in this document) provides a relatively informal pathway for reaching mutually agreed voluntary outcomes aimed at minimising contact (an informal resolution). The second level procedure invokes the [College's disciplinary procedure](#) (see that document) which provides a path for more formal investigation to determine whether College Regulations have been breached, leading potentially to disciplinary measures. The College procedure described in this document also includes reference to direct engagement between the student making the complaint (the reporting student) and the respondent student - with or without the support of a third party facilitator. However, it is important to note that direct engagement is not an integral element, or necessary step, of the College procedure; indeed it is unlikely to be applicable in many cases, and there is no expectation for reporting students to attempt this. Nevertheless, this document provides guidance on this too.

**The following guidance and procedure has been designed to work alongside the University's Informal Complaint Procedure for Student Misconduct:** [www.studentcomplaints.admin.cam.ac.uk/informal\\_complaint](http://www.studentcomplaints.admin.cam.ac.uk/informal_complaint). The College has a separate [general complaints procedure](#) under which students can raise complaints about College academic and non-academic provision, including about misconduct of staff or Fellows.

1. Pembroke College has adopted the University's definitions in relation to 'physical misconduct', 'sexual misconduct' and 'abusive behaviour', and affirms its commitment to providing an environment that is free from these behaviours, and the right of all members to be treated with dignity and respect.

2. The College will treat any allegation of physical misconduct, sexual misconduct or abusive behaviour of a student by another student seriously, and the 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 physical misconduct, sexual misconduct or abusive behaviour by another student, they can do any or all of the following, the details of which are outlined in this document:
  - seek advice, guidance and support from College and/or University and/or external organisations;
  - attempt to resolve the matter through direct engagement with the student;
  - report the matter to the College or University for formal action to be taken (students can use either the College or the University procedures).
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 will be given a copy of the College's policy on the use of 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 later on if the matter is escalated to more formal procedures (including disciplinary procedures), or if it is reported to the Police.

### **Advice, guidance and support**

6. Students who believe they have been subjected to physical misconduct, sexual misconduct or abusive behaviour are advised to contact one or more of the following persons from the College or from the University who will be able to offer support:
  - Their College Tutor (but [any College Tutor](#) can be contacted if preferred).
  - Pastoral staff within the College (College Harassment Officer – Loraine Gelsthorpe, [lrg10@cam.ac.uk](mailto:lrg10@cam.ac.uk); Further sources of College support can be found [here](#)).
  - Nursing staff: The College Wellbeing and Disabilities Nurse – Jan Brighting ([jan.brighting@pem.cam.ac.uk](mailto:jan.brighting@pem.cam.ac.uk)) or College Nurse – [Sarah.winder-worsley@pem.cam.ac.uk](mailto:Sarah.winder-worsley@pem.cam.ac.uk)). They can provide advice and support in arranging collection of forensic evidence at a [Sexual Assault Referral Centre](#) (SARC) – a time sensitive matter in relation to reports of sexual misconduct.
  - The University Counselling Service's [Sexual Assault and Harassment Advisor](#) (for all matters relating to sexual misconduct).
  - The [Student Advice Service](#), a team of professional, independent advisors within Cambridge Students' Union.
  - [External organisations](#), local and national.

The University provides [guidance for students who have experienced serious incidents including sexual violence, harassment or other forms of misconduct](#).

7. Some forms of physical misconduct, sexual misconduct or abusive behaviour are also criminal offences. If anyone believes a criminal offence to have taken place then they can report the matter to the Police. Reporting students 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 [Sexual Assault and Harassment Advisor](#), if the matter relates to sexual misconduct. 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.

### **Direct engagement with the student**

10. In **some** circumstances, for example where the misconduct is low-level and/or it appears that the misconduct was unintentional or that the impact of the misconduct was not understood, a student who is unhappy with another student's behaviour **may** wish to try to resolve the matter themselves directly with the other student.
11. If seeking direct engagement in this way, a student is advised to seek support on a confidential basis from one of the sources listed above. Because of the possibility of counter-accusation or recrimination, students are advised to alert a supporting person (such as their Tutor) to the problem before approaching the student concerned, even if they feel able to take this action on their own. There is no expectation that direct engagement is applicable in all circumstances.
12. Where direct engagement takes place, students should take the following steps:
  1. Describe the behaviour very precisely, including where and when it happened.
  2. Explain how the behaviour made them feel and describe the effect it has had/is having on them.
  3. 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 any attempt at directly engaging with the other student has not resolved the issue to the satisfaction of the student, or the student does not wish to attempt engaging with the other student directly, the student may report the matter to the College (using the procedure described below) or to the University through its [Informal Complaint Procedure for Student Misconduct](#).

### **Reporting a complaint of student misconduct to the College**

15. Reports can be raised under either the College or the University procedures, but the same matter cannot be investigated by both. All reports made by students, 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 and cases may be referred to the alternative body.

16. If the misconduct is low-level then students are normally expected to use a College procedure, and students at any College may use the following procedure to report the behaviour of a student or students at Pembroke College. 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 report the matter.
17. Pembroke College and the University expect that reports about students from more than one College, or involving members of a University club or society, would normally be raised under the University's procedures because of the likely complexity of such cases.
18. Subject to the views and wishes of the Reporting Student, reports about sexual misconduct will usually be directed to the University's procedure.
19. Reporting the matter using the College's procedure does not prevent the Reporting Student from reporting the matter to the Police at any time but it is important in sexual misconduct cases to preserve forensic evidence as soon as possible (at the local [SARC](#)). However, if a report is made to the Police after the matter has been investigated by the College this may undermine any subsequent police investigation. Where the matter is reported to the Police, the College will normally suspend any action under its procedure until the end of the criminal justice process, but it may take precautionary action to ensure that a full and proper investigation can be carried out and/or to protect the Reporting Student, Respondent Student or others while the matter is ongoing. Any precautionary measures are not intended to be punitive and do not make any assumptions about the merits of the matter.
20. The College will provide pastoral support, as desired, to any Pembroke College student involved in the University or College procedure, whether as a Reporting Student or as a Respondent Student.

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

21. The University's [reporting webpage](#) explains the two reporting procedures available for students, the Informal Complaint Procedure for Student Misconduct and the Student Discipline Procedure. The webpage describes how the report made will be considered, and the possible outcomes. 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 procedures and can meet with the student to discuss the procedure in advance of the student submitting a report. OSCCA can be contacted at [OSCCA@admin.cam.ac.uk](mailto:OSCCA@admin.cam.ac.uk).

### **How to report a complaint to Pembroke College**

22. The procedure for reporting a complaint to the College, and for considering that report, is appended in Appendix A. The following paragraphs summarise this procedure, which enables an agreed series of actions to be put in place, limiting interaction between the Reporting Student and the Respondent Student, without the need for formal findings. Alternatively, or following this procedure, the College discipline procedure can be used, involving a formal investigation and findings.
23. Students should report any misconduct in writing to the Senior Tutor, as set out in the procedure laid out in Appendix A.

#### **Consideration of report by Pembroke College**

24. If the report is referred for consideration, a trained Facilitator will be appointed by the Senior Tutor to meet separately with both the Reporting Student and Respondent Student (if they are

willing) to establish any undisputed facts and to understand whether both students would agree to actions that limit their interaction with each other. The Facilitator will then write a report and recommend a course of action.

25. Both the Reporting Student and the Respondent Student may wish to be accompanied while meeting with the Facilitator, for example, by a Tutor, a member of the Student Advice Service or anyone else from whom they have been receiving support. Given the nature of the behaviour that will be considered under the College, rather than the University, procedure, it is unlikely that it will be necessary for either party to bring a legal advisor to any meetings held under the procedure. Students would not, however, be prohibited from doing so, and the Students will be reminded before they meet with the Facilitator that they are entitled to seek independent legal advice. If a student wishes to take legal advice, this will be at their own expense.

### **Possible outcomes of reporting to the College**

26. Following receipt of the Facilitator's report, the Senior Tutor may decide that:
- with the agreement of both the Reporting Student and Respondent Student, further facilitated discussion should be used to resolve the matter; or
  - agreed actions should be put in place; or
  - the case should be referred for consideration under the College's disciplinary procedure; or
  - no further action should be taken.
27. Agreement to an action will not require the Respondent Student to admit wrong-doing, nor imply that the College has made a finding of wrong-doing.
28. Agreed actions can include asking the Respondent Student to abide by a conduct agreement. This might stipulate that the Respondent Student will refrain from contact with the Reporting Student, either indefinitely or for a specified period in the first instance. It might be necessary for the Respondent to move rooms or to use shared spaces within College at particular times. The Respondent Student may also agree to intermit, or to attend behaviour awareness training.
29. A record of any agreed actions will be retained by the College and may be taken into account if a further report is made against the Respondent Student under this procedure, whether that subsequent complaint is made by the original Reporting Student or a different Reporting Student.
30. The Senior Tutor will keep both the Reporting Student and Respondent Student informed of the general progress of a report and the outcome. Where a report under the College's procedure leads to disciplinary proceedings, the Reporting Student 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 Respondent Student that impact upon the Reporting Student.

### **College Discipline Procedure**

31. Where the above procedure has been unsuccessful or where the Reporting Student wishes a formal investigation to be conducted, the [College Discipline Procedure](#) may be used.

## Appendix A

### Procedure for consideration of cases of student on student physical misconduct, sexual misconduct and abusive behaviour

#### 1. Glossary

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

Facilitator	A trained person appointed by the Senior Tutor to handle the consideration of the case and provide a report following
Misconduct	Behaviour as described in paragraph 2
OSCCA	The Office of Student Conduct, Complaints and Appeals
Reporting Student	A Student who has made a report under this procedure
Respondent Student	A Student about whom a report has been made under this procedure
Student	A matriculated student currently pursuing a course of study at the University

#### 2. Types of behaviour amounting to misconduct under this procedure

2.1. Physical misconduct is any unwanted and unreasonable contact. Physical misconduct can include, but is not limited to, pinching, punching, kicking, slapping, pulling hair, biting, pushing, shoving, using weapons and using items as weapons.

2.2. Sexual misconduct is any unwanted or unpermitted sexual activity. Sexual activity includes, but is not limited to, sexual acts, kissing, sharing private sexual materials of another, touching through clothes, showing sexual organs and remarks of a sexual nature. Sexual misconduct can take place in physical or virtual environments.

2.3. Abusive behaviour is any unwanted behaviour which is reasonably likely to cause harm; or have the effect of violating another's dignity; or create an intimidating, hostile, degrading, humiliating or offensive environment for that other. It includes, but is not limited to, threats, abusive comments, the use of or supply of illicit substances, making malicious accusations, repeatedly contacting someone, and abuse that takes place within an intimate relationship. Abusive behaviour can take place in physical or virtual environments.

2.4. Abusive behaviour can include, but is not limited to, actions that appear to have been influenced by someone's protected characteristics or their perceived protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion and belief, sex, sexual orientation. The behaviour can take place in person or online. A non-exhaustive list of these types of behaviours include:

- a) making sexually offensive comments about dress or appearance, the display or distribution of sexually explicit material, or demands for sexual favours;
- b) engaging in harassment on the grounds of a person's sexuality or gender (or assumptions about a person's sexuality or gender) 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;

- c) making offensive references to a person's race, ethnicity, skin colour, religion or nationality, dress, culture, background or customs which have the effect of ridiculing or undermining an individual or fostering hatred and/or prejudice towards individuals or particular groups;
- d) ignoring, disparaging, or ridiculing a person because of mistaken assumptions about their capabilities, or making offensive reference to an individual's appearance, in the context of their disability;
- e) controlling or coercive behaviour, such as pressure to subscribe to a particular political or religious belief.

2.5. The word 'unwanted' means 'unwelcome' or 'uninvited'. It is not necessary for a person to object to the behaviour for it to be unwanted.

2.6. The word 'unpermitted' means 'not permitted' or 'unauthorised'. A number of behaviours can indicate where permission has been given, for example, verbal comments or physical actions. Permission for an activity can only be given at the time it is taking place and where the person has the choice to give or not give permission. Where there is disagreement as to whether an activity was unpermitted, the applicable test shall be, taking all circumstances into account, whether a reasonable person would consider the activity was unpermitted.

### **3. Scope of procedure**

3.1. Pembroke College is committed to providing an environment that is free from physical misconduct, sexual misconduct and abusive behaviour and affirms the right of all members to be treated with dignity and respect.

3.2. This procedure provides a mechanism to limit interactions between Reporting and Respondent Students by the agreement of both parties. This Procedure does not seek to investigate the misconduct which is described by the Reporting Student and it will not reach any findings on whether any misconduct has taken place. As a result, the procedure does not require the Reporting Student to provide a detailed account of the misconduct, nor does it require the Respondent Student to provide a response to the content of the report made by the Reporting Student.

3.3. Pembroke 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.

3.4. As this procedure places an emphasis on reaching consensual resolution, complaints made by a third party and anonymous complaints will not normally be accepted. College Tutors and others may wish to discuss alternatives to the use of this procedure with the Senior Tutor.

3.5. It is possible for a complaint under this procedure to be brought by or against two or more Pembroke College students where the report relates to behaviour arising from the same event(s). In such cases, references in this procedure to the 'Reporting Student' or the 'Respondent Student' shall be construed as appropriate as referring to more than one person.

3.6. A Reporting Student may choose to report behaviour 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 report relates to sexual misconduct; or
  - (b) the report relates to conduct occurring in the context of University societies or sports clubs; or
  - (c) the Respondent Students include students from more than one College.
- 3.7. Behaviour can be reported under this procedure whether or not it has been reported to the Police – but see paragraph 4.6 below.
- 3.8. Behaviour cannot be reported under this procedure if it has already been raised under the University's procedure.
- 3.9. No inferences or assumptions shall be drawn from whether the Reporting Student chooses to report the behaviour to the College procedure, the University procedure or the Police.

#### **4. General principles**

- 4.1. Any reference in this procedure to a College officer or other named role includes a deputy appointed by that officer or role-holder to exercise the functions assigned to that officer under this procedure.
- 4.2. The College will act reasonably in considering reports 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.
- 4.3. Reporting Students who believe they have suffered any reprisal, or have received a threat of reprisal, as a result of making a complaint in good faith should raise the matter with the Senior Tutor.
- 4.4. 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 Reporting Student and the Respondent Student as appropriate.
- 4.5. Where the events which are the subject of a complaint under this procedure have been reported to the Police, the Senior Tutor will normally suspend the procedure pending the outcome of any police investigation and/or criminal proceedings.
- 4.6. Under this procedure 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 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.
- The Master shall have the power to extend any precautionary measures imposed for additional periods of no more than 21 days in duration.
- 4.7. 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.

- 4.8. The Senior Tutor will inform the University, through the Head of the OSCCA of precautionary action taken in respect of individual students.
- 4.9. Individual students who are subject to precautionary measures imposed by the Head of House 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 6.4 of the procedure.
- 4.10. The Reporting Student may withdraw a report at any time during this procedure, by notifying the Senior Tutor in writing. Where a report is withdrawn no further action will be taken under this procedure, but the Senior Tutor may refer the matter for consideration under another College or University procedure.
- 4.11. 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 a Facilitator will have any previous knowledge of the case nor any material connection to the Reporting Student or Respondent Student. The Reporting Student or the Respondent Student (or their representatives) will be entitled to object to the involvement of an individual for good cause.

## **5. Support and guidance**

- 5.1. The Senior Tutor will provide procedural advice at the outset to help both the understanding of both the Reporting Student and the Respondent Student. All parties will be directed to appropriate sources of advice and support throughout the procedure.
- 5.2. Reporting Students and Respondent students are able to bring a supporter to any meeting held under this procedure. However, the supporter should not be someone who could be a witness to events related to the misconduct. A College Tutor or an advisor from the Students' Unions' Advice Service are good sources of support for all Students, and the Sexual Assault and Harassment Advisor is available to support Reporting Students reporting sexual misconduct. As this is an informal procedure it is not normally necessary for a Reporting Student or a Respondent Student to have a legally qualified supporter. However, both the Reporting Student and the Respondent Student may access and use legally qualified supporters at their own cost.
- 5.3. Appendix B of this procedure sets out the College's policy on the use of personal information under this procedure. A copy of the policy 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.

## **6. Reporting misconduct**

- 6.1. A student considering reporting misconduct may discuss or meet with the Senior Tutor, who can provide further information about the procedure.
- 6.2. A Student who wishes to make a report under this procedure must do so in writing to the Senior Tutor of the Respondent Student's College. The Reporting Student should set out details of the complaint together with details of any attempts at directly engaging with the

student, if appropriate. Reporting Students can be assisted in reporting the behaviour by a supporter.

- 6.3. On receipt of the Report, the Senior Tutor will consider the matter and determine whether to:
  - (a) refer the Report for consideration under this procedure;
  - (b) recommend to the Reporting Student that they should raise it under the University procedure;
  - (c) dismiss the complaint because it is considered to be without merit;
  - (d) reject the complaint because it does not fall within the scope of this procedure;
  - (e) decline to refer the Report for consideration under this procedure for other reasons.
- 6.4. The Senior Tutor will normally notify the Reporting Student in writing of the outcome of this initial consideration within a week of receiving the report.
- 6.5. If the Reporting Student is dissatisfied with the Senior Tutor's decision, the Reporting Student shall have the right to request a review of that decision in accordance with paragraph 9.

## **7. Consideration of the Report**

- 7.1. Where a Report is referred for consideration, this will be carried out by a trained Facilitator, appointed by the Senior Tutor. The role of the Facilitator is to prepare a report that sets out the undisputed facts and makes recommendations based on the responses of both the Reporting Student and the Respondent Student.
- 7.2. The Facilitator shall determine how to handle the case, within the context of the general principles set out in paragraph 4. The Facilitator will invite the Reporting Student and the Respondent Student to separate meetings with the Facilitator. The aim of the meetings will be to establish actions with which both parties would agree and which would limit interaction between the two parties. Each meeting will be minuted and the minutes agreed with those present as a correct record (or any disagreement noted), at which point any other record of the meeting will be destroyed. A note taker will be appointed by the Senior Tutor.
- 7.3. When or before inviting the Respondent Student to a meeting, the Facilitator must:
  - a) provide sufficient information to enable the Respondent Student to understand the nature of the report, including a summary of the report, the identities of those involved and the place and time where the described behaviour occurred;
  - b) inform the Respondent Student that there does not need to be any response to the report and that no adverse inferences may be drawn from the Respondent Student's failure to attend for interview or otherwise participate in this procedure;
  - c) warn the Respondent Student 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 report, including any admission made in the course of this procedure (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;
  - d) remind the Respondent Student that it is not normally necessary to bring a legally qualified supporter to any meetings during this procedure. However, Respondent Students are not prevented from using legally qualified supporters at their own cost.
- 7.4. Where the Respondent Student declines to cooperate with the process, the Facilitator may continue with the consideration in the absence of the Respondent Student's cooperation.

The Senior Tutor shall draw no adverse inferences from the Respondent Student's failure to participate in the investigation.

- 7.5. The Facilitator shall normally provide a report to the Senior Tutor within four weeks of being appointed by the Senior Tutor, where a longer timeframe is required the Facilitator will keep the Reporting Student and the Respondent Student updated.
- 7.6. On receipt of the Facilitator's report, the Senior Tutor may:
  - (a) Propose one or more of the agreed actions set out in paragraph 8;
  - (b) With the consent of the Reporting Student, refer the report for consideration under the College's disciplinary procedures;
  - (c) dismiss the report because it is considered to be without merit;
  - (d) determine that no further action should be taken.
- 7.7. The Reporting Student and the Respondent Student shall normally be notified in writing of the decision of the Senior Tutor within two weeks of the Senior Tutor receiving the Facilitator's report.
- 7.8. If the Reporting Student is dissatisfied with the decision of the Senior Tutor, the Reporting Student shall have the right to request a review of that decision in accordance with paragraph 9.

## **8. Agreed Actions**

- 8.1. The Senior Tutor may propose one or more agreed actions, which may include (but is not limited to) the following:
  - (a) that the Respondent Student will agree to abide by a conduct agreement issued by the Senior Tutor, A conduct agreement may include an undertaking by the Respondent Student to refrain from contact with the Reporting Student for a specified period of time. A record of the agreement will be retained by the College. If the agreement is breached then this breach can be investigated and sanctioned under the College discipline procedures. In addition, the agreement may also be taken into account if a further report is made against the Respondent Student under this procedure;
  - (b) that the Respondent Student change accommodation;
  - (c) with the prior approval of the relevant University body, that the Respondent Student will take a period of intermission from study;
  - (d) that the Respondent Student will attend behaviour awareness training or workshops.
- 8.2. Both the Reporting Student and the Respondent Student must agree to the proposed agreed actions. The Senior Tutor, or Facilitator at the request of the Senior Tutor, will facilitate the process of agreeing the proposed agreed actions between the Reporting Student and the Respondent Student. Providing agreement is received, the Senior Tutor will issue written confirmation of any agreed actions to the Reporting Student and the Respondent student.
- 8.3. If attempts at reaching agreed actions are unsuccessful, the Senior Tutor shall refer the matter for consideration under the College's disciplinary procedures, with the consent of the Reporting Student.
- 8.4. If there are grounds to believe that the Respondent Student has failed to comply with the terms of an agreed resolution, the Senior Tutor shall determine whether the matter should be referred for consideration under the College's disciplinary procedures.

## **9. Review**

- 9.1. The Reporting Student may seek a review of a decision made under this procedure. A request for a review shall be made in writing, accompanied by all supporting documentation and sent to the Master within 15 Working Days of written notification of the relevant decision (unless, for good reason, the Master permits a longer period).
- 9.2. 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 Reporting Student's report;
  - (b) that there was bias or prejudice on the part of the Senior Tutor or the Facilitator;
  - (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.
- 9.3. The review will be carried out by a panel of three persons appointed by the Master. The review panel will consider the request for review and the documentation available to the Senior Tutor at the time of the decision. The review panel may, at its discretion, hold a hearing and regulate arrangements for the conduct of the hearing.
- 9.4. The review panel will issue an adjudication in writing as soon as possible, and normally within four weeks of the receipt of the request for a review or (if a hearing is held) within a week of the hearing taking place. The review panel shall have power to confirm, quash, or amend the original decision or refer it back to the Senior Tutor for further consideration.
- 9.5. The review panel will issue a Completion of Procedures letter to the Reporting Student, informing the student of the result of its adjudication. Where the Reporting Student 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.

## **10. Reporting**

- 10.1. An annual report of complaints considered under this procedure will be made to the College Governing Body in which references to individual cases will be made anonymously.
- 10.2. The Senior Tutor will be responsible for the regular review of this procedure.

## Appendix B

### **Policy on the use of personal information under the Procedure for consideration of cases of student on student physical misconduct, sexual misconduct and abusive behaviour**

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

1. Pembroke College has published a general statement which explains how it uses students' personal information  
[https://www.pem.cam.ac.uk/sites/default/files/downloads/privacy\\_notice\\_students.pdf](https://www.pem.cam.ac.uk/sites/default/files/downloads/privacy_notice_students.pdf) . This 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 physical misconduct, sexual misconduct and abusive behaviour. 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 the procedure and the documents relating to the procedure (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. 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, 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.