

Policy and Procedures for handling cases of Harassment and Sexual Misconduct between students

(Approved by Council 2 October 2019)

Introduction

Hughes Hall will not tolerate any form of harassment or sexual misconduct. It will treat all reports seriously, respond to them as effectively as possible, and support those involved both at the time and afterwards. The College's Policy and Code of Conduct are set out in [Sections A and B](#).

Students who believe they have been harassed or been the subject of sexual misconduct are advised to seek support from the College and/or from the University. Students are welcome to contact the [Sexual Assault and Harassment Advisor](#) at the University Counselling Service, whether they have reported the matter or not. At Hughes Hall, students can speak to their own Tutor, a Harassment Support Tutor, the Senior Tutor, the College Nurse or a MCR Welfare Officer. Students may also seek independent support and information from the Cambridge University Students' Unions' Advice Service ([SUAS](#)).

The University has helpful [information regarding rape and sexual assault](#). We strongly advise any affected student to consult the [guide for students](#).

If you feel that you have been affected by any form of harassment or sexual misconduct by another student, or have witnessed this, you are strongly encouraged to report it. Matters will be kept confidential to those involved, and only divulged to others on a need-to-know basis, including where there is a significant risk of serious harm to others (see [Section E](#).)

The College's approach has three levels of report and response:

- 1. Informal procedure ([Section C](#))** leading to a mutual agreement between parties, facilitated by Tutors or MCR Welfare Officers
- 2. Formal procedure ([Section D](#))**, which can lead to a formally agreed and binding resolution between parties, facilitated by the Senior Tutor or a Deputy Senior Tutor (or other appointee) as Chair. This procedure will not make a judgement about whether the harassment or sexual misconduct has taken place and the report from the procedure will only be available to those involved in the procedure.

Outcomes can include:

- a conduct agreement preventing contact between the students
- a conduct agreement stopping a student from being able to access parts of the University that the other student frequently uses
- a behaviour awareness assessment
- an appropriate alternative arrangement

Where the students do not agree with the proposed options to limit the interaction between them, the Chair may refer the matter to the Dean under the College's [Disciplinary Policy](#) if the Complainant wishes.

3. Disciplinary Procedure. If a Complainant is certain that they want the matter to be investigated with findings documented and the possibility of sanctions being imposed, then they should use the College [Disciplinary Policy](#). The Dean will then consider this under that policy. However, in some circumstances (e.g. lack of evidence) the Dean may take no action or recommend that the complaint returns to level 2. In complex or serious cases, the Dean may determine that the University level is more appropriate (see below). These include where a serious offence is reported (e.g. assault or rape); where the evidence is particularly complex; and where the reported offence concerns students of more than one College. The College will continue to provide tutorial support to all its students at all stages.

The University's [webpage](#) outlines how a student's complaint can be considered using the University [Procedure for Student Harassment and Sexual Misconduct](#) and [Student Discipline Procedure](#). The University's Office for Student Conduct, Complaints and Appeals (OSCCA) will be able to answer any specific questions, and will endeavour to ensure that the students understand the procedure at each stage. OSCCA can be contacted at OSCCA@admin.cam.ac.uk.

A. Policy regarding Harassment and Sexual Misconduct

1. Students, staff and senior members of Hughes Hall will foster an inclusive culture that promotes equality, values diversity and maintains an environment for study, work and living in which the rights and dignity of all its members are respected.
2. Hughes Hall will not tolerate any form of harassment or sexual misconduct. Definitions and examples are provided in Code of Conduct (Section B). The college will treat all reports seriously and respond to them as effectively as possible in a timely and proportionate manner.
3. Hughes Hall will ensure relevant staff have received any necessary training in how to respond to disclosures of harassment or sexual misconduct.
4. 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.
5. The College will provide appropriate support to all students affected by harassment or sexual misconduct, both at the time and afterwards. This includes tutorial support to any Hughes Hall student involved in a College or University procedure, whether as a Complainant, Respondent or witness.
6. Procedures for handling cases of harassment or sexual misconduct between students will offer a range of options including informal resolution, mediation, formal resolutions and disciplinary action. Information and advice will be available to students when deciding what course of action to take.
7. Where the behaviour of a student is such that the college considers there may be an immediate risk to students and/or staff, then the college will take proportionate precautionary action to mitigate the risks identified. Precautionary measures may include restricting access to premises and preventing contact between specific individuals.
8. Sexual assault and rape are criminal offences, and students will be supported in coming to an informed decision as to whether to report such an incident to the police. However, if a student decides not to report the incident to the police, neither the College nor the University will require them to do so. No adverse inferences will be drawn from a Complainant's decision not to report the incident to the police.
9. Bringing a complaint under a Hughes Hall procedure does not prevent the student from reporting the matter to the police at any time. If the matter is being dealt with under the criminal process then the College will normally suspend any action under any College procedure. However, the College may take precautionary action to ensure that a full and proper investigation can be

carried out and/or to protect the Complainant, Respondent or others while the matter is being dealt with.

10. 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 or to the wider community, the Senior Tutor (or Deputy) may make an executive decision to refer the matter to the police. The Senior Tutor (or Deputy) 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

11. No student should be disadvantaged or suffer reprisal from any member of the College, including the alleged perpetrator, as a result of complaining about harassment or sexual misconduct (i.e. be victimised). Anyone who feels that they have been adversely affected as a result of complaining is able to seek advice and guidance from a suitably trained individual.

12. In reaching a decision on what action, if any, to take, Hughes Hall may seek legal advice at any point.

13. The College will keep appropriate records of reports of harassment and sexual misconduct in accordance with the College's Data Protection Policy. Students should ensure that they are aware of the issue of confidentiality and have considered any limits that may be applied to it, including how any information they provide might be used at later stages of a procedure if the case is escalated to a more formal procedure, or if it is reported to the police.

14. The college will review the effectiveness of the policy and procedures periodically.

B. Code of Conduct regarding Harassment and Sexual Misconduct

Hughes Hall endorses the University's Code of Conduct. 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.

Online harassment can take the form of intimidating, offensive or graphic posts on social media sites or chat rooms, or communications by email, text or instant messaging.

Under this Code of Conduct, harassment, 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.

Examples of sexual misconduct include the following:

- engaging in sexual intercourse or in a sexual act without consent
- attempting to engage in sexual intercourse or 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

This list is illustrative and not exhaustive. Sexual misconduct can take place within a sexual or romantic relationship, including where consent to some form of sexual activity has been given and then withdrawn, or where consent has been given on previous occasion(s) to the same activity.

C: Procedure for informal complaint and resolution (Level 1)

Definitions

Complainant:	A student who has made a complaint under the procedure.
Respondent:	A student about whom a complaint has been made under the procedure.

NB. These terms are used without prejudice regarding a complaint.

Harassment Support Tutor (HST):	A college tutor with this role and appropriate training. Hughes Hall has two HSTs, and students are welcome to approach either.
Student:	A full time, part-time or visiting student member of the College.

a) Direct approach

1. In some cases, a student who is unhappy with the behaviour of another student may want to try to resolve the matter directly with the other student.
2. In these cases, the Complainant and Respondent are advised to seek support from their Tutor or a HST, to help them to work out what to say, and/or to accompany them when they meet.
3. Complainants are encouraged to describe the offending behaviour as precisely as possible, including where and when it occurred. Complainants should also describe how they feel about what happened and any ongoing effect on them. Finally, they should specify what outcome they seek.
4. If a student-led approach has been unsuccessful or is not desired, a student may ask their Tutor or a HST to seek to resolve the problem on their behalf. The latter may then approach the Tutor of the Respondent, and seek to facilitate a meeting between the parties and relevant tutors. Or they may propose instead that the two parties seek mediation.

b) Mediation

5. Mediation offers a chance for both students to identify and discuss their concerns, address their differences, and reach a mutually acceptable agreement on the way forward.
6. Mediation is only available if both parties commit to engage with the process and accept its parameters, including its terms of confidentiality.
7. Mediators can be appropriate trained university staff members or independent professional mediators. They are impartial, with no vested interest in the outcome. They manage the whole process, creating a safe and supportive environment so that both students can talk honestly and openly. They do not impose an agreement, but work to help students reach a mutually acceptable agreement.
8. When students reach agreement, the Complainant should report this to their Tutor or the HST.

c) Alternatives

9. If informal resolution is not attempted, or has been attempted and resolution has not been reached, the Complainant may raise a formal complaint using the College procedure ([Section D](#)) or [University procedure](#).
10. Informal resolution may not be appropriate for some complaints because the relationship between the parties has broken down. In such cases the Complainant should use the formal procedure the College procedure ([Section D](#)) or [University procedure](#).

D. Procedure for formal complaint and agreed resolution (Level 2)

Definitions

Complainant:	A student who has made a complaint under the procedure.
Respondent:	A student about whom a complaint has been made under the procedure.
<i>NB. These terms are used without prejudice regarding a complaint.</i>	
Harassment Support Tutor (HST):	A college tutor with this role and appropriate training. Hughes Hall has two HSTs, and students are welcome to approach either.
Student:	A full time, part-time or visiting student member of the College.
Welfare Team:	College Nurse, Harassment Support Tutors, Senior Tutor (ST), Deputy Senior Tutors (DST), and other tutors, supported by the Tutorial Office.
Working Day:	Any day except weekends, public holidays and days of official College closure.

Scope of the Procedure

This procedure applies where a Student wishes to complain that the behaviour of another Student contravenes the Code of Conduct in respect of Harassment and Sexual Misconduct, and wishes to reach formal resolution. Hughes Hall and the University expect that complaints against students from more than one College, or involving members of a University club or society, would normally be raised under the University's procedure for Harassment and Sexual Misconduct because of the likely complexity of such cases. Hughes Hall and the University expect that complaints about sexual misconduct (as defined in the Code of Conduct) will usually be directed to this University's procedure as the University has greater expertise and resources for handling serious cases.

- 1.1. Complaints about students can be raised under the Harassment and Sexual Misconduct procedure of either Hughes Hall or the University, but not under both. Both College and University may refer a complaint to the other body if they deem it more appropriate.
- 1.2. Students at any College may use this procedure as appropriate to raise a complaint about students at Hughes Hall. Similarly, Hughes Hall students may be able to complain about students at another College under the procedure of that College. If this is not possible, the University's procedure can be used.
- 1.3. Hughes Hall also has a [Grievance Procedure](#) under which a student may raise other types of complaint.
- 1.4. Because this procedure places an emphasis on reaching consensual resolution, complaints made by a third party and anonymous complaints will not normally be accepted.
- 1.5. It is possible for a complaint under this procedure to be brought by or against two or more students from Hughes Hall arising from the same event(s). In such cases, references in this procedure to the 'Complainant' or the 'Respondent' (as appropriate) shall be construed as referring to more than one person.

- 1.6. A Complainant may choose whether to raise a complaint under this procedure or under the University procedure. However, the University procedure must be used where:
 - (a) the complaint relates to serious sexual misconduct; or
 - (b) the complaint relates to conduct occurring in the context of University societies or sports clubs; or
 - (c) the Respondent (or at least one of several Respondents) is a member of another College.
- 1.7. A complaint cannot be brought under this procedure where the Complainant has previously made a complaint about the same event(s) which has been dealt with under the University's procedure.
- 1.8. A Complaint cannot be brought under this procedure at the same time as a complaint is being considered under the College Disciplinary Procedure, except in the following circumstances: it is possible for the Dean to refer a complaint to this procedure and it is possible for the Chair to refer a complaint to the Disciplinary Procedure.
- 1.9. A complaint may be brought under this procedure whether or not it has been reported to the police - but see paragraph 3.9 below.
- 1.10. Where the events which are the subject of a complaint under this procedure have been reported to the police, the Chair will normally suspend the procedure pending the outcome of any police investigation and/or criminal/civil proceedings.
- 1.11. Alternative resolution may be suitable for dealing with some cases that are brought under this procedure and, where appropriate, Complainants are encouraged to consider seeking alternative resolution to their concerns before bringing a formal complaint under this procedure.

General principles

- 2.1. At all stages of the formal procedure, decisions on what action will be taken will be made by people who have had relevant training. In deciding what, if any, action to take, Hughes Hall will need to consider a variety of relevant factors including, for example: the evidence which is available to support an allegation of misconduct; any admission of responsibility by the Respondent; the limitations of the College's internal procedure in terms of obtaining and assessing evidence; and the need to safeguard the rights of both parties.
- 2.2. Any written decision issued in accordance with this procedure shall also include the reasons for that decision.
- 2.3. 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.
- 2.4. The College will act reasonably in considering complaints under this procedure, having regard to the individual circumstances of the case. Every effort will be made to ensure that all parties are treated with fairness and dignity.
- 2.5. To ensure that there are no conflicts of interest, no person serving under this procedure as a member of a decision-making body or as an investigator will have any previous involvement in the case nor any relevant connection to the Complainant or the Respondent. The Complainant or the Respondent (or their representatives) will be entitled to object to the involvement of an individual for good cause.

- 2.6. No inferences shall be drawn from the Complainant's decision as to whether or not to pursue the complaint through the Police.
- 2.7. The time limits set out in this procedure may be extended by the Chair for good reason, after consultation with the Complainant and the Respondent as appropriate.
- 2.8. Where, at any point during this procedure, the Complainant and Respondent have agreed to seek alternative informal resolution of the complaint but have been unable to reach an agreed outcome, the Chair will consider whether further action should be taken under this procedure.
- 2.9. The Complainant may withdraw a complaint at any time during this procedure, by notifying the Chair in writing. Where a complaint is withdrawn, no further action will be taken under this procedure, but the Chair may refer the matter for consideration under another College procedure.
- 2.10. The Chair will keep both the Complainant and Respondent informed of the general progress of the complaint.
- 2.11. The Chair may suspend the consideration of a complaint at any stage of this procedure and/or refer the matter for consideration under another procedure, and will consult and/or inform the Complainant and the Respondent as appropriate.

Precautionary Measures

In order to protect students and staff whilst the complaint is being dealt with it is sometimes necessary for the college and/or University to make use of precautionary measures. This action is not intended to be a punishment and it does not make any presumption of wrongdoing. It is to protect both parties whilst the allegation is being dealt with and/or to ensure that a full and proper investigation (whether by the police, the University or the College) can be carried out. The Chair will evaluate potential risks, including to the mental well-being, physical safety and academic progress of any relevant student, or member of staff, and make appropriate recommendations to the President.

- 3.1. Under this procedure the President, on the recommendation of the Chair, shall have power to impose any precautionary measures set out below for a period of up to 21 days in the first instance, where the President considers that any such measures are necessary:
 - (a) to ensure that a 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.
- 3.2. The President shall have the power to extend any precautionary measures imposed for additional periods of up to 21 days.
- 3.3. The precautionary measures which the President may impose are any one or more of the following:
 - (a) excluding the person from some or all of the College's facilities and/or premises;
 - (b) imposing conditions on the person (i) in connection with that person's use of the College's facilities and/or premises, or (ii) in connection with that person's contact with other persons, or (iii) in such other ways as may be considered necessary; and

- (c) suspending the person in question either in full or in part from their studies.
- 3.4. The Chair will inform the University, through the Head of the Office of Student Conduct, Complaints and Appeals, of precautionary action taken in respect of individual students.
 - 3.5. Students who are subject to precautionary measures imposed by the President under this procedure have the right to submit to the Chair a statement as to the likely impact of the precautionary measures on the student, and to ask that the Chair reconsiders or amends their recommendation to the President. Such requests will be considered by the Chair as soon as possible.
 - 3.6. Students who are subject to precautionary measures also have the right ask for a review of the decision if there is a material change in the circumstances of the case. The review will be conducted in accordance with [paragraph 9](#) of the procedure.
 - 3.7. If a student breaches any restrictions that have been imposed, this may be a breach of College Discipline and be investigated under the [Disciplinary procedure](#). A breach of the restrictions may be considered to increase the level of risk to the College community and therefore may increase the level of restriction subsequently imposed upon a student.

Support and guidance

The Chair will provide advice at the outset to help both Complainants and Respondents to understand this procedure.

- 4.1. Complainants, Respondents and witnesses are entitled to be accompanied by a supporter from within the College or the University at any meeting held under this procedure.
- 4.2. [Section E](#) 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.
- 4.3. First contact with possible student witnesses at another College will normally be made via the Chair to their Senior Tutor so that suitable tutorial support can be put in place at that college.

How to make a formal complaint using this Procedure

A Student who wishes to make a complaint under this formal procedure must do so in writing to the Senior Tutor. They should set out details of the events that form the basis of the complaint, together with any evidence and, if appropriate, information on any attempts that have been made to resolve the matter informally. The complaint should be made as soon as is feasible. The sooner an event can be investigated the better. Conversely, the longer the delay, the harder it may be to investigate it thoroughly.

- 5.1 The complaint should be addressed to the Senior Tutor. The Senior Tutor will either become the Chair or appoint a Deputy Senior Tutor (or other appointee) as Chair.

- 5.2 On receipt of the complaint the Chair will give the case initial consideration and determine whether to:
- (a) refer the complaint for investigation under paragraph 7 of this procedure.
 - (b) recommend to the Complainant that they should seek alternative resolution of the complaint with support from their Tutor or another member of the College welfare team ([Section C](#));
 - (c) decline to refer the complaint for investigation under this procedure on the basis that it should be raised under the College's Disciplinary Procedure, or under the University's Harassment and Sexual Misconduct Procedure or Disciplinary Procedure;
 - (d) reject the complaint because it does not fall within the scope of this procedure;
 - (e) decline to refer the complaint for investigation under this procedure for other reasons, as specified by the Chair.

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

5.4 In the event that the outcome of this initial consideration falls within paragraph 5.2 (b)–(e) and the Complainant is unhappy with that decision, the Complainant shall have the right to request a review of that decision. The request for a review should be made within ten Working Days of receipt of the decision. The review will be considered by a Review Panel and conducted in accordance with [paragraph 9](#).

5.5 In line with the University's own procedure, if at any stage in the College procedure there are concerns that behaviour might be the result of an underlying mental health condition, the Chair will consult the Disability Equality Officer and consideration will be given as to whether the case should be referred for consideration under the College's [Fitness to Study procedure](#). The procedure for complaints of harassment and sexual assault may be suspended until any issues of fitness to study have been considered.

5.6 If complaints are made against medical or veterinary students, consideration will be given, on a case-by-case basis, as to whether, and if so at what stage, the case should also be referred for consideration under the University's Fitness to Practice procedure.

6 Investigation

In order to determine the most appropriate outcome it is essential that the Chair is able to have as full an understanding of matters as possible. The role of the Investigator is to prepare a report which sets out the undisputed facts of the case and any points of difference, and makes recommendations based on the evidence and policies in place.

6.1 If the case is referred for investigation, a trained investigator will be appointed by the Chair. The investigation will be conducted fairly and objectively. The Head of OSCCA is able to help with identification of a suitable external investigator, if required.

6.2 The Investigator shall conduct the investigation as they think fit, within the context of the general principles set out above. The Investigator may interview (with their consent) the

Complainant and the Respondent and any other person involved in, or who witnessed, the events which are the subject of the complaint and consider or request any other evidence which appears to the Investigator to be relevant. Each meeting will be minuted and the minutes agreed with those present as a correct record (or any disagreement noted).

- 6.3 The Respondent will be provided with information on the substance of the allegation(s) in advance of the meeting with the Investigator.
- 6.4 The notes of any individual meetings themselves will not form part of the investigator's report unless the consent of the respective party for their inclusion has been given.
- 6.5 Complainants, Respondents and witnesses may be accompanied by a supporting person from within the College or the University, e.g. Tutor, adviser or fellow student.
- 6.6 The Respondent will be reminded before they meet with the investigator that they are entitled to seek independent legal advice. The Respondent will also be notified that they do not have to say anything and that no adverse inferences shall be drawn from the Respondent's failure to attend for interview or otherwise participate in the investigation.
- 6.7 The Complainant and Respondent will be made aware that the College may be required to provide as evidence in any subsequent criminal investigation or proceedings in a court of law information regarding the complaint, including any admission made in the course of this procedure (and/or any made during informal resolution 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, save that the College will abide by the confidentiality of any mediation, and anything which is said in the course of mediation will not be used in evidence in any College disciplinary proceedings
- 6.8 Where the Respondent declines to cooperate with an investigation, the investigator may still continue with the investigation in the absence of the Respondent's cooperation. The Chair shall draw no adverse inference from the Respondent's failure to participate in the investigation.
- 6.9 The Investigator's report will normally be released to the Complainant and the Respondent, save that parts may be redacted where the Complainant or the Respondent or any witness reasonably objects.
- 6.10 In some cases, after discussions with the investigator, both parties may agree that alternative informal resolutions should be explored through mediation ([see Section C](#)). The University Mediation Service is available for students and may be useful in these cases

7 Consideration of the complaint and possible outcomes

- 7.1 On receipt of the investigator's report, the Chair may decide to:
 - (a) recommend to the Complainant and the Respondent that they should seek alternative resolution of the complaint ([Section C](#));
 - (b) propose one or more of the resolutions set out in paragraph 8.1;
 - (c) refer the complaint for consideration under the College's disciplinary procedures;
 - (d) dismiss the complaint because it is considered to be without merit.
- 7.2 The Complainant and the Respondent will normally be notified in writing of the decision of the Chair within ten Working Days of the receipt of the investigator's report.

- 7.3 In the event that a decision falls within paragraph 7.3.1 (a), (b), or (d) and the Complainant is unhappy with that decision, the Complainant shall have the right to request a review of that decision in accordance with [paragraph 9](#).
- 7.4 In the event that a decision falls within paragraph 7.1 (c), the Complainant may withdraw their complaint in accordance with paragraph 2.9.
- 7.5 If the complaint is dismissed, the students involved will be offered help and guidance to restore reasonable relations between them. This process might include mediation.

8 Resolutions

The Chair will facilitate the process of reaching agreement between the Complainant and the Respondent and will issue written confirmation of any agreed resolution to the Complainant and the Respondent. Acceptance of a resolution will not require the Respondent to admit liability, nor imply that the College has made a finding of wrong-doing.

- 8.1 The Chair may propose a resolution to the complaint, which may include:
- (a) that the Respondent will agree to abide by a conduct agreement issued by the Chair, a record of which will be retained by the College and which may be taken into account if a further complaint is made against the Respondent under this procedure;
 - (b) that the Respondent change accommodation;
 - (c) with the prior approval of the relevant University body, that the Respondent will take a period of intermission from study;
 - (d) that the Respondent will attend behaviour awareness training or workshops
- 8.2 Both the Complainant and the Respondent must agree to the proposed resolution of the complaint
- 8.3 A record of a conduct agreement will be retained by the College and may be taken into account if a further complaint is made against the Respondent under this procedure, whether that subsequent complaint is made by the original Complainant or a different Complainant.
- 8.4 If attempts at reaching an agreed resolution are unsuccessful, the Chair shall, subject to the wishes of the Complainant, refer the complaint for consideration under the College's [Disciplinary Policy](#).
- 8.5 If there are grounds to believe that the Respondent has failed to comply with the terms of an agreed resolution, the Chair shall determine whether the matter should be referred for consideration under the College's [Disciplinary Policy](#).

9 Review

The circumstances in which a review can be requested by the Complainant are detailed in paragraphs 5.4 and 7.3 above. The review will be carried out by a review panel chaired by a Deputy Senior Tutor (or the Senior Tutor where they have had no previous involvement in the matter and are not conflicted.) The Respondent may request a review using this process only as detailed in paragraph 3.6. If the Respondent wishes to seek a review in any other circumstance then they should use the College [Grievance Procedure](#).

- 9.1 A request for a review shall be made in writing within ten Working Days of written notification of the relevant decision (unless, for good reason, the chair permits a longer period). The request for review shall specify the grounds for review which may only be one or more of the following:
- (a) that there was material procedural irregularity in the consideration of the case;
 - (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.
- 9.2 The request for a review should be accompanied by supporting documentation.
- 9.3 The Review Panel will consider the request for review and the documentation available to the original decision-maker. The Panel may, at its discretion, hold a hearing and regulate arrangements for the conduct of the hearing.
- 9.4 The 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 Panel shall have power to confirm, quash, or amend the original decision or refer it back to the decision-maker for further consideration.
- 9.5 Where the Panel confirms the original decision, or issues an amended decision, the student will be issued with a Completion of Procedures letter when provided with the adjudication. Where the 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

- 11.1 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.
- 11.2 The Senior Tutor will be responsible for the regular review of this procedure and will report his findings to Council annually

E. : Policy on the use of personal information under the Procedure for Handling Cases of Student Harassment and Sexual Misconduct

A copy is to be provided to the Complainant, the Respondent and any witnesses at the earliest contact.

1. Hughes Hall has a Data Protection Policy (<https://www.hughes.cam.ac.uk/about-us/official-documents/>) which explains how it uses students' personal information. This statement provides information about how the College will use your personal information if you are a Complainant or a Respondent in a case considered under the procedure for handling cases of student harassment and sexual misconduct. Most of the information is already covered by the data protection policy, but there are some additional uses of personal data that need to be brought to your attention.
2. A summary of the information you provide as part of your complaint or response to a complaint and procedural notes (e.g. records 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 tutorial staff. 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 Chair may be shared with others in the course of dealing with the complaint, and will be treated confidentially in line with the College's general statement on use of personal information.
3. In the interest of fairness to all parties, the College will not normally accept an anonymous complaint under this procedure. It should be assumed that any information provided in support of the complaint, including the identity of the Complainant, will be provided to the Respondent. If you have concerns about the sharing of information between the Complainant and Respondent, you should seek advice from the Chair who has discretion to withhold information in exceptional circumstances.
4. The Chair and the Tutors of both the Complainant and the Respondent will normally be provided with a summary of the complaint, including the names of both parties, so that they are aware of the complaint and able to assist in providing support.
5. In some cases, it may also be deemed appropriate to inform your Head of Department or Supervisor if you are a research student.
6. The College will aim to seek your consent for sharing information with those listed above, but in exceptional cases may decide that such sharing of information is necessary without your consent, for example, because it is in the public interest or to protect the interests of the Complainant or the Respondent. These decisions will be taken on a case-by-case basis, bearing in mind all the circumstances of the particular case. You will be informed of our intention to share the information and the reasons before doing so.
7. If a complaint is referred for investigation under the procedure, the College will seek your permission for the release of your personal information as included in the investigator's report before providing a copy of the report to the Complainant and the Respondent.
8. The College will normally respect the wishes of a person who is the victim of a crime and does not wish to report the matter to the police. However, in exceptional circumstances, where the facts as they emerge give rise to concerns that there is a significant risk to members of the community, the Senior Tutor may make an executive decision to refer the matter to the police.

Unless there are exceptional reasons related to the case, the Complainant will be informed of the intention to report the matter to the police and the reasons before doing so.

9. Any admission made in the course of this procedure (including any made in an agreement reached during mediation or during subsequent disciplinary proceedings) may be used as evidence in any subsequent proceedings in a court of law.
10. 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.
11. If you have any questions or concerns about this statement, please contact the Bursar in the first instance.