

LUCY CAVENDISH COLLEGE

DIGNITY AT WORK AND STUDY

The College's core values encompass freedom of thought and expression, and freedom from discrimination. As a place of learning, teaching and research, the College provides an environment in which to exchange ideas, opinions and views. The College is committed to maintaining a learning and working environment in which the rights and dignity of all members of the College community are respected.

The College recognises that 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.

Complaints about inappropriate behaviour

There is a need for 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 Guidance is intended for:

- (a) students who have complaints concerning the behaviour of other students (and who consider that they have been harassed or bullied by another student or students); and
- (b) 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).
- (c) College staff who have complaints concerning the behaviour of students.

Definitions

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.

These definitions apply whether or not there was an intention to cause the effect.

Inappropriate behaviour may include a number of specific behaviours (e.g. bullying, harassment on account of sex (including gender reassignment), race, ethnic or national origin, colour, disability, sexuality, religion or belief, or age). Inappropriate behaviour may include means of electronic communication. Also, behaviour that may appear trivial as a single incident can constitute harassment or bullying when repeated.

Criminal offences

Some types of harassment may also be criminal offences. Students are strongly encouraged to inform the police about any forms of harassment which are criminal offences; the student should consider doing this themselves and may ask someone else to help them in doing so, or to do it for them. Internal action according to the procedures set out in this document may still take place whether or not the police decide to proceed. However, in some cases there may have to be a delay whilst police investigations are carried out.

If a student is physically injured in any way in an assault, or if they suffer rape or a sexual assault, the individual should seek medical help and advice immediately. It is also very important in such circumstances that the police are informed. A student may seek advice and help from internal sources of support such as a friend, Tutor, CUSU officer or seek support from external specialist organisations such as the Rape Crisis Centre (see details in the section 'Sources of information, advice and support').

Failure to report an attack immediately after it occurs does not prevent you from lodging a complaint at a later date. However it is advisable to report the incident as soon as you can. If you felt unable to do so, or could not do so at the time, you should not let the incident pass but should report it as soon as you feel able to do so. While it is advisable to report an incident as soon as possible, not doing so does not prevent a complaint being lodged later.

The College's commitment

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 the complainant may themselves be the subject of disciplinary action.

Three-stage process for dealing with complaints of inappropriate behaviour

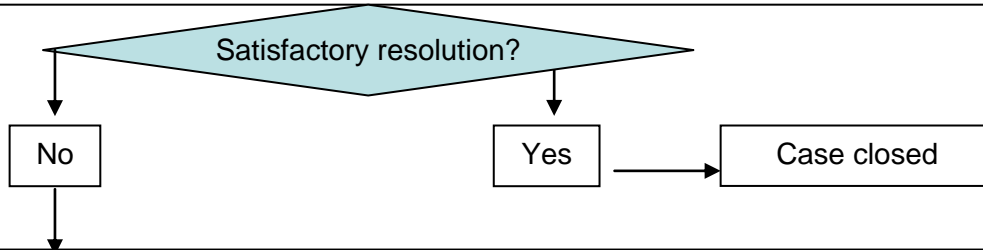
The College aims to handle complaints in a way which is sympathetic, fair, and efficient, which encourages informal conciliation, facilitates early resolution, maintains individual privacy and confidentiality, and permits useful feedback.

The three stages outlined below constitute a best practice procedure; each is structured to provide appropriate advice and guidance at a time when a student may be in greatest need of support.

Dignity at Study: Outline of procedures to deal with complaints by a student about the behaviour of another student or staff member

Stage 1: Discussion/Advice

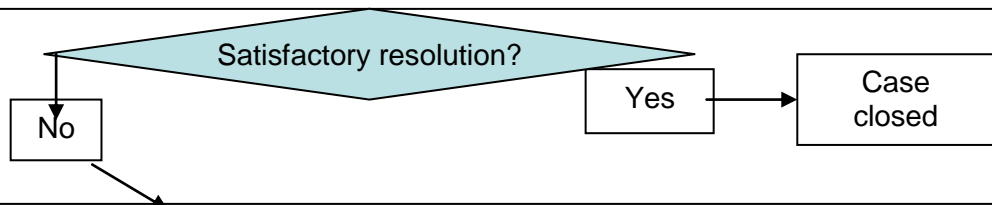
Discussion with a Tutor, Dean or another student may help the complainant to resolve the issue with or without further support. Specialist advice may be sought if appropriate. A written note should be kept.



Stage 2: Informal Process

Mediation through conciliation by member of staff (usually either Dean or Senior Tutor). The objective is to provide a supportive structure for the parties to get together to try and agree a way forward which will enable them to restore a positive and productive working relationship. The complainant may be asked to clarify (and write down) the nature of the complaint and to indicate what they wish to achieve in order to resolve it.

The mediator cannot solve the problem for the parties nor make any judgement about the case. The aim should be to conclude matters expeditiously – within a period normally of no more than six weeks if term-time, or eight weeks if outside term.



Stage 3: Formal Process.

Student Complaints Procedure

Where the complaint or allegation is about inappropriate behaviour, harassment or bullying and concerns another student or a member of staff or a Fellow.

This procedure follows Ordinance F14. In brief, the College Mediator would carry out an investigation and report to the Governing Body who would decide upon the appropriate course of action. Refer to the Statutes and Ordinances for further details.

General Principles

A student is entitled to a fair and independent consideration of a complaint. The rights of the student and the rights of any person complained against are both important and must be kept in balance. Every effort will be made to ensure that both are treated with fairness and dignity. To ensure that the procedure is effective, all members of the College involved in attempting a resolution of a complaint, or in investigating a complaint, are expected to act in accordance with certain principles:

Natural Justice: any person complained against has the right to know the nature and sufficient details of the complaint, and to respond to the complaint with sufficient time for preparation.

Representation: both complainant and person complained against have the right to be accompanied and supported; legal representation is not necessary at any stage and is inconsistent with the non-confrontational approach taken by this guidance.

Confidentiality: in order to safeguard individuals, confidentiality must be strictly respected and information limited to those who have a need to know (and limited to no more than they need to know) for the purposes of the operation of these procedures and for maintenance of good order in the College.

Records: formal notes taken at meetings should preferably be agreed by all present. The College and all those involved in this process must observe the principles of data protection.

It is recommended that the **completion of an informal process** should be marked by some form of written document outlining the nature of the complaint and the steps taken to resolve the situation, asking those concerned to confirm that they are satisfied with the outcome.

Completion of Procedures

When the final stage procedures of the Stage 3 Formal Complaint above have been concluded, the College will issue a 'Completion of Procedures' letter to the student confirming that the formal complaint procedures within the College are believed to be completed.

The Completion of Procedures Letter will be required if the student wishes to apply for independent review of the matter by the Office of the Independent Adjudicator (OIA). In those circumstances, the issue of a completion of procedures letter has three principal purposes:

- it indicates the date when the College's internal complaints procedures have been completed;
- it establishes the timescale for bringing a complaint to the OIA;
- it outlines the issues and matters considered by the College under its internal procedures.

Timescales to make a complaint

A complaint under Stage 2 or 3 should be made within three months of the occurrence of the matter complained about; a complaint under formal Stage 3 following from one under Stage 2 should be made within three months of the completion of Stage 2, unless, exceptionally, the College Mediator allows a longer time, for exceptional good cause.

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. A complaint made after a significant time lapse may put a strain on the person complained against and may make resolution more difficult.

Withdrawal of a complaint

A student may withdraw a complaint or stop the process at any time in Stage 1 or 2, and in formal stages may do so with the consent of the person investigating or reviewing the complaint.

Further sources of support for students

Support for pursuing any action under this guidance may be available from a fellow student, or through one of the other sources shown in the section 'Sources of information, advice and support'.

General advice with regard to dealing with difficult situations is contained in the sections 'Advice for students who feel they are being harassed or bullied' and 'Advice for students who are accused of harassment or bullying'. There is also a section concerning matters of confidentiality.

Sources of information, advice and support

University Counselling Service

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

Tel: 01223 332865

Email: reception@counselling.cam.ac.uk

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

www.cusu.cam.ac.uk

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

Disability Resource Centre

Keynes House, Trumpington Street, Cambridge CB2 1QA

Tel: 01223 332301 (Textphone: 01223 764085)

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

www.cam.ac.uk/disability/

The DRC provides information and advice on disability issues and works with students to get the support they need.

Graduate Union

17 Mill Lane, Cambridge CB2 1RX

Tel: 01223 333312

www.gradunion.cam.ac.uk/

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

Linkline

21 Jesus Lane, Cambridge CB5 8BQ

Tel: 01223 367575 or Network (7)44444.

www.linkline.org.uk/

Helpline run by students for students (Full Term only, 7pm-7am)

NHS Direct

Tel: 0845 4647

www.nhsdirect.nhs.uk

24-hour medical advice and information helpline

Police – for all non-emergency enquiries

Tel: 101

Emergency Services (Police / Fire / Ambulance)

Tel: 999

Rape Crisis

Box R, 12 Mill Road, Cambridge CB1 2AD.

Helpline tel: 01223 245888

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

www.samaritans.org.uk (national site)

Befriending helpline for those in crisis or despair.

Advice for students who feel they are being harassed or bullied

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 else (see section 'Sources of information, advice and support') 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 – as set out in the section 'Sources of information, advice and 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 as outlined in Ordinance F14 in the Appeals Procedure.
- 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 confidential@ucs.cam.ac.uk, which 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 in appropriate:

- 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.
- Tell the person how you feel about what has happened.
- 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).
- 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.

Advice for students who are accused of harassment or bullying

- You may seek confidential advice (usually from your Tutor, the Senior Tutor or Dean see also the section 'Sources of information, advice and support'). 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 your 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 or another of the sources listed in this section 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 to maintain absolute confidentiality.

Confidentiality

All information concerning allegations of 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, friends, or trade union officers supporting any of the parties) should maintain strict confidentiality. There are, however, limits to how far confidentiality can be maintained. Where criminal offences or serious health and safety risks are involved, and particularly if there may be risk to other students, there may be a duty on University and College authorities to notify the police and/or the Health and Safety Executive. There will need to be disclosure to those involved in the procedures outlined in this guidance (and in any appeals) to the extent that is needed for the procedures to be used effectively. A college officer may need to consult other senior staff for advice about a complaint against a member of staff. In this case, the anonymity of the individuals involved should be preserved as far as possible. Disciplinary procedures, grievance procedures or resort to the OIA may require information to be released to the relevant body although one or both parties could remain anonymous in some circumstances.