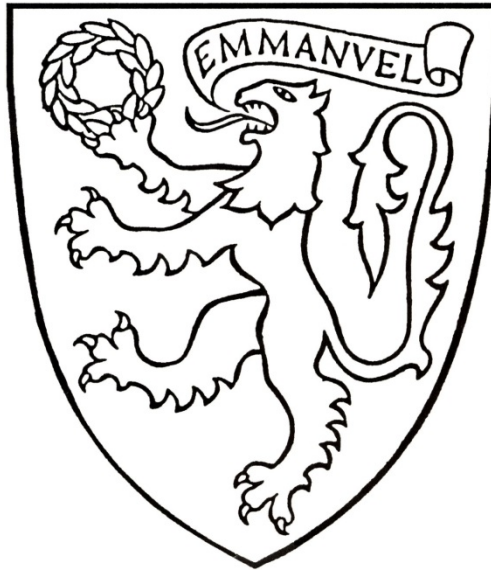


Emmanuel College Cambridge



Junior Members Respect and Dignity Policy

Further copies of this Policy may be obtained from the Tutorial Office
or from the College website as follows:

<https://www.emma.cam.ac.uk/about/documents/>

JUNIOR MEMBERS - RESPECT AND DIGNITY PROCEDURE

1. Introduction.

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

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.

This document sets out procedures to deal with inappropriate behaviour (including bullying, harassment, victimisation, or discrimination) that may affect the well-being of individuals within the College. The College is committed to addressing any concerns or complaints appropriately and fairly.

This guidance is intended primarily for:

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

2. University Dignity@Study Policy.

The University has its own complaints and review procedure. This concerns complaints, including allegations of harassment or bullying, which arise within the University teaching, learning and working environment. This policy is contained within the University Student Handbook which is available at:

<http://www.admin.cam.ac.uk/global/cgi/pdf/pack.cgi?p=studenthandbook>

3. Inappropriate Behaviour.

Behaviour is defined as inappropriate if:

it is unwanted by the recipient;
it is perceived by the recipient as violating their dignity and/or creating an intimidating, hostile, degrading, humiliating or offensive environment;
and
the behaviour could reasonably be considered as having that effect having regard to all the circumstances, including the recipient's perception.

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

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

4. Criminal Offences.

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

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

Allegations of rape and other sexual assaults, as with any behaviour that would constitute a serious criminal offence, should be investigated by the Police and considered by the prosecuting authorities. Because of the nature of the crime the College cannot undertake an independent investigation into allegations of sexual assault.

The College's strong advice is that cases of sexual assault should be reported to the Police who have the authority to question under caution and access to investigatory and forensic resources.

5. Recommended Procedure.

The College aims to handle complaints about inappropriate behaviour, harassment and bullying in a way which is sympathetic, fair, and efficient.

Informal conciliation can facilitate early resolution, but it is not appropriate in all cases. If your complaint is particularly serious, or informal resolution would be inappropriate, you can immediately raise a formal complaint as set out at stage 3 below.

The three stages outlined here are all available to you in order to assist you in resolving a complaint. The procedure that you follow will depend on the exact circumstances of your case – it would not necessarily be appropriate for all of the stages set out below to be undertaken.

Discussion and informal resolution:

A misunderstanding or disagreement may in some cases be resolved through a calm, honest and balanced discussion between the parties involved. This may be possible if you first receive some advice from an appropriate person such as a Tutor (stage 1); or if you are provided with some assistance in the form of informal mediation (stage 2).

Stage 1: Discussion

It is important that you report the nature of any complaint as soon as possible and make someone else (someone with some authority) aware of the situation. Appropriate advice and support may then resolve the matter quickly and informally. If you feel unable to do this, you should certainly confide in someone you know, telling them the details of the situation at the time it takes place in order to ensure you have immediate support.

Your Tutor is a natural first point of contact. Equally you may choose to contact someone else in College such as your Director of Studies, the Dean, the Adviser to Women students, the College counsellor, or the College Nurse. Advice can also be sought from an Officer of ECSU or the MCR (such as the Women's Officer or Welfare Officers) or from CUSU.

If you contact your Tutor, or another of those listed above, you can expect to be given advice on how to proceed; what would constitute an appropriate remedy; and whether there is indeed a complaint to be addressed. You will then be in a position to decide whether, and if so how, to proceed further – you may then choose to discuss the issue directly with the person whose behaviour is the subject of your complaint.

Further support may be available through the sources shown in the advice document provided on the College website {link}. The University's advice on dealing with difficult situations – 'Advice for students who feel they are being harassed or bullied' and 'Advice for students who are accused of harassment or bullying' – is also included in the advice document..

Stage 2: Mediation

If you are unable or reluctant to directly approach the person you are complaining against the involvement of an appropriate senior member of the College provides an alternative approach.

You may ask your Tutor, or one of the other people at the College who are listed at stage 1 above, to help you seek resolution through mediation and/or some form of conciliation.

If a senior member of the College acts as a mediator or conciliator every effort will be made to achieve prompt resolution of your. Both you and all others concerned in the complaint are expected to co-operate in achieving this. If for any reason the informal process does not seem to be working, or is taking an unacceptably long time, either party may withdraw from the process.

Formal complaints procedure

Stage 3: A formal complaint

If you are dissatisfied with the outcome of the informal discussion and mediation process outlined above, **OR** your complaint is particularly serious and an informal approach would be inappropriate, you may raise the matter formally. A formal complaint will be investigated independently, thoroughly and without delay with an adjudication reached according to approved procedures.

If you decide that a formal complaint is appropriate, without first exploring the informal approaches at stages 1 and 2 above, it should be made as soon as possible after the incident or the most recent occurrence of the behaviour that you are complaining against. However, there may be cases in which a complaint is unavoidably delayed. Bullying or harassment can have a serious effect on you and you may not feel able to make a complaint without initial support or counselling.

If you decide to raise a formal complaint then in the discussion with your Tutor, or other senior member of the College, you must be clear that this is what you intend. You can however raise a formal complaint without first having discussed it with your Tutor. In any case, your decision to raise a formal complaint must be confirmed by you in writing to the Senior Tutor.

The Governing Body has approved a Procedure for Comments, Suggestions and Complaints from Students. This document can be found at:

<https://www.emma.cam.ac.uk/about/documents/pdfs/Students%20Complaints%20Procedure.pdf>

The formal procedure for considering complaints is set out at section 2.2 of that document. It states that:

Formal procedure

Should a complaint remain unresolved after the informal stage, the complainant can request that the Senior Tutor refers the matter to the Master who will through the Governing Body undertake an independent assessment of

the case and come to a conclusion on the matter. A full and considered response to the complaint should be completed within 40 days and any subsequent remedy implemented with the minimum of delay.

If a student is required to attend in person as part of the investigation into a complaint, he/she is entitled to be accompanied by a person of his or her choosing. This person may support the student but must not represent the student or speak on his or her behalf.

In some cases the first stage of the informal procedure set out above may already have involved the Senior Tutor. Should the complaint remain unresolved at the end of that stage, or in the event that a complaint is against the Senior Tutor, the complaint should be put in writing to the Master who will appoint another Senior Member of the College to act in the place of the Senior Tutor.

You may withdraw a complaint or stop the process at any time.

In assessing and responding to a formal complaint the College will proceed fairly and impartially. The College has a duty of care to all its members, including anyone who has a complaint brought against them. The university's advice to students who feel that they are being harassed as well as its advice to students who are accused of harassment is available here: {link}

Your Tutor and / or the Senior Tutor will keep you informed of progress in considering a formal complaint, and you will receive written confirmation at the conclusion of that process.

6. Confidentiality.

All information concerning allegations of inappropriate behaviour, harassment and bullying must be treated in the strictest confidence and breaches of confidentiality may give rise to disciplinary action. All parties involved in a complaint (including witnesses, representatives, or friends) must maintain strict confidentiality. There are however limits to how far confidentiality can be maintained. Where criminal offences or serious risks to the safety of the complainant or others are involved, there may be a duty on the College to notify the police and or other bodies. There will need to be disclosure to those involved in the procedures outlined in this document to the extent that it is needed for the procedures to operate effectively. The anonymity of the individuals involved in any complaint will be preserved as far as possible, but such anonymity cannot be maintained in all circumstances.

7. Disciplinary action.

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

Junior members

In cases where a formal complaint against a junior members is upheld the matter may be referred by the Senior Tutor to the College Court of Discipline.

Senior members

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

College staff

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

8. Protection of complainants.

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