



Cambridge Muslim College

Sexual Misconduct Complaint & Disciplinary Policy

1. Purpose

Cambridge Muslim College will not tolerate harassment of one member of its community by another nor sexual misconduct. The College takes allegations of harassment and sexual misconduct very seriously and will take action, including disciplinary action, in response to a complaint from a student. This document sets out the procedure, for dealing with a complaint relating to alleged sexual misconduct committed by students and staff members of the College.

2. Scope

- 2.1 This procedure applies to all full-time and part-time students at Cambridge Muslim College.
- 2.2 This procedure applies to you if you have experienced sexual misconduct from a student or staff member of the College. Staff includes those employed on a service contract.
- 2.3 This Procedure applies to all reported incidents of sexual misconduct. It does not cover incidents of non-sexual harassment or misconduct which should be considered under the Colleges Student Complaints Procedure
- 2.4 Sexual misconduct is a form of harassment and is unacceptable behaviour of a sexual nature whether or not within a sexual or romantic relationship including where consent to some form of sexual activity has been given and then withdrawn, or if consent has been given on previous occasions. It can include but is not limited to:
 - 2.4.1 sexual harassment;
 - 2.4.2 sexual violence;
 - 2.4.3 intimate partner violence;
 - 2.4.4 sexual assault;

- 2.4.5 grooming; coercion or bullying with sexual elements;
- 2.4.6 sexual invitations and demands;
- 2.4.7 sexual comments verbal or written;
- 2.4.8 sexual non-verbal communication;
- 2.4.9 creation of atmospheres of discomfort;
- 2.4.10 promised resources or advancement in exchange for sexual access;
- 2.4.11 distributing private and personal explicit images or video footage of an individual without their consent

2.5 If a conflict arises between this Procedure and any other procedures of the College, then the Welfare Officer (WO) shall consult with Colleges HR to determine which procedure will be used.

3. Principle

- 3.1 The College will strive to address incidents of sexual misconduct swiftly, sensitively, and confidentially.
- 3.2 The College will ensure that Reporters (Complainants) are responded to in a safe supporting and trusting environment.
- 3.3 We will prioritise their safety and wellbeing, whilst ensuring the dignity of all those involved in any investigations or disciplinary proceedings.

4. Responsibility

The Safeguarding Lead (SL) has (oversight) responsibility for this procedure.

5. Procedure

- 5.1 A Complainant can take three separate actions either;
 - 5.1.1 make a disclosure/ informal complaint
 - 5.1.2 make a formal complaint.
 - 5.1.3 make an anonymous disclosure.
- 5.2 . The College recognises the importance of minimising the number of times the Complainant has to disclose an incident of Sexual Misconduct.
- 5.3 In case of an anonymous disclosure the college is alerted to it and keep an eye out for it, however, the college is unable to carry out any meaningful investigations.

6. Method of reporting;

- 6.1 A Complainant can disclose to a member of staff.
- 6.2 Through the anonymous reporting tool
- 6.4 An informal complaint to the WO or SL
- 6.5 A formal complaint to the WO or SL.

- 6.6 A student may also seek the support of the WO who is available to provide initial support for all students who experience and/or wish to report an incident of sexual misconduct.

7. Duties of the Welfare Officer and Safeguarding Lead

- 7.1 The WO will;
 - 7.1.1 assess the complaint and refer to appropriate services.
 - 7.1.2 keep an updated list of clearly signposted referrals ie rape crisis, police liaison,
 - 7.1.3 provide counselling and support.
 - 7.1.4 If the matter is being investigated by the police, the WO with input from the Safeguarding lead put in place measures to protect the health and wellbeing of the complainant.
- 7.2 If it is an official complaint under investigation, the WO will also reach out to the student complained against (Respondent) to assess if support is needed
- 7.4. The SL will;
 - 7.4.1 Investigate all formal complaints;
 - 7.4.2 conduct a thorough investigation with the utmost confidentiality
 - 7.4.3 Select a Designated Faculty Member (DFM) who has no direct links to either party ie personal tutor or supervisor to ensure neutrality as far as practicable.

Note if the complaint is anonymous against a named member of staff or student, depending on the nature and severity of the complaint, SL will have a conversation with the named individual to make them aware a complaint has been made.

8. Informal Complaint against a Student

- 8.1 With the permission of the Complainant the WO will report an informal complaint to the SL for record-keeping.
- 8.2. The informal complaints procedure can also be used as a mechanism to limit interactions between the complainant and the respondent and find a resolution by of agreement of both parties
- 8.3 The complainant must make the complaint using form appendix A
- 8.4 The WO will consult with the SL and decide;
 - 8.4.1 whether to continue with the procedure.
 - 8.4.2 the complaint is best dealt with under a different procedure.
- 8.5 SL will notify Complainant of the decision within 1 week of receiving the complaint

- 8.6 Where a complaint falls under this procedure the SL will investigate the matter by conducting interviews with the Complainant and Respondent. The SL will establish undisputed facts and draft a report making recommendations for proposed actions and resolution.
- 8.7 The SL will have separate meetings with both the Complainant and the Respondent to establish actions which both parties agree to which would limit interactions. The meeting will be minutes and the minutes will be agreed with those present as a correct record
- 8.8 Before the meeting the SL will provide to the Respondent sufficient information about the nature of the complaint, explain it's an informal complaint, the purpose of the meeting and though they are not obliged to attend the meeting a refusal may then lead to a formal complaint from the complainant.
- 8.9 Determining the outcome of the complaint;
 - 8.9.1 The SL will complete a report with recommendations for resolution.
 - 8.9.2 The SL will write to both parties with a copy of the agreed terms of conduct to be signed by both parties
- 8.10 If the Complainant cannot agree to the proposed resolution by the SL the matter will be referred to DFM for review.
- 8.11 The DFM will review the report and propose a solution based on that report or carry out further interviews with the Complainant and Respondent. The meetings will be minuted and agreed upon.
- 8.12 If the Respondent does not agree to the resolution recommended by the SL. with the consent of the Complainant the matter can either be referred to the DFM or the Respondent can be dealt with under student disciplinary procedure
- 8.13 If the Complainant is not satisfied with the decision of the DFM the complainant can submit a complaint under the student complaints policy

9. Informal complaint against a member of staff

- 9.1 The Complaint will be made using the form in appendix A
- 9.2 SL will investigate the matter by conducting interviews with the Complainant and the member of staff. The SL will draft a report that sets out the case based on both parties responses and makes recommendations for proposed actions and resolution. The meetings will be minuted and signed by all those present
- 9.3 The SL will write to the Complainant with a copy of the agreed resolution.
- 9.4 If the Member of staff does not agree to the resolution the staff member will be dealt with to the Staff disciplinary policy

10. Formal Complaint Against a Student

10.1 Stage 1 Complaint to the Safeguarding lead

- 10.1.1 SL will investigate and gather evidence with the utmost confidentiality. The SL will Conduct interviews with witnesses, the harasser and other related parties, gather and document physical and digital evidence and conclude the allegations
- 10.1.2 If the matter can be resolved at this stage without sanctions, then SL will inform both parties in writing of the agreement and nature of the resolution.
- 10.1.3 If the nature and severity of the complaint require sanctions, with the permission of the Complainant will move the complaint to the next stage.
- 10.1.4 Where practicable Stage 1 of the procedure will be completed within 30 days of receiving the complaint.

10.2 Stage 2

- 10.2.1 SL will refer the complaint to DFM. DFM will consider the evidence and investigate the evidence further (if needed) allowing the Respondent to refute any charges and/or explain their behaviour.
- 10.2.2 If there is sufficient evidence to conclude no case to answer the DFM will end the matter and inform the Complainant immediately of their decision.
- 10.2.3 Alternatively, DFM will convene a (Panel of Enquiry PoE). The PoE will comprise up to three further members (including the Programme Manager), consisting of a mix of members of the academic and support staff, and a mix of men and women.
- 10.2.4 The PoE shall conduct an investigation and call 2 separate hearings.
 - 10.2.4.1 The first hearing is an interview with the complainant. The complaint must be given 3 days' notice of the interview and must provide the panel all a statement and all the evidence they wish to rely upon 24 hours before the interview.
 - 10.2.4.2 At least 3 days in advance of the Hearing, the DFM shall pass to the Respondent a statement of the charges; a list of witnesses (if any) and a written summary of the evidence that each witness will give; and a list of exhibits (if any).
 - 10.2.4.3 The Respondent must attend the hearing and has the right to address the PoE and comment on the allegations. The Respondent has a right to bring a supporter to the hearing
- 10.2.5 The PoE shall consider their verdict in private and then announce their decision either immediately or at a later specified date.
- 10.2.6 The PoE will give their verdict in writing and both parties will be informed of any right of review.

11. Formal Complaint Against a Member of Staff

- 11.1 With the consent of the Complainant the matter will be referred to HR
- 11.2 HR will investigate and gather evidence with the utmost confidentiality. •HR will Conduct interviews with witnesses, the harasser and other related parties. gather and document physical and digital evidence, Come to a conclusion about the allegations
- 11.3 If the matter can be resolved at this stage without sanctions, then HR will inform both parties in writing of the nature of the resolution and obtain the agreement of both parties.
- 11.4 If the nature and severity of complaint require sanctions, with the permission of the Complainant HR will proceed with the member of staff under the staff disciplinary policy

12. Sanctions

- 12.1 If the Respondent is found to have committed a major offence, the PoE has the option of suspending the Respondent or permanently terminating their registration.
- 12.2 Suspension may include:
 - 12.2.1 temporary or permanent suspension of College funding ;
 - 12.2.2 temporary suspension from College
 - 12.2.3 temporary or permanent prohibition either from being present at any part of College, or from using specific services provided by College, or from communicating with a specific member of the College community

13. Diligence

- 13.1 The disciplinary process will be progressed promptly and all stages of the investigation will be completed in no longer than 60 days unless unavoidably delayed. All parties will be informed of the reason for any delay, and the new timetable.
- 13.2 Minutes will be kept of all meeting proceedings, decisions made, and any actions taken, with rationales.
- 13.3 Due regard will be made to the best interests of the College community and society in general, especially where offences may have legal implications. Depending on the offence, the student may be reported to outside authorities subject to the consent of the complainant
- 13.4 Students may choose to be accompanied to meetings by one of the student representatives, or a friend. This person must be unconnected with the circumstances.

14. Request for Review

- 14.1 If either Party is dissatisfied with the outcome of the case or they believe the matter has not been handled fairly per this Procedure, they may request a review in writing using the form at Appendix A. They may also seek advice and support from the Welfare Officer in preparing their request for a review.

- 14.2 The relevant Party must normally submit their request for review within 20 working days of the conclusion of the case.
- 14.3 The review request should include details of why they are dissatisfied with the outcome, the grounds for review.
- 14.4 The request for review will be considered by a senior member of the College including a member of the board of Trustees who has not had involvement with the case at an earlier stage. The Member may request input from the SL, WO or HR manager.
- 14.5 A written decision will be sent to the relevant party within 14 days of the request for review.

15. Office of the Independent Adjudicator for Higher Education

Once all internal processes have been exhausted, a student can make a complaint to the Office of the Independent Adjudicator for Higher Education (OIA) if they remain dissatisfied with the Colleges decision. Further information is available on the OIA website: www.oiahe.org.uk

16. References

Student Disciplinary policy
Student complaints policy
Sexual misconduct bullying and harassment policy
Staff disciplinary policy

17. Abbreviations

WO Welfare officer
SL Safeguarding leader
DFM Designated Faculty Member
PoE Panel of Enquiry

Revision History

Version	Date	Revision
00	14 July 2021	New policy

Appendix A

Cambridge Muslim College Sexual Misconduct Complaint/Review Form

STUDENT COMPLAINTS/ APPEAL FORM

Who can use this form?

A student registered for an Academic Programme in the College.

What is this form for?

This form is used to submit a formal or informal complaint/Appeal about any incidence of sexual misconduct you have experienced caused by the student or a member of staff at College,

What will happen next?

Once you have submitted this form, the following process will take place:

- Within 5 working days, you will receive confirmation of the recipient of the complaint and the following process.
- The procedure in this policy will be followed. This may involve asking you to meet with the welfare officer or Safeguarding leader.
- You will receive a copy of the investigative report and any outcomes or recommendations within 60 days of submission of your complaint (if this is not possible, this will be communicated with you along with the reasons why).

This form should be sent to the Welfare Officer or Safeguarding Leader

SECTION A - YOUR DETAILS

Title	Forename(s)	Surname
Address		
Postcode		
Email	Contact telephone number	
Programme of Study		
Student Registration Number		
Date of the event(s) about which you are complaining		

SECTION B – NATURE OF THE COMPLAINT/APPEAL

FORMAL COMPLAINT INFORMAL COMPLAINT APPEAL

Please set out the

- a. who is being complained about;
- b the incident(s) being complained of
- c. the events that took place in chronological order; and
- d. the consequences that you believe you have suffered as a result

Please use an additional sheet if necessary

N.B. To enable us to carry out a thorough investigation please provide as much supporting documentation as possible including details of any witnesses to the incidents, please attach this with this form.

SECTION C - AN OUTLINE OF THE ACTION YOU HAVE TAKEN SO FAR

If you have already taken steps to resolve your complaint *informally*, please outline these below: **(if you have not taken these steps, please proceed to Section D)**

Have you discussed this with anyone to try and reach a resolution?

Date of meeting/discussed:

What is the current state of the situation?

SECTION D - DESIRED OUTCOME

Please say what action you would like taken and any suggestion of resolution or redress to resolve the complaint to your satisfaction.

N.B. The College will make every effort to resolve all complaints to the student's satisfaction but please note that it may not be possible in all cases.

SECTION E – SUPPORT

Do you have a disability you would like us to be aware of when considering your complaint?

Yes /No

If yes, please specify and let us know if you need support from the welfare team

Are you receiving any form of emotional or mental health support?

Yes /No

If no can we refer you to student welfare for support?

SECTION E - DECLARATION

As far as possible, all complaints will remain confidential to those people who are involved in investigating the complaint, providing a response to it and communicating with you, unless there is a serious risk of harm to you or others. In the interest of natural justice, parties to a complaint have the right to know the full details of the complaint.

I declare that to the best of my knowledge all of the information I have supplied is true, accurate and complete.

Signature:

Date:

Please list any correspondence or other documentation related to your complaint which you have attached along with this complaint form:

--

=====

FOR COLLEGE USE ONLY

Safeguarding Leader	
Signature	
Date received	

PROCEDURAL ACTIONS TAKEN	
Meeting date with Complainant (attach any notes)	
Name of Investigator	
Meeting date with Respondent (attach any notes)	
Investigator Recommendations	
Decision	