

## **Motion to Oppose University's Neglect of Sexual Misconduct under Harassment for Cases before 1 October 2019 in University Policy and Procedures**

**Proposer:** Mriritunjoy Guha Majumdar, Chair of Executive Committee and Vice-President

**Seconder:** Sara Hasan, Women's Officer

### **GU Council notes:**

1. From 1st October, following the passing of a Regent House ballot in June, the burden of proof required under the Student Disciplinary Procedures has been changed to the criminal to the civil standard of proof, also known as the 'balance of probabilities'. The changes also see sexual misconduct explicitly defined as a breach of the rules of behaviour for students.
2. However, this new system will only work prospectively, meaning complaints to the University made by anyone who was, or is, sexually assaulted or harassed before 1<sup>st</sup> October will be assessed under the old procedures that rely on proof 'beyond reasonable doubt', even if complaints are filed after this date.
3. A recent change to the way the old procedures are interpreted, made by a Chair of the Discipline Committee on 20th June 2019, could mean students who file complaints relating to sexual misconduct that occurred, or occurs, prior to 1st October are unable to pursue a complaint against their attacker through University procedures, since the Chair decided the word 'harassment' within the University's General Regulations for Discipline was being interpreted 'too widely'.
4. The Chair apparently concluded that since the University's 'Code of Conduct for Students in Respect of Harassment and Sexual Misconduct' distinguishes between 'harassment' and 'sexual misconduct', sexual misconduct allegations should not fall under the definition of harassment. The University 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.*
5. At least two formal complaints of sexual assault and rape have been dismissed earlier this year as a result in this change in interpretation.
6. A recent email by Prof. Graham Virgo, Pro-Vice Chancellor for Education, drew attention to systems designed to address sexual harassment or assault at Cambridge, including the University's anonymous reporting system, Breaking the Silence, and the Sexual Assault and Harassment Advisor, Amy O'Leary. However, it was ambiguous in its addressing of how cases are investigated, with there having been cases that saw an initial 'investigation by email' with a University Advocate but no subsequent proper investigation.

### **The GU Council believes that**

1. All cases of sexual misconduct in the University must be taken very seriously and fully investigated, beyond just correspondence and initial investigation.
2. Sexual misconduct and harassment leads to significant emotional and mental distress to the victim and any such cases against our members violate the University's duty of care.

3. The change introduced by the change effectively deprives students of any internal recourse for sexual assault and misconduct, which is in breach of at least the university's public sector equality duty, and therefore unlawful. For many students, taking external judicial recourse is tough and not plausible.

**The GU Council resolves to**

1. Stand up strongly against the change implemented by the Chair of the Discipline Committee.
2. Demand that the university take steps to fully investigate all reported cases of sexual misconduct at any time, working to support students in challenging the Chair's interpretation.
3. To work proactively towards addressing and helping resolve cases of sexual misconduct in the University space.