



SILENCING STUDENTS: INSTITUTIONAL RESPONSES TO STAFF SEXUAL MISCONDUCT IN UK HIGHER EDUCATION

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This report is dedicated to the students and early career researchers who participated in interviews for this research. Without the courage that they have shown in speaking out about their experiences, we would not be able to use this knowledge to try and change our universities for the better.

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Executive summary

This report explores institutional responses to sexual misconduct carried out by academic staff in higher education. It draws on data from:

- **Interviews with 16 students and early career academics** across 14 UK higher education institutions
 - This sample was chosen to highlight those who reported, or attempted to report sexual misconduct by academic staff to their institution or to the police
 - All interviewees were women; five were international students, of whom two were white, two Asian, and one mixed race; and 11 were White British students. At the time they experienced the sexual misconduct, four were undergraduates; three were Master's students; eight were PhD students, and one was an early career researcher
 - Interviewees reported a range of different professional relationships with staff members who perpetrated misconduct. All were academic staff, and their roles included personal tutor, lecturer or PhD supervisor
- **Analysis of 61 policies** relating to staff sexual misconduct from a sample of 25 UK institutions

The term 'sexual misconduct' is used to describe a range of behaviours directed towards students including sexual harassment, assault, grooming, sexual coercion, invitations, and promised resources in return for sexual access. We use the term 'misconduct' to signal that such conduct is a matter of professional behaviour in the workplace, and to ensure that the focus remains on the responsibility of the staff member for maintaining professional conduct in their dealings with students.

Key findings

- All but four of the staff members engaging in sexual misconduct were reported by interviewees to have targeted at least one other woman, whether grooming or dating a different student each year, or harassing, stalking and threatening multiple students and often other members of staff as well
 - This suggests that potential serial behaviour by staff members must be investigated by institutions when students report sexual misconduct
- Only one member of staff lost his job after being reported for sexual misconduct
 - Two resigned during investigations and found posts abroad
 - Twelve are still in post

Sexual misconduct behaviours

Sexual misconduct behaviours described by interviewees included:

- **Boundary-blurring and grooming behaviours**, such as isolating or singling out a student and asking them intimate or highly personal questions
- **Sexualised communication**, such as sexualised messages on social media or via their university email addresses
- **Sexual assault**, which was experienced by at least five interviewees
- **Stalking and surveillance**, on and off-line, including threats to interviewees' safety
- **Bullying and revenge behaviours**, such as bullying or controlling relationships with PhD supervisors that also included sexual misconduct

More than one type of these behaviours usually occurred together. For seven interviewees, the patterns of behaviour they experienced constituted sexual harassment (see full report for definition of terms). Three of the interviewees experienced behaviours constituting sexual misconduct within the context of a relationship with an intimate partner who was a member of academic staff in their department, or their supervisor.

The accounts from interviewees show that institutional responses need to situate behaviours within a broader pattern in order to recognise sexual misconduct.

Reporting

This report focuses predominantly on reporting to HE institutions rather than to the police, as this was the route that most interviewees in this study took.

Many interviewees did not report or disclose to anyone for months or years, sometimes with ongoing misconduct occurring during this time. Interviewees found it difficult to report sexual misconduct to their institutions due to:

- Lack of clarity around what behaviours could be reported
- The difficulty of finding someone within an institution who they could report to or who would act on their report
- The dynamics and impacts of sexual misconduct, which led them to doubt their experience or be too afraid to report

Factors that enabled reporting included being part of a group:

- Six interviewees reported to their institution as part of groups of others making complaints

Almost all the interviewees talked about being blocked or dissuaded from reporting in some way.

- This included institutions deliberately keeping no written records about a report, or misplacing written complaints
- For six interviewees, this meant that there was no formal report made to the police or to their institution
- Sometimes formal policies themselves functioned as a barrier to formally reporting sexual misconduct, for example:
 - Policies had a three-month time limit on making complaints of sexual harassment
 - Bullying and harassment policies that recommend the victim informally approach the person who is carrying out the bullying or harassment to ask them to stop, before making a formal complaint
- Institutions were more likely to take action to address academic/research misconduct than sexual misconduct

Responses to disclosures

Responses to disclosures varied greatly.

- There were many examples of compassionate responses by individuals
- However, **responses to disclosures often included a failure to respond on behalf of the institution**, i.e. people giving a personal response rather than one that aligned with the duties relating to their role, or responding in ways that put the interviewee at risk of retaliation or further harm

The role of bystanders and culture

- Seven out of the sixteen interviewees explicitly discussed the over-representation of male staff and students within their department as an enabling factor for sexual misconduct by men
 - However, two interviewees experienced sexual misconduct from female academic staff (the rest from male staff)
- Three interviewees tried to make third party complaints on behalf of students. In no cases were these acted on by their institutions
- Five interviewees described a culture in their department or institution either where **sexual relationships between staff and students or sexual misconduct from academic staff was normalised**

The impacts of staff sexual misconduct

Impacts on those who experienced staff sexual misconduct

- **Academic impacts** of staff sexual misconduct included:
 - Loss of access to teaching
 - Changing department and PhD project because of not feeling safe at work
 - Changing dissertation topic, research area or sub-discipline
 - Dropping out of a degree/PhD/academic career
 - Effects on grades and degree results
 - Loss of confidence
 - Loss of networks
 - Loss of access to work/study spaces
- **Health impacts** included depression, anxiety, suicide attempts or feeling suicidal, or post-traumatic stress disorder, which were often exacerbated by the institutional response
- **Financial impacts** included loss of earnings; legal fees; losing tuition fees and/or living costs after having to drop out of their course; paying for counselling

'It's the worst single thing that has ever happened to me and I think of it in terms of before and after that happened, and my life will never be the same. [...] Five years later, and I still think about it every day'
Alice, PhD student

Impacts on bystanders, the department and the institution

- There appeared to be **substantial economic costs to higher education institutions** as a result of staff sexual misconduct, including:
 - compensation payouts to students
 - loss of productivity by researchers
 - student attrition and reduced completion rates
 - staff time taken up working on investigations
- There was also evidence of the widespread negative impact of sexual misconduct on bystanders and on the wider department, institution, or discipline, such as loss of faith in the institution

Institutional processes

Formal investigations processes

- Not all reports of staff sexual misconduct led to formal investigations. Some were dealt with informally
- Across all of the interviewees who tried to report to their institution, there was **evidence of a lack of internal processes** for dealing with staff sexual misconduct
- Being involved in an investigation was time-consuming, exhausting, and highly emotionally draining for interviewees, and **had severe effects on many interviewees' mental and physical health, as well as their ability to carry out their academic work** during this period if they were still in higher education
- There were a variety of ways in which interviewees described investigations being carried out inadequately, including:
 - lack of expertise among investigators or decision-makers around sexual violence
 - lack of communication and support from the institution to the complainant
- Three interviewees gave evidence to internal tribunal hearings in the presence of the staff member from whom they had experienced sexual misconduct
 - This was traumatic for them as some staff members used the opportunity to aggressively attack and 'gaslight' the complainant
- Disciplinary processes took up to two years, which could follow on from interviewees already experiencing sexual misconduct over a period of several years
 - **Three interviewees had spent seven or eight years dealing with the misconduct, the disciplinary proceedings, and retaliation from the staff member as a result of making a complaint**
- There was an enormous amount of administrative labour involved in making a complaint, which for one interviewee involved writing a 10,000-word complaint, a similar length to an undergraduate dissertation
- Five interviewees described retaliation from the staff member and his supporters in response to reporting to the institution. This included:
 - spreading malicious rumours about the interviewee among other staff members or the student's collaborators or colleagues
 - academic retaliation, such as loss of teaching or authorship
 - threats to interviewees' physical safety
- Confidentiality requirements around outcomes of investigations meant that interviewees were not necessarily informed of whether any sanctions were taken against the staff member. This level of confidentiality is not a legal necessity

'I put my faith in the process, and I really regret having done that, because they didn't get it right. They didn't have the requisite training, they didn't have the requisite understanding. They were not capable of making an assessment'

Fiona, PhD student

Redress

There was a lack of redress available for interviewees who felt that their institution had not dealt with their complaint adequately.

- **It was very difficult for interviewees to access the services of The Office for the Independent Adjudicator for Higher Education** because this required a letter stating that internal complaints procedures in their institution had been exhausted
- This was an almost insurmountable barrier because:
 - The internal complaints process could involve up to four rounds of complaints procedures, each taking up to a year
 - The emotionally draining nature of making a complaint of sexual misconduct, coupled with failures in institutional processes, meant that many interviewees found even one round of a complaints process extremely difficult to go through
- Students who wanted to take legal action against their institution (or even seek legal advice) were usually unable to do so, as they had **no access to legal services** unless they could pay for it themselves
 - One interviewee did sue her university, and was awarded a five-figure sum as a "reimbursement of legal fees", without admission of liability

Overall, **there is a severe lack of redress for students who are failed by their institution's own processes**. UK higher education institutions are effectively being left to self-regulate, with minimal oversight or threat of legal challenge.

Policy analysis

Staff-student relationship policies

Conflict of interest policies from 25 universities were collected and analysed.

- Most of the policies stated that personal relationships between a staff member and a student with whom they have any academic, administrative or advisory responsibility should be disclosed to the relevant head of department or manager
 - However, it was rare for policies to include reference to disciplinary action should this fail to be carried out
- Only one university's policy included reference to any wider ethical or professional frameworks
- Very few policies discussed the issue of consent within an unequal power relationship
- Only one policy in the sample prohibited staff from entering into personal relationships with students with whom they have a professional relationship
- Four policies included variations on the following phrase:

The University does not wish to prevent liaisons between staff and students and it relies upon the integrity of both parties to ensure that abuses of power do not occur.

This wording is highly problematic as it suggests that it is students' responsibility to avoid abuse of power perpetrated by a staff member.

Sexual harassment policies

- There was **considerable variation in the amount of procedural information provided in university policies**
- Four policies included information on submitting anonymous reports for students who might not want to be named
- Only one policy mentioned that students might be able to access some form of legal representation, and this was provided on a voluntary basis by law students
- Only one mention of reporting historic cases was found

'The UK has a responsibility to students within and from all over the world who some universities (like mine) aggressively recruit with false promises of quality and student satisfaction. International students like me come here spending a lot of money, completely unaware of such problems.

I think taking more severe action is reasonable enough to protect students as well as the UK's reputation for quality education and student experience'

Sara, undergraduate student

The 1752 Group's recommended priorities for institutions and the sector

Summary of recommendations for practices:

For full details of recommendations, including policy recommendations, see the final section of this report.

1. Higher education should explicitly include sexual misconduct and all forms of bullying and harassment within the definition of research misconduct.¹
2. Higher education institutions should urgently improve their internal investigations processes, following guidelines developed by The 1752 Group and McAllister Olivarius.²
3. Grooming should be recognised as a form of sexual misconduct within staff-student interactions. In order to address this, the following actions are required:
 - a. Institutions should implement mechanisms for perceived low-level concerns to be raised by staff and students
 - b. In consultation with students and staff, professional boundaries relating to staff-student interactions should be clarified.
 - c. Institutions need to make it clear that all sexualised conduct, including asking students on a date, is not acceptable within the teaching and learning relationship.
4. Informal resolutions to complaints of sexual misconduct must be clearly signposted as such, alongside formal reporting options.
5. Mandatory training for all students and staff members to recognise different forms of sexual misconduct and to know where to raise concerns.
6. Support and advocacy should be available within and outside of the institution for students and staff who report staff sexual misconduct.
7. The Office for the Independent Adjudicator for Higher Education (OIA) is not currently offering sufficient regulation to ensure that HE institutions deal adequately with staff sexual misconduct.
 - a. The OIA should be able to enforce time limits for the total period within which an HE institution must address a complaint, from the date of first disclosure.
 - b. The Office for Students should be able to sanction universities who do not adequately deal with reports of staff sexual misconduct
 - c. The Office for Students and/or students' unions should provide a legal fund for students to access independent legal advice.

1 Chapman, E., 2018. Research Integrity and Sexual Misconduct: A shared solution. The 1752 Group <https://1752group.com/research-integrity-and-sexual-misconduct-a-shared-solution/>
See also McPhaden, M.J., Gundersen, L., Williams, B.M., 2018. AGU Revises Its Integrity and Ethics Policy. Eos: Earth & Space Science News. <https://eos.org/agu-news/agu-revises-its-integrity-and-ethics-policy>

2 Available at www.1752group.com

Foreword - The 1752 Group



This report provides stark evidence of students' and early career researchers' experiences of staff sexual misconduct and the inadequate responses received from higher education institutions. These findings corroborate what we have already learned from the work of The 1752 Group over recent years. The report details the obstacles that students and early career researchers have to overcome in order to ensure their own and other students' safety. It also outlines the long-lasting consequences of experiencing sexual misconduct: attrition, exhaustion, stress, and injustice.

The most urgent issue for HE institutions to address is serial offenders. The report found that most staff members engaging in sexual misconduct were reported by interviewees to have targeted at least one other woman; only four interviewees did not mention other students who had been targeted by the same member of staff. Therefore, most interviewees had evidence that what they were experiencing constituted a pattern of behaviour for that staff member, whether grooming or dating a different student each year, or harassing, stalking and threatening multiple students and often other members of staff as well. These findings show that staff sexual misconduct is not about isolated incidents, but that many institutions employ serial abusers and that their behaviour has been taking place for years without being addressed or challenged by their institution. The kinds of informal solutions that are sometimes offered, as this report shows, are inadequate and serve only to prolong the behaviour and widen the impact.

This report has found that it is rare for even serial perpetrators of sexual misconduct to lose their job as a result of this behaviour. Only one out of 15 staff members who interviewees tried to report lost their job following an investigation, even following extremely serious incidents. This appears to be in part due to the poor quality of investigations and disciplinary processes conducted by institutions. Indeed, across the board, there is evidence of a lack of institutional preparedness for dealing with reports of staff sexual misconduct, with several interviewees stating that their university was "making it up as they went along."

The analysis of policies in this report shows that HE institutions do have some awareness of staff sexual misconduct as an issue. However, relatively few institutions show a detailed and robust approach to this issue, even on the level of policy (which, of course, may bear no relation to what happens in practice). Most disturbing is the finding that several institutions state that they "rel[y] upon the integrity of both parties to ensure that abuses of power do not occur." This extraordinary wording suggests that it is students' responsibility to avoid abuse of power perpetrated by a staff member. In a situation where the power imbalance is already heavily weighted against students, this response signals a failure of safeguarding, as well as a lack understanding of the impact of sexual violence upon higher education communities. Our academic institutions need to do better.

While this report makes for uncomfortable, even upsetting reading, it is offered as a resource for change, and we hope its recommendations will be useful for institutions and sector bodies. Many UK HE institutions are starting to examine their policies and procedures and to commit resources to this issue, and this report does not capture current changes to the sector that are occurring in this area.³ However, we urge the sector as a whole, as well as individual institutions, to admit that there is a serious problem, and follow the lead of other sectors in society in showing leadership, having open and frank conversations, and committing resources to address and eliminate staff sexual misconduct.

The 1752 Group

Dr Anna Bull
Dr Antonia Bevan
Dr Emma Chapman
Dr Tiffany Page

³ For example, UCL has announced a range of reforms and is committing £200,000 over the next two years to tackling sexual misconduct. See further information: <http://www.ucl.ac.uk/news/news-articles/0718/020718-equality-diversity-inclusion>

Introduction

This report explores institutional responses to sexual misconduct carried out by academic staff in higher education. It does this through focusing on the experiences recounted in interviews with 16 students and early career academics across 14 UK higher education institutions who reported, or attempted to report their experience of sexual misconduct from academic staff to their institution or to the police. The interviews, carried out in February and March 2018, highlight serious failings by higher education institutions in dealing with staff sexual misconduct. In attempting to illuminate the ways in which institutions understand and address this issue, the report also analyses policies relating to staff sexual misconduct from a sample of 25 institutions.

This study follows on from previous research from The 1752 Group and the National Union of Students,⁴ which in a survey of 1,839 current and former UK higher education students found that only one in ten respondents who had experienced some form of sexual misconduct from higher education staff disclosed this to the institution. Out of those who did disclose (n=81), only 22 respondents thought their institution had responded adequately. 31 students believed that the disciplinary action in their case had been mishandled, more than those who did not believe it had been mishandled.⁵ This wider context suggests that while there are some HE institutions in the UK that are dealing adequately with staff sexual misconduct, many are not. The data in this report gives detailed evidence of the stories behind these figures. For institutions that want to improve their response, the report provides evidence of where current practices are falling down. For the sector as a whole, it draws attention to areas where wider change is required.

Methods

This report draws on data from 16 in-depth interviews with female students and early career researchers, who had experienced or were aware of sexual misconduct from a member of academic staff, and attempted to report this either to their institution or to the police.⁶ All experiences of misconduct occurred within the last ten years, most within the last five. The majority of interviewees had been students who experienced various forms of sexual misconduct from academic staff at their institution.⁷ Appendix one gives an overview of interviewees, their level of study at the time the misconduct was occurring, and other relevant details. Appendix two gives further details on methods used in this study. All the interviewees were women; of the staff members perpetrating sexual misconduct, all but two were men. The majority of interviewees were postgraduate students, with eight being PhD students at the time the sexual misconduct started; three who were Master's degree students; four who were undergraduates; and one who was an early career researcher.

The report also includes analysis of 61 policies on conflicts of interest (with a focus on staff-student sexual relationships) and on sexual harassment from a sample of 25 higher education institutions. Universities from the UK regions (including Wales, Scotland and Northern Ireland) are represented, and a variety of different types of universities (e.g. Russell Group and 1960s New Wave institutions) are included. The 25 universities were not randomly selected but instead purposely included institutions that are known to have paid particular attention to their policies in recent years- either in response to negative media coverage after an incident of sexual harassment, or because they had chosen to run a recent campaign against sexual harassment.

The term 'sexual misconduct' is used to describe a range of behaviours directed towards students including sexual harassment, assault, grooming, sexual coercion, invitations, and promised resources in return for sexual access.⁸ We use the term 'misconduct' to signal that such conduct is a matter of professional behaviour in the workplace, and to ensure that the focus remains on the responsibility of the staff member for maintaining professional conduct in their dealings with students.⁹

4 National Union of Students, 2018. Power in the Academy: staff sexual misconduct in UK higher education <https://www.nusconnect.org.uk/resources/nus-staff-student-sexual-misconduct-report> (accessed 4.19.18).

5 Power in the Academy, p. 33.

6 Further publications based on data from these interviews are forthcoming in 2019.

7 One interviewee had not directly experienced sexual misconduct but had attempted to make a complaint in relation to the experiences of other students in her department. Another interviewee was an early career researcher who had experienced sexual harassment and assault from a senior academic member of staff, and had attempted to report on behalf of both herself and PhD students in the department. Two interviewees had been part of a group making complaints against the same member of staff.

8 Sexual harassment and sexual assault are used in their English legal definitions. See: EHRC, 2017. Sexual harassment and the law. Guidance for employers. Equality and Human Rights Commission, London; The National Archives, 2018. Sexual Offences Act <https://www.legislation.gov.uk/ukpga/2003/42/section/3> (accessed 7.23.18).

9 For a longer discussion see Page, Tiffany, Anna Bull, and Emma Chapman. Forthcoming, 2018. "Making Power Visible: Activism to Address Staff Sexual Misconduct." *Violence Against Women*.

Part one: Students' and early career researchers' experiences of staff sexual misconduct

1.1 Patterns of misconduct

It is important to outline the range of behaviours from staff members that interviewees reported in order to understand the types of sexual misconduct that students might disclose or report to institutions. Below, the types of behaviours that interviewees reported are detailed. More than one type of these behaviours usually occurred together. For some these formed a pattern of sexual harassment, while for others these could occur within the context of a relationship with an abusive intimate partner; two interviewees experienced sexual assault but no other sexual misconduct behaviours. In some situations, the staff member appeared to have a romantic fantasy about the student and was using a position where the student could not easily turn them down to try to embark on a relationship. Other interviewees reported less individualised behaviour where the staff member would direct sexualised or predatory attention to several students, either at once or in succession.

For seven interviewees, these patterns constituted sexual harassment.¹⁰ This could include unwanted touching while at work, whether in the lab, in the staff member's office, or in social areas, as well as sexualised comments or messages (see section 1.1.ii). For four of these interviewees, such behaviours escalated from previous grooming behaviours and targeted the interviewee in particular, while for others, the sexual harassment was experienced in groups.

For a minority of the interviewees, sexual misconduct behaviours were experienced within the context of a relationship with an intimate partner. Three of the interviewees in this study were students who entered into a sexual relationship with a member of staff. Two of these described the relationships as abusive, and when the relationships broke up, each of the staff members engaged in retaliation that had a severe impact on the interviewees, both academically and personally (as described in section 1.1.v, below).

Despite these differences in context, there were clear similarities in the behaviours that constituted sexual misconduct, whether these culminated in a pattern of sexual harassment or were experienced within an abusive relationship or in other ways. The behaviours reported by respondents in this research can be broadly grouped into the categories below, with an awareness that most interviewees experienced behaviours that fell into at least two categories. Given the small sample of this study there may be other forms of misconduct that are not covered here, especially as most interviewees presented themselves as cis-gendered heterosexual women.

1.1.i Subtle boundary-blurring or "grooming" behaviours

In the 'Power in the Academy' report from the National Union of Students and The 1752 Group, the term 'grooming' was used to describe members of staff using their position of power to blur the boundaries between professional and personal relationships in order to gain control over, and sexual access to students. Celia Brackenridge describes it as "the process by which a perpetrator isolates and prepares an intended victim".¹¹ Grooming behaviours "can be at one and the same time both innocent and also the start of the grooming process" so that perpetrators may test out the suitability of a potential victim, while "[i]ncremental shifts in the boundary between coach and athlete go unnoticed, unrecognised or unreported by the athlete until the point where she has become completely trapped".¹² This theorisation dovetails with interviewees' own accounts of their experiences. Several used the word 'grooming' to describe what happened to them, or reported others using this word. Grooming and boundary-blurring behaviours were reported by eight interviewees and included:

- Isolating the student so that she is dependent academically and emotionally on the staff member (for example making sure she does not go to conferences or does not get any teaching from anyone else). This appears to be a particular risk for postgraduate students.
- Arranging meetings off campus. This was often accompanied by a suggestion that this was to discuss something related to the student's academic work, which made it very difficult for the student to turn down as they were keen for the extra support.
- Singling out the student for attention, for example always making an excuse to talk to them after class. This meant that other students could be aware of such behaviours while staff were not.
- Regularly going out drinking with groups of students, when other members of staff did not do this.
- Using social media to send private (non-sexualised) messages, for example asking the student how they found a recent lecture.
- Buying presents for students or insisting on paying for dinner/drinks.
- Asking a student personal questions or telling the student personal information about their marriage or sex life.

10 This is defined according to the Equality Act 2010 as "unwanted conduct of a sexual nature that has the purpose or effect of violating someone's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for them." EHRC. 2017. "Sexual Harassment and the Law. Guidance for Employers." London: Equality and Human Rights Commission, page 2. <https://www.equalityhumanrights.com/sites/default/files/sexual-harassment-and-the-law-guidance-for-employers.pdf>.

11 Brackenridge, C., 2001. Spoilsports: Understanding and Preventing Sexual Exploitation in Sport. Psychology Press, p.35.

12 Brackenridge, 2001, p.36.

Two students experienced grooming that did not escalate to sexual harassment, assault, or an abusive relationship. Four other interviewees experienced grooming that turned into a non-consensual or abusive relationship or that escalated to sexual harassment or assault. While some of these experiences may be seen as more extreme than others, it is crucial not to assume that apparently 'low-level' behaviour does not have a serious impact on students (see section 1.3).

Interviewees sometimes looked for guidance from university policies as to how to respond to these grooming behaviours, for instance on social media, but there was often nothing in these behaviours that they felt they could report even though they described feeling 'weird' or 'uncomfortable' and talking with friends or family to decide how to respond. Furthermore, even if the student felt uncomfortable, they often also welcomed interest and support from academic members of staff, and sometimes assumed that the staff member's interest in them was purely for academic reasons. Several interviewees made comments similar to Alice,¹³ who described how "I was blown over that someone so qualified and prestigious wanted to even talk to me."

In addition, because with grooming there was no inappropriate touching or behaviour that could objectively be labelled as sexual harassment, it was confusing for the student to know how to respond. They would often attempt to set their own boundaries, which were then not respected, as Fiona, a PhD student, describes:

I didn't want to go out with this man; I was not in a position where that was, like even something I vaguely considered or wanted, and I told him that several times. And every time, he said, "Oh, that's fine, of course. No, you know, we can just be friends, that's fine." And then somehow, he would be like, "Well, let's just go for a drink as friends, and it'll be fine as friends," and then he would continue to ask me very detailed questions about my personal life, and probe into kind of my relationship breakup and what I was like when I was younger, and this kind of thing.

For the women in this study, such behaviours had the effect of making them feel like they were complicit in the increasing intimacy, and therefore made it more difficult for the student to raise concerns at a later stage. Master's student Andrea described how "after all of these little things, so him pushing and pushing, taking me out to his car, and going on walks and stuff, it was me feeling like, "I've already said 'yes' once and, I guess, nothing actually happened, so is this the new norm? I don't know."" Grooming behaviours, as with many other sexual misconduct behaviours, thus occurred in a cumulative, interconnected way.

1.1.ii Sexualised communication

A second type of sexual misconduct described by interviewees was sexualised communication. The power imbalance between academic staff and students meant that students' responses to sexualised communication required a delicate balancing act of trying to keep themselves safe while ensuring they did not alienate the staff member on whom they were academically dependent. Four interviewees described receiving sexualised messages from members of academic staff (via text message, their university email address, direct message on Twitter and Facebook). Sexualised communication could also occur through sexualised comments in person, such as in the staff member's office on campus or in other academic spaces. For three interviewees, these were staff members on whom they depended for teaching and other forms of academic support (publications, support with progression through the degree, references). As a consequence, they felt they needed to reply to such messages in order to ensure access to teaching or academic support, and to make sure they did not annoy the staff member and so put their degree and their career at risk. For two of these interviewees, the fact that they had replied to such messages was later used as evidence in investigations carried out by their institutions that this behaviour did not constitute sexual harassment. Rachael, an undergraduate student, describes this dynamic:

He followed me on Twitter and then messaged me on private Twitter. He started off like asking how I was and at that point I had gone back home and [was] starting antidepressants. He said that he needed to be the one checking in on me, to check how I was on these antidepressants, because he sees me more regularly now that I'm single. Then the messages just got more and more explicit.

Then any time he would relate something back to sex, ask me sexual questions then he would- and I felt completely overwhelmed and unable to take control of the situation or to sort of realise what was going on and how manipulative he was being. I felt in a very dangerous position that I couldn't defend myself or tell him to stop, because I needed his help in repeating that year for substantive marks. I was going through all of this awful stuff, I was still having panic attacks and I didn't really have anybody else at that point to talk to at the university.

Responding to such messages tended to require a lot of thought, discussion and care from respondents, as they attempted to 'keep him sweet', as Rachael described it, in order not to jeopardise their studies and their career.

13 All names have been changed.

1.1.iii Sexual assault

Sexual assault, understood according to the 2003 Sexual Offences Act,¹⁴ was reported by at least five participants,¹⁵ the majority reporting this as occurring off campus. For some this occurred following grooming or sexual harassment, while for others it did not. Even when this did occur off campus, however, interviewees described that during any interaction that occurred leading up to and around the sexual assault, the power dynamic was still that of teacher-student. For example, one interviewee described being assaulted in a bar by her former dissertation tutor, who started to verbally attack her academic work during the assault.

For Maria, a Master's student who was sexually assaulted on a field trip after being sexually harassed by a male lecturer since the start of her course, her nationality as Eastern European and her mixed-race ethnicity was a factor in her experiences:

[The lecturer had] a complete and utter lack of respect due to my ethnicity, which made me more approachable in his eyes. He could see that I was more vulnerable and more approachable because of my ethnicity. [...] He decided to act because he didn't respect me.

This highlights the way in which power inequalities based on intersecting social hierarchies (such as race/ethnicity, class, nationality, disability, sexuality, or gender identity) create a context that enables staff sexual misconduct to occur. More research is urgently needed in this area to understand the experience of students with such marginalised identities.

1.1.iv Stalking and surveillance

Four interviewees described behaviours that they were aware of or had experienced that involved making the student feel as though she was being watched. These sometimes amounted to stalking, for example turning up at the student's house or finding out their movements from social media.

- Following students on social media (Instagram, Facebook and Twitter were all mentioned by interviewees). While this could escalate into sexualised messages and could form part of boundary-pushing, it also could be used to demonstrate surveillance. This included for example through:
 - going through a student's entire profile and 'liking' photos from several years previously
 - Immediately 'liking' everything a student posts
- Watching students while delivering a lecture and messaging them afterwards to comment on their engagement
- Finding out the movements of an interviewee from her online presence and making threats to her safety

Some of these behaviours had the effect of making the student know that they were the subject of ongoing attention from the staff member, without there being anything specific the student could pinpoint as wrong. As discussed in section 1.3, such behaviours could lead to interviewees avoiding spaces and being unable to engage in learning or professional activities.

1.1.v Bullying and revenge behaviours

The behaviours described above sometimes worked in conjunction with bullying and controlling behaviours, which could also occur as revenge in response to a student rejecting a staff member's sexual advances or breaking up a relationship. Two interviewees described their experience of sexual harassment occurring within a controlling and bullying relationship with their PhD supervisors. For five of the other interviewees, there were controlling or bullying aspects to the sexual misconduct they experienced, or they mentioned other people who reported bullying from the staff member who had sexually harassed them. Sexual misconduct behaviours could include bullying and harassment, but did not necessarily do so. In addition, it was not always clear where the boundary was between sexual misconduct and psychological manipulation, bullying, and controlling behaviours.

Two interviewees reported patterns of behaviour that were primarily characterised by bullying and control by their supervisors. For one of these interviewees, this occurred with two successive supervisors (one male and one female). This included exploitation and overwork, shouting or screaming at them, demeaning comments, as well as academic misconduct such as attempting to plagiarise the student's work, refusing to let them patent their own work, or refusing to allow them to be listed as an author on an article they had worked on. These two students reported sexual misconduct occurring within the context of this bullying and controlling relationship from a PhD supervisor. However, for both of these students, when reporting their supervisors, their institutions were more willing to investigate the scientific misconduct than the sexual misconduct or bullying behaviour.

Revenge behaviours following a sexual rejection or break up, some of which are similar to those used to bully, were reported by three interviewees. One of these was Helen, who had been in an intimate relationship with an abusive staff member in her department during her PhD. At the time of interview, Helen was established in an academic career in a different institution, but the staff member had been spreading rumours about her within their discipline as well as repeatedly threatening to harm her. This meant that she had been experiencing sexual misconduct, threats, and other forms of abuse from him for eight years, and this was still ongoing.

14 Sexual assault is defined according to the 2003 Sexual Offences Act, as "when a person is coerced or physically forced to engage against their will, or when a person, male or female, touches another person sexually without their consent". "Sexual Offences | The Crown Prosecution Service." 2017. Accessed July 26, 2018. <https://www.cps.gov.uk/sexual-offences>.

15 Not all participants chose to describe their experience in detail, and some described their experience in ways that did not fit the legal definitions of the behaviours they described, therefore this figure could be higher.

1.1.vi Summary

This section has identified sexual misconduct behaviours that were identified by interviewees. The limits of the sample for this study means that the behaviours described above should be seen as indicative, not exhaustive. These behaviours could manifest in different contexts, i.e. as sexual harassment; within an intimate relationship with an abusive partner; or within controlling and bullying relationships that included sexualised behaviours.

It is also important to note that interviewees reported a range of different professional relationships with staff members who perpetrated misconduct. All were academic staff, and their roles included personal tutor, lecturer or PhD supervisor. However, misconduct did not necessarily occur in the context of a professional relationship. Three interviewees experienced sexual misconduct from academic staff in their department with whom they had no collaborative, teaching or supervisory relationship. This suggests that solutions to sexual misconduct need to include protections for students who experience sexual misconduct within their department more widely as well as within the teaching and learning relationship.

While this section has identified categories of behaviour, the nature of sexual violence as forming a continuum where different behaviours may overlap problematises this separation of behaviours into the clear categories that are needed for analysis (and indeed for policy responses). It is crucial, therefore, to understand sexual misconduct as cumulative; individual behaviours may not always appear to constitute sexual misconduct unless they are understood in terms of a broader pattern of behaviour.¹⁶ Institutional responses must, therefore, contextualise isolated behaviours within patterns of harassment, control and abuse, rather than isolating single incidents of violence and harassment.

1.2 The road to reporting¹⁷

The sample for this study is unusual in that it consists only of women who reported or attempted to report their experiences to the police or to their institution. This section will focus predominantly on reporting to HE institutions rather than to the police, as this was the route that most interviewees in this study took.¹⁸ The low rate of reporting of these experiences to the institution¹⁹ is put into perspective by the difficulties that many interviewees had in trying to report. These difficulties were due to the lack of clarity around what behaviours could be reported; problems finding someone within an institution who they could report to; as well as the dynamics and effects of sexual misconduct. This led to a paradoxical situation where some interviewees ended up involved in a formal reporting process without having made a decision to do so (for example, in order to get an extension on an assignment), while those who did want to make a formal complaint were sometimes blocked or dissuaded from this.

Reporting was made even more complicated by interviewees receiving conflicting messages from different people within their HE institutions as to what types of behaviours could and should be reported. Several interviewees described important moments in their road towards, or during, reporting when a member of staff at their university (including a security guard, a counsellor, a disability mentor, and a senior professor) told them that the behaviour they were experiencing was not okay. Ally, an PhD student, described how "during the conversation [with a staff member], I was convinced that I was validated, basically. I had another person say, "This is appalling. We've got to do something." At that point, I was like, "Okay, fine." This clarity was very important to interviewees, on the few occasions when it occurred. In particular, as boundary-blurring behaviours often had the effect of making students doubt their own interpretation of events, such a response helped to directly counteract some of the impacts of sexual misconduct on those who experience it. Interviewees who did not receive a response like this described what a difference it would have made, in a context where the staff member was sometimes finding ways to distort their sense of reality (see section 2.1.v) - a distortion that could be exacerbated by the silence of other members of staff around such behaviours.

16 See for example Stark, E., 2007. *Coercive Control: How Men Entrap Women in Personal Life*. OUP USA, Oxford; New York.

17 This report uses the term 'disclose' to refer to when interviewees told someone about their experience, and 'report' to refer to formally notifying the institution of their experience, with a written record.

18 While the interviews did not explicitly ask about reporting to the police, six out of the 16 interviewees mentioned trying to, or wanting to report to the police. Three interviewees succeeded in reporting to the police, but only one of these reports was investigated. In one instance, the student was dissuaded from making a formal report by the police themselves, who asked her if the assault was a misunderstanding because both she and the professor were drunk and suggested that she go and speak to him about it. In another case, the student was told that the police had spoken to the university and had dismissed the case because there was nothing to do. The student felt that this was the police taking the university's (inadequate) investigation at face value, rather than investigating themselves. In addition, three interviewees wanted to report to the police but did not, either out of fear of retaliation or because the staff member's sexualised grooming had not actually broken the law.

19 *Power in the Academy*, p.31.

1.2.i Factors enabling reporting

As all the interviewees had attempted to report their experiences in some way, interviewees were able to give crucial insights into what enables students to report. Some interviewees described catalysts to reporting, or to escalating the report that they had already attempted to make that included:

- Finishing their degree
- Feeling strong enough to report
- Seeing the perpetrator again after some time, and having an adverse reaction
- Concern over the welfare of other women
- Escalation of misconduct
- A change in personal circumstances
- Hearing about other women who were reporting the same staff member
- Being validated that their experience was not okay (as discussed above)

Support from other women who were reporting the same staff member was a hugely important catalyst that enabled reporting. Indeed, six interviewees reported to their institution as part of a group of women reporting the same staff member. Groups reporting together ranged from two to eleven others. Reporting as part of a group meant that interviewees had ongoing support from others when they may not have been receiving it from anywhere else. Three interviewees also attempted to make third party reports on behalf of students who they were aware were experiencing, or had experienced, sexual misconduct from university staff (see section 1.2.iii). In no case was this successful in instigating an investigation or any other action by the institution.

1.2.ii Barriers to reporting

The first hurdle to overcome in trying to report was finding someone to report to who was willing to act on their disclosure. Sometimes students were yo-yo-ed between different departments and staff members while trying to find someone who would take action. One of the most protracted experiences of trying to report was Rachael's. Initially she discussed her experiences informally with PhD students in her department. She then spoke to two different lecturers in the department; then to student services; then to the students' union; then to the Dean; then to her head of subject; and then to a member of senior management, before receiving an assurance that a formal process would be instigated.

The most common person interviewees reported to was the head of department. Other people to whom interviewees made reports/disclosures included:

- PhD supervisor
- Member of staff in the international office
- Students' union
- HR
- A lecturer in their department
- Course leader
- Admin staff
- Counsellors
- Mentor

While all the interviewees in this study attempted to report to someone, at some point, they often did not report or disclose to anyone for months or years, sometimes with ongoing misconduct occurring during this time. As well as confusion as to what behaviours were acceptable, there were many other reasons for students not initially reporting staff sexual misconduct to their university. Some of the reasons for not reporting included:

- Being worried it would ruin their career
- Being dissuaded by others (peers, other staff members). For example, talking to peers and being told "he has friends in high places. You will lose your job" (for a postdoc)
- Being unsure whether the behaviour was serious enough to report, and having nowhere to go to discuss concerns informally
- Being aware that sexual harassment was openly known about and accepted within the department so there was no point in reporting it
- Fear of the staff member. This could be fear of retaliation, or could also result from the experience of assault, harassment or abuse
- Lack of faith in the institution to take any action
- Concerns over confidentiality
- Needing a reference from the staff member they needed to report

- Deciding to put up with it until they had finished their degree
- Lack of provision for third party reporting within institutions (i.e. reporting from a bystander)
- Feeling complicit in grooming behaviours so that they felt they had consented to whatever occurred, or felt that others would judge their actions

Similarly, in the 'Power in the Academy' report, the most common reasons for not reporting were being unsure if the behaviour was serious enough to report; not recognising the behaviour as sexual misconduct; not knowing who to tell; and being concerned about retaliation.²⁰

1.2.iii Being blocked or dissuaded from reporting

In addition, almost all the interviewees talked about being blocked or dissuaded from reporting in some way. For six interviewees, this meant that there was no formal report made to the police or to their institution. One way of blocking or disallowing formal complaints was through an informal response, where no records were kept. Esther's experience of attempting to report a sexual assault by her former Master's tutor involved this type of approach:

[The university] were very clever because they kept a lot of this over the phone. [...] there had been previous incidents – with this tutor – of verbal assaults with other students, and [...]the apology had been enough to get them off basically. They said to me that they would get this tutor in and recommend that she take leave [...]

Then, a few weeks later, I found out that the tutor was back working. They had taken no leave. They'd had a conversation with the head of department, but that was it. I was absolutely horrified, and incredibly angry, and really hurt by it. I also just felt completely destroyed, because the university had done nothing to protect me.

Other informal responses from institutions included moving the perpetrator to a different building (which did not keep the complainant safe and put others at risk) or getting someone to watch the perpetrator. In one case, a university lost a set of nine written statements of complaint against a senior member of staff.

Sometimes formal policies themselves functioned as a barrier to formally reporting sexual misconduct. This included having a policy with a three- month time limit on complaints of sexual harassment. Another barrier in policy was bullying and harassment policies that recommend that the victim informally approach the person who is carrying out the bullying or harassment to ask them to stop, before making a formal complaint. Several interviewees attempted to informally approach the staff member they were experiencing sexual misconduct from. Cathryn, a postdoctoral researcher and subsequently research staff member, had experienced ongoing sexual harassment for many years from a senior member of research staff.

There was one time [...] after he had, you know, kind of, grabbed me, or something, I said to him, "Oh, I'm really sorry. I don't like being touched." Because I had read that what you should do is, you should say to the person, "I'm uncomfortable with this." That's part of the university policy. [...] And he laughed in my face. Said, "Yes, I do get away with a lot, don't I?" Smacked me on the bottom twice, and walked off laughing.

Not only could this approach put the interviewee at further risk, but it also alerted the staff member to the fact that the student/victim was thinking of making a complaint. This meant that the staff member could find ways to control the narrative by speaking to their line manager first.

1.2.iv The role of bystanders and institutional culture

Many interviewees' accounts included detailed discussions of the actions of bystanders, in particular other academic staff, either in enabling, minimising, or ignoring the sexual misconduct, or more positively in supporting the interviewee by telling her that what she was experiencing was wrong and supporting her through the complaints process. These actions were shaped and facilitated by the culture and the gender imbalance within the department, the discipline, and/or the university.

One of the interviewees in this sample, Margaret, a PhD student, was herself a bystander who made a formal third-party complaint of sexual misconduct after hearing about two students who had experienced harmful behaviour, each while in a relationship with the same staff member in her department. The catalyst for her complaint was hearing about a disclosure of the lecturer's abusive behaviour from one of these students on a night out. Neither of the students were willing or able to make a complaint, but for Margaret it was clear that she needed to make a formal complaint as students were not safe in her department. However, even after she made her complaint, it appeared that the lecturer was only going to be investigated for academic misconduct linked to his relationship with a student, not sexual misconduct, as he had not contravened any institutional policies by having relationships with students. This example shows the difficult position that bystanders can find themselves in, even when they do want to take action.

Other interviewees named the culture in a department, university, or discipline as an important factor in enabling sexual misconduct and framing responses to it. Two described a culture where sexual relationships between staff and students were normalised, and thought this had contributed to their experience. Three further interviewees described being aware of other students within their institution who had experienced sexual misconduct from other academic staff. For these women, their experience of sexual misconduct was not an aberration but continuous with a wider culture of acceptance and normalisation of such behaviours.

²⁰ Power in the academy, p.31.

For two interviewees, the culture of their department was a problem not because of wider issues with sexual misconduct, but due to the sense that students were expendable and not valued. This was visible to them before the sexual misconduct occurred, and also exacerbated and enabled the poor response to their reports. By contrast, four interviewees described being very happy in their departments and institutions before the sexual misconduct occurred, not seeing any problems with the institutional culture as they experienced it.

Gender inequalities shaped some institutional cultures. Seven out of the 16 interviewees explicitly discussed the over-representation of male staff and students within their department as an enabling factor for sexual misconduct. Indeed, some interviewees experienced sexual harassment from more than one member of academic staff within their department or discipline. This suggests that students from groups minoritised in the university context (such as black and minority ethnic students, disabled students, and LGBTQI students) may have insights into cultures that support sexual misconduct, and further research is needed to explore this.

However, for the two interviewees who experienced sexual misconduct from female academics, a focus on male-dominated disciplines and departments as an enabling factor for sexual misconduct does not explain their experience. Indeed, one interviewee, Esther, felt that experiencing sexual assault by a woman allowed the institution to minimise her experience by drawing on stereotypes of women as passive and not violent. She felt that the institutional response – an informal approach that led to no sanctions for the staff member – was linked to the sense that they thought, as she described it, “it’s okay, we can brush you away because it’s just a woman who has attacked you”. They were therefore able to dismiss the fact that they had a serial perpetrator of sexual violence on their staff.

1.2.v Responses to disclosures

Responses to disclosures varied greatly. There were many examples of compassionate responses on an individual level. However, even when responses were sensitive, there was usually a failure to respond on behalf of the institution or in ways that would not put the interviewee at further risk. Carla, a PhD student, tried to report her experience to someone at her institution who told her that the only way forward was for someone in her department to talk to her supervisor about the problem:

I explained that I didn’t want him to retaliate against me. So they said that, again, the only way of going about this is talking to [my supervisor], but it felt that that was exactly what I didn’t want. [...] that was the biggest fear, is that he would always have this façade of, like, “Yes, absolutely. Yes, I’ll try my best,” and then show up in the office and then... At first, always very calm, but then drop comments and be extremely cutting with the comments, and then do things like that, like not help a certain student. [...] he would listen, or pretend, you know, that he was understanding, and then take it out on us, because that’s always what he did. He would always be very vindictive if we did anything that made him upset.

This inability to deal safely with disclosures also extended to reporting sexual or romantic relationships between staff and students. The blurred boundaries around such relationships meant that risk assessments were not carried out when relationships were reported.²¹ The necessity for this is underlined by Alice’s account of the institutional response to being told of her relationship with her supervisor:

We have this meeting with the Head of the Department, which is one of the worst meetings in my life. [...] I literally was not allowed to say a word. It was just my supervisor and the Head of the Department talking about what was going to happen with me, and I was just there, in the room.

I remember, my supervisor arranged this meeting and I insisted on being there. The Head of the Department came in and my supervisor said, “Oh me and Alice have decided to be in a relationship.” And the Head of the Department said, “Oh congratulations.” I really think at that point the Head of the Department should have taken me into a separate room and said, “What’s going on?” No one from the department ever insisted or even really tried to talk to me out of earshot of my supervisor. So, the whole thing, it was like, and the only people who were talking at this meeting were him- my supervisor- and my Head of Department. I was sat there, and at one point I tried to speak, and they just ignored me. [...] Even at the time what struck me was that no one was asking me, and I was like, “Hello, hello, hello.”

Alice later tried to find someone in her department with whom she could raise concerns about the relationship, but the people to whom she disclosed always drew on a romantic narrative to make sense of the relationship.

However, most interviewees felt that individuals they disclosed or reported to believed them (with some exceptions). Several were extremely concerned that while they were believed, those they disclosed to either didn’t think the staff member’s behaviour was a problem or had no idea what to do about it. Others described being believed by individuals who they disclosed to, but this did not translate into appropriate action being taken by the institution, as discussed in part two.

21 This is recommended by Westmarland, N., 2017. Independent Review into The University of Sussex’s Response to Domestic Violence. University of Sussex, p.12

1.3 The impacts of staff-student sexual misconduct

There were serious and ongoing academic, health, and emotional impacts that interviewees reported resulting from both the sexual misconduct and the institutional response. It was clear from the interview data that it is not possible to assume the severity of the impacts simply through the behaviours that constituted the misconduct. Instead, sexual misconduct at varying points on a continuum of behaviours could affect people in serious ways. In addition, there were wider impacts of sexual misconduct beyond the person directly experiencing it: on their supporters, and on the wider department, institution, or discipline.

1.3.i Academic consequences

A range of academic consequences resulted for interviewees who were targeted for staff sexual misconduct. These included:

- Loss of access to teaching
- Difficulty in getting references
- Spending time working on complaints rather than publishing/academic work
- Not feeling safe on campus
- Changing dissertation topic, department, research area or sub-discipline
- Dropping out of a degree, PhD, or academic career
- Effects on ability to do their work through being triggered
- Effects on grades and degree results
- Loss of confidence, affecting ability to write, publish, or complete their courses
- Loss of networks, or ability to network
 - This could include damage to reputation following rumours spread as a form of retaliation by the staff member and/or his/her supporters
- Loss of access to spaces that were not safe because of the presence of the staff member
 - This could include work spaces, such as labs
 - This could also include networking spaces, such as conferences or seminars, as well as particular departments or institutions

1.3.ii Health, financial and emotional effects

There were a range of emotional responses to the experience of staff sexual misconduct. Most prominent were fear, anger, and a sense of powerlessness. For some, their anger was primarily directed at the staff member who perpetrated sexual misconduct, but for most, it was at the institutional process, for compounding and prolonging their experience, and failing to act on their disclosure to protect other women. Fear of the staff member who had perpetrated sexual misconduct was also present for some of the interviewees. This was, for some of them, a very rational fear of retaliation or further harm because of threats or actions that s/he had taken in the past (see section 2.1.v). Interviewees also described experiencing panic attacks, self-harm, bulimia, and insomnia as a result of their experiences.

11 out of the 15 interviewees who directly experienced sexual misconduct described mental health problems stemming from the misconduct and/or the institutional response to it. These included depression, anxiety, suicide attempts or feeling suicidal, and post-traumatic stress disorder (PTSD). While impacts such as PTSD are well-documented consequences of sexual violence, for some interviewees the impacts of the sexual misconduct were inextricable from those of the institutional process.

There were also financial impacts of the sexual misconduct and complaints process for many interviewees. These included loss of earnings (for example, being unable to work for a period due to mental health issues following the sexual misconduct, or having to leave the university after the misconduct); legal fees; losing tuition fees and/or living costs after having to drop out of their course; paying for counselling; and paying for travel to go to meetings about the investigation.

Several interviewees gave responses similar to Alice, a PhD student, who describe the effect on her life path in this way:

It's the worst single thing that has ever happened to me and I think of it in terms of before and after that happened, and my life will never be the same. It sounds crazy because it's like, "Well look, he didn't kill you, he didn't rape you, he didn't deliberately- he didn't hold you down. Why is it such an important thing?" I don't know and one of the things that bugs me is that I can't even articulate why it affected me that much, but it did, I know it did, and my life cleaves into before and after. [...] Five years later, and I still think about it every day, every day.

1.3.iii Consequences for the department/institution

There was also evidence within interviews of wide-ranging effects of the staff sexual misconduct on other students and staff across the institution, beyond the individuals who were experiencing sexual misconduct. Interviewees described how bystanders who tried to act and were unable to also reported frustration, cynicism and loss of faith in the institution. While further research is needed to fully understand the effects on an institution of dealing with cases of staff sexual misconduct, there were examples that showed that it could have a wide-ranging impact.

1.3.iv Economic costs to the institution

There was also evidence of the economic costs of staff sexual misconduct to the institution. While institutions were clearly worried about reputational damage (as described by Rachael's institution 'hushing up' her experience), the main economic costs appeared to be in compensation payouts to students; loss of productivity by researchers; student attrition and completion rates; and staff time in working on investigations.

Firstly, three interviewees mentioned compensation payouts by their institution as a result of their experience. One received a fees refund after dropping out of university; a second received a payout after going to the Office for the Independent Adjudicator for Higher Education (see section 2.2.i); a third received a large sum after taking legal action against her university (see section 2.2.ii).

Secondly, postdoctoral researchers described the ways their experience impacted on their ability to work. Ally was a postdoc by the time she made her complaint. She had to have around three months signed off work, and while she was going through the complaints process she only managed to do about five hours' work a week because of the stress. Similarly, Helen described gaps in productivity in her CV that were a direct result of her experience of sexual misconduct.

Thirdly, student completion and attrition rates were linked to staff sexual misconduct. For PhD students, experiencing sexual misconduct and going through the complaints process could affect their ability to complete on time. This could also affect students at other levels; one of the undergraduate students in this study dropped out of her degree due to experiencing sexual misconduct. Finally, the amount of time spent on this work by complainants (see section 2.1.iv) appears to have been at least matched by time spent by HR staff in dealing with complaints, and by academic staff and senior members of the institution carrying out investigations and sitting on disciplinary panels.

Conclusion to part one

This section has described the types of sexual misconduct behaviours that interviewees experienced, as well as the barriers to reporting these and some of the consequences that they experienced. It is difficult to give an overall sense of the impacts of staff sexual misconduct. For many interviewees these included deep-seated changes to their sense of self, their way of relating to other people, and to their identity as a student or an academic. In addition, the experience of dealing with the ongoing abuse or impacts of sexual misconduct, and trying to report this, was for many a drawn-out process. However, even if they did manage to get the institution to act on their report, the institutional process also proved to be extremely difficult, as the next part of this report describes.

Part two: Institutional processes

Part two of this report describes formal investigation processes by institutions as described by interviewees, as well as the systems of redress they drew on if these failed.

2.1 Formal investigation processes

The difficulties described above in trying to report sexual misconduct meant that for six out of the 16 interviewees, the process did not make it to a formal investigation. The other ten interviewees were involved in investigations processes at some point, either instigated by themselves or through joining other women who were making a complaint.

Being involved in an investigation was time-consuming, exhausting, and highly emotionally draining for interviewees. It had severe effects on many interviewees' mental and physical health and on their ability to carry out their academic work during this period if they were still in higher education. The reason that many of them gave for going forward with such a harrowing process was in order to protect other women. Laura described how, in going through the investigation, "I put myself through actual hell in order for this not to happen to other women. When you find out it wasn't effective it just really knocked me." For Fiona, the investigation process was "incredibly protracted for no reason, and stressful, and hard, and emotionally, I mean, emotionally for me almost as bad, if not worse than the original act."

While this process is perhaps inevitably a difficult one, there were various problems with the ways in which investigations were carried out that were highlighted by interviewees.

2.1.i Lack of institutional process

Across all of the interviewees who tried to report to their institution, there was evidence of a lack of processes for dealing with staff sexual misconduct. This lack of process was in part caused by problems in working across HR (who deal with staff) and student services (who deal with students). However, evidence from cases that involved early career staff as well as students showed that there could be wider problems in institutional processes around sexual harassment that are exacerbated when this occurs between a staff member and a student.

Sometimes staff members told students explicitly that they had no idea what to do with reports, as Andrea, a Master's student, described occurring when she reported to her course leader: "He was very much like, "Oh, gosh, no one has ever come to me about anything like this before. Honestly, I've got no idea what you do in this situation."" Even when individual staff wanted to act to address this problem, they were working against what Margaret, a PhD student, called a 'vacuum' within the institution around this issue. She described how:

Everyone's been very sympathetic. People are trying. I think on an individual level people have tried to listen, and have tried to do what they thought was within their power to do, but in terms of the university as an institution, with policies around this, there's nothing, there's a vacuum in which this behaviour has taken place.

This 'vacuum' at the heart of dealing with staff-student sexual misconduct was an important reason why complaints were dealt with inadequately for all of the interviewees, and this is explored further in the policy analysis below. Some of the issues with the investigation process can be traced back to this vacuum, while others appear to be related to lack of expertise or knowledge around sexual harassment and sexual violence.

2.1.ii Poor investigation process

There were a variety of ways in which investigations were not carried out adequately, according to the testimony from interviewees. The evidence from this study has fed into guidelines that have been produced by The 1752 Group with leading law firm McAllister Olivarius.²² As a result, this section will only give a brief overview of instances where complainants felt there was poor process. Not all of these issues occurred in every investigation, but all the investigations described by interviewees included several of the following examples of poor practice:

- **Failure to include evidence/witnesses that a student puts forward**
- **Failure to adequately assess evidence with equal weight and on balance of probability**
- **Lack of expertise among investigators or decision-makers**
- **The process allowed the staff member under investigation to sabotage the process or use it to continue their abuse.** This could take the form of the staff member using delaying tactics to postpone hearings or meetings, or using tribunal hearings to attack the complainant (see section 2.1.iii)
- **Getting the student or complainant themselves to contact other potential witnesses/complainants.** This was used in one case as evidence of collusion by the complainants, which contributed towards the outcome of the investigation being overturned at appeal stage

22 See www.1752group.com

- **Failure to share evidence equally with complainants/witnesses**
- **Failure to inform witnesses/complainants that their evidence would be shared with the staff member under investigation**
- **Confusion as to whether interviewees were witnesses or complainants and lack of clarity around the rights of each**
- **Lack of communication from the institution to the complainant/witness**
- **Lack of support and advocacy from institution to student**
- **Lack of legal support/advice for students/complainants**

The combination of problems experienced led to all interviewees expressing a loss of faith in their institutional processes, as described by Fiona, a PhD student:

I put my faith in the process, and I really regret having done that, because they didn't get it right. They didn't have the requisite training, they didn't have the requisite understanding. They were not capable of making an assessment.

2.1.iii Internal tribunal hearings

Four interviewees were involved in internal tribunal hearings as part of their disciplinary process. A further four interviewees gave evidence to formal investigations but disciplinary processes were completed without them giving evidence to a tribunal.

Where internal tribunals occurred, they included a disciplinary panel made up of senior members of the university, the staff member under investigation and their union representation, and representation from the university's HR and legal teams, as well as a notetaker. This was an intimidating space for interviewees to have evidence relating to traumatic and intimate experiences scrutinised publicly. In addition, while the staff member being investigated had union support, complainants/witnesses did not usually have any support during the tribunal. Tribunals tended to take place over a period of two or three days, and interviewees reported spending up to three hours giving evidence. This was uniformly traumatic for those interviewees who experienced it. Problems with tribunal hearings included:

- **All male or majority male tribunal panels that did not include anyone with relevant expertise**
- **Forcing interviewees to be in a room with their abuser**
 - One instance of good practice was where an interviewee was given the option of giving evidence by video-link
 - A second interviewee, due to mental health problems, was allowed to give her evidence to the panel without the staff member who had sexually harassed her being present. However, she felt she had to fight to be given this option
- **Allowing the staff member to directly ask questions of the complainant/witness**
- **Failing to offer emotional support to witnesses/complainants after the hearing**

Ally, a PhD student, described her experience of a tribunal as follows:

I was beyond terrified. [...] The first question I had was, "Dr X has said that, actually, this sexual intercourse was not consensual, and that he didn't consent. Do you have a comment on that?" So, that was from his rep. So, the first question was, you know, "Did you rape him?" and it went downhill from here, basically. It was around three hours, the questioning. Incredible cross-examination. Like, really antagonistic, really accusing me of lying over and over and over again, just focussing on the tiniest things [...] then time ran out, and before I knew it, I was being told, "Thank you very much for your time. You may go," and I'd not had a chance to do anything but say, "No, I didn't rape him." [...] I mean, to say I didn't have a voice, I was spoken over all the time.

Ally's experience is one example of how the adversarial form of tribunals caused severe distress to complainants/witnesses and could also put off potential complainants from taking forward a complaint.

2.1.iv Length of process and labour of reporting

Many interviewees emphasized the emotional and administrative labour of reporting staff sexual misconduct and going through the investigation process. Disciplinary processes that interviewees were involved with took up to two years, which could follow on from a period of years of experiencing misconduct. A brief investigation did not necessarily mean a successful process; rather, this could mean that the investigation was poorly carried out. Even after the investigation had concluded, the misconduct or retaliation did not necessarily end. As a result, three interviewees had been dealing with ongoing harassment, abuse or assaults and ongoing attempts to get institutions to take action to protect them for seven or eight years.

The amount of administrative labour involved in making a complaint was emphasized by many interviewees. Two undergraduate students who went through the complaints process each described it as like having a part-time or even a full-time job. Another interviewee described the 'strenuous project' of collating 200 pages worth of evidence to accompany their 12-page report. On top of this work of gathering evidence, learning about policies, and writing complaints or statements, interviewees described spending time on many other activities. These activities included compiling support statements for themselves; meeting with lawyers; emailing and meeting with HR, the students union, and others working on the complaint; responding to requests for further information from the university; trying to push forward the process to make something happen; and supporting others with whom they were going through the complaints process.

However, this was not simply tedious administrative work for interviewees. It took a huge amount of emotional energy, as described by Fiona, a PhD student:

I had to go back through emails, I had to [go] back to something which I'd forgotten, and like tried very hard to forget. [...] And this dredged up stuff that was incredibly emotional; I found it really difficult. [...]. And then on top of that, you're not just dredging it up for you, you're dredging it up for public consumption, to people that you don't know, and you don't trust, and who are very senior to you and you have this distant respect for as academics.

Exacerbating such difficulties was the fact that this work was, on the whole, carried out without support, other than from their fellow complainants. Three interviewees described support from their students' union as being invaluable. However, students' union officers – along with everyone else – were described as being often out of their depth on this issue, and postgraduate students were less likely to have contact with their students' union (none reported being supported by UCU).

Six interviewees described dealing with harassment from the institution as part of the process of making a complaint (separate to the tribunal process described above). This group encompasses those who experienced some form of threat, intimidation or victim-blaming as part of the institutional process, such as in the investigation report or as part of the process of trying to make a complaint. These experiences included being subject to intimidation by HR or the investigation team, for example by describing how difficult the process would be for the student and being told that they could ruin the staff member's career. Aditi, a PhD student described such intimidation:

I said I wanted to file a police complaint, but [the university] were like, "If the police complaint comes out then the university will be in trouble, the university's image will go down." [...] They were kind of threatening me at the background, because they were saying, "If you file the complaint then that will make a legal case and that professor is also saying that he can file a police complaint on you."

Aditi did not go to the police, but had to change her PhD topic, change department and change supervisors, effectively starting all over again, in order to get away from the professor who had sexually harassed her.

2.1.v Retaliation by the staff member and their supporters

During and after the investigation process, retaliation by the staff member was a major concern. Five interviewees described retaliation from the staff member and his supporters in response to reporting to the institution. Three further interviewees described being terrified of possible retaliation by the staff member. The most common experience described was the staff member spreading malicious rumours about the interviewee among other staff members or the student's collaborators or colleagues. There were also academic modes of retaliation, such as loss of supervision or authorship, as well as threats to interviewees' physical safety.

The investigation could also be used as part of the process of retaliation or to continue the abuse. Some interviewees used the term 'gaslighting' to describe how the staff member used the investigation to continue their abuse or harassment, by which they meant the staff member would lie to them in order to make them doubt their sense of reality. For Laura, Ally, Helen and Sara, the staff member used the investigation to gaslight them or to spread lies and rumours about them among colleagues and to continue abuse, as Laura, a PhD student, describes:

I feel like the process itself was so manipulated by him, that in a lot of ways he used the process in order to gaslight and in order to continue that manipulation and abuse. I felt like even though the relationship was over I was still being abused by him in ways like the fact that he was gaslighting me, calling me mad and people taking that seriously as kind of like, "We're going to question your mental health now, your sense of reality. We are going to question the fact that he says that these things didn't happen," which was a massive thing during our relationship. [...] I felt like that was just a continuation through this process.

The requirements for confidentiality during investigations (discussed further below) coupled with the length of time that investigations took, created a space for the staff member to spread rumours. Interviewees were told during investigations that they were not allowed to speak to anyone about the process, other than close friends and family for support. However, some interviewees felt that this confidentiality was not respected by the staff member under investigation, and Laura described how the staff member "used our silence in order to create a counter narrative. He exploited that silence. [...] I know that he was successful in that, because I had been approached by some people who said I'd over-exaggerated things". This retaliation in the form of rumours and malicious gossip did not only come from the staff member themselves but could also come from supporters of the staff member.

2.1.vi Outcomes and confidentiality

Out of the nine investigations that interviewees took part in,²³ only one resulted in a member of staff being dismissed from his job. In two cases complaints of sexual harassment were upheld but the staff member remained in post, and in two further cases the staff member resigned during an investigation and obtained a new post abroad (see appendix one for a full overview).

In many cases, even after going through the complaints process, interviewees did not know what the outcome was. Helen had participated in an investigation instigated by another student's complaint but she was not informed of the outcome of the investigation. Even for those to whom the outcome was communicated, such as Gemma, an undergraduate student, this did not provide any solace:

23 Two interviewees were part of the same investigation.

All I received was this email saying, “Appropriate disciplinary action will be taken.” So that’s the end of that. [...] The head of department could have just sat down with [the lecturer] with a coffee and been like, “Mate, don’t do that again. Don’t be an idiot,” [...] I could have spent 10 months of my life stressed to high heaven about this bloody procedure and this stupid man, and it’s literally done nothing.

This was extremely distressing to some interviewees, who had already been severely affected by the experience of harassment and the investigation process. While such levels of confidentiality of outcome are standard practice for disciplinary investigations, a legal challenge by one of the interviewees (see below) overturned the decision to keep the outcome confidential. This was carried out because of the high levels of retaliation being carried out by the staff member, including defaming her to colleagues. In order to protect herself from retaliation she needed to be able to talk about the outcome of the investigation. The legal challenge, which was settled out of court, granted her a confidentiality waiver. This suggests that there is nothing in the law that requires such high levels of confidentiality of outcome. Such questions of confidentiality around outcomes may also affect the ability of staff members who resign during investigations to move onto other jobs with impunity.

2.2 Redress

If the disciplinary process within the institution failed, interviewees struggled to find routes for redress. The two available options, currently, are the Office for the Independent Adjudicator for Higher Education (OIA), or taking legal action against the institution. Both of these were extremely difficult, indeed, almost impossible to access for interviewees.

2.2.i The Office for the Independent Adjudicator for Higher Education (OIA)

The OIA is an independent body set up to review student complaints on a range of issues. In order to investigate a university’s decision, it usually requires an end-of-process letter, provided by the higher education provider on completion of procedures, stating that the provider has finished investigating the complaint (irrespective of the outcome of that investigation).²⁴ The OIA are limited in their remit, with no regulatory powers to punish or fine institutions. However, they can negotiate compensation by the university for the student.

The emotionally draining nature of making a complaint of sexual misconduct, as well as the length of time that internal proceedings took, meant that the OIA was not accessible to most interviewees. The OIA requires an end-of-process letter from the university. However, getting through the internal complaints process could involve up to four rounds of complaints procedures, typically, an informal investigation then two or three rounds of formal investigations, with each one round taking up to a year. For Ally, even after two years of going through the complaints process she had still not received an end-of-process letter, and other interviewees were unable to complete the internal complaints process because of the severe toll it took on their mental and physical health over such a long period of time.

Rachael is the only interviewee who successfully went to the OIA. After two years of going through the complaints process at her university, she had still not exhausted the internal process. She contacted the OIA and had to argue her case very forcefully to get them to take her case on without an end of process letter. Eventually the OIA contacted her university, who then wrapped up what had been a very long, harassing process. However, in order to make her complaint to the OIA Rachael then had to go through her university’s final report on her case, which was 70 pages long. She found this process extremely upsetting and described how “I was crying at every point. I was like, ‘No, that’s wrong, that’s wrong and this is wrong.’” Eventually she was offered £2,000 by the university for ‘inconvenience’, which the OIA negotiated up to £5,000. It was a very difficult decision for Rachael to accept this as the staff member was still in post and she felt that the case had not been taken seriously by her university, but she had no energy left to fight: “I was just broken and so I stopped there.” Even for the most successful case relating to the OIA from this sample, this is far from being justice.

These students’ experiences suggest that the current ombudsman regime is not working for students who experience staff sexual misconduct, and more robust regulation of the sector is needed.

2.2.ii Legal challenges

Several interviewees wanted to take legal action against their universities. Two took low-level options of getting lawyers to write letters to their institution. One of these, and one further interviewee, wanted to sue their university under the Equality Act 2010, and consulted lawyers who told them that they had a case. However, as neither of these interviewees could afford to pay legal fees, their cases did not go ahead.²⁵ As noted above, one further interviewee did sue her university, as her case was strong enough to secure a no-win no-fee arrangement through a legal team willing to take a loss to test reform, as well as the services of a pro-bono barrister. She sued on grounds of discrimination, on sex, and pregnancy, as well as suing the institution for their harassment during the process and was awarded a large figure in “reimbursement of legal fees”, without admission of liability, as well as the confidentiality waiver she and her lawyers had requested.

Overall it can be seen that there is a severe lack of redress for students who are failed by the institution’s own processes. Institutions are effectively being left to self-regulate, with minimal oversight or threat of legal challenge.

24 “Office of the Independent Adjudicator – Completion of Procedures Letter” 2018. <http://www.oiahe.org.uk/providers-and-good-practice/completion-of-procedures-letter.aspx>. Accessed 10 July 2018.

25 Students’ unions do not generally offer legal services.

Part three: Policy analysis

Having outlined institutional responses to staff sexual misconduct, the final part of this report turns to institutional policies in this area. It comprises analysis of 61 policies on conflicts of interest (with a focus on staff-student sexual relationships) and on sexual harassment from a sample of 25 higher education institutions. See appendix two for a full description of methods.

This section focuses solely on formal and publicly available policy documents. These share many similarities across UK universities, suggesting the existence of templates or standard approaches to structure and wording. For this reason, in the analysis below particular attention has been paid to sections within policies that make use of certain descriptive words, clearly outlined procedures, or included detailed descriptions and definitions that marked them out from the others. As the aim of this research is to examine particular elements of selected policies from UK universities, the analysis below is not an exhaustive comparative study of every aspect of every featured policy. It therefore makes no assumptions about the application of the policy documents it analyses and recognises that a well-written and detailed policy document is not necessarily indicative of a good university track record in handling complaints. A policy document can therefore only provide a limited picture of an institution's approach toward staff-to-student sexual misconduct or conflicts of interest.

3.1 Staff/student relationship policies

Conflict of interest policies from the 25 universities were collected and analysed. The focus was on content relating to staff-student relationships, as opposed to staff-staff or student-student. Only policy documents mentioning conflicts of interest specifically in staff-student relationships were included.

a) Does the policy include a duty to disclose personal relationships between staff and students?

Most of the policies stated that personal relationships between a staff member and a student with whom they have any academic, administrative or advisory responsibility should be disclosed to the relevant head of department or manager. Bath went a step further by stating that disciplinary action against the member of staff concerned could be considered as result of failure to disclose such a relationship. The University of Cambridge also included a mandatory duty of staff members to disclose if they are in such a relationship with a student, but only if there is or is due to be a "professional connection." Media coverage from November 2017 stated that Cambridge's policy of mandatory disclosure for relationships that involve a professional connection was a result of a wider strategy undertaken by the university to tackle sexual harassment which, having been planned for a long time, was released in the wake of the Harvey Weinstein scandal.²⁶

Sussex's policy is the most stringent, requiring staff to disclose any relationship with a student at the university, whether or not they are in a position of responsibility over them. Within the sample of policy documents analysed in this study, Sussex emerged as the university with the most stringent policies on staff-to-student relationships. Sussex's policy was updated in October 2017, drawing on advice from The 1752 Group and other external experts. It is also an example of reactive rather than proactive policymaking, following national coverage of a lecturer at the university being convicted of domestic violence offences against a student.²⁷ While this policy is a good example of a more robust approach to staff-student relationships, it does not implement all the recommendations made by Nicole Westmarland in her review of this case, such as that relationships where one person is in a relative position of power 'should undergo additional and ongoing checks'.²⁸

b) Does the policy refer to any wider ethical or professional frameworks?

Leicester University states in their staff/student relationship policy that all staff should adhere to the *Seven Principles of Public Life* containing the responsibilities of a holder of public office (see appendix for details). The seven principles are also applicable to public office holders in the health, education, social and care services, and the second of these principles – Integrity – states that staff must disclose and resolve any interests and relationships. No mention of other ethical or professional frameworks was found in any of the policies, highlighting the lack of shared professional standards across the HE sector.

c) Does the definition of 'personal relationship' include relationships conducted using electronic communication?

Cambridge, South Wales and Sussex all included remote or electronic communications within their definition of 'personal' or 'intimate' relationships:

'Personal relationship' means any association, however brief, of a sexual or other intimate nature, either in person or remotely (for example, via social media, email or text messaging) [Cambridge – policy updated in Oct 2017]

26 Mendick, R. 21st October 2017. 'Cambridge dons must register any sexual relations with students' in Telegraph online: <http://www.telegraph.co.uk/news/2017/10/21/cambridge-university-launches-staff-sex-liaisons-register/> [accessed 23 July 2018]

27 Pells, R., 10th August 2016. Sussex University stuck by senior lecturer who beat up student girlfriend. The Independent. <http://www.independent.co.uk/news/uk/home-news/sussex-university-lecturer-student-girlfriend-criminal-conviction-beat-up-assault-lee-salter-a7183391.html> [accessed 17.12.17]

28 Westmarland, N., 2017. Independent Review into The University of Sussex's Response to Domestic Violence. University of Sussex. <https://www.sussex.ac.uk/webteam/gateway/file.php?name=westmarland-review.pdf&site=303> [accessed 23 July 2018]

It will also apply in the context of relationships conducted via telephone or through electronic means e.g. email/social media as well as face to face [South Wales – policy updated in May 2016]

Intimate relationships include all sexual or romantic contact, whether in person and/or online or via means of other electronic communication, one-off or longer-term [Sussex – policy update in Oct 2017]

It is notable that all three of these policies had recently been updated, indicating that electronic communication is increasingly being considered when assessing the appropriateness of staff conduct.

d) Does the policy include an explanation of what is meant by ‘consent’?

While most policies made reference to consent or consensual behaviour in some form, two policies included specific definitions of consent. LSE’s included a definition of consent as “permission for something to happen or agreement to do something with a full understanding of the facts and without coercion” and also included a definition of exploited consent as:

consent that is secured only due to the occupancy of respective positions within an unequal relationship whose scope excludes such intimacy e.g. teacher and student [LSE – policy updated in Dec 2017]

Again, it is significant that LSE’s policy had been very recently updated, indicating a move towards reconsidering previously taken-for-granted notions of what consent means within unequal power relationships.

South Wales University’s policy stood out as the only one within the sample to question the validity of consent within an unequal power relationship:

The University does not presume that consensual emotional or sexual relationships between staff and students are relationships between equals. This is because you are in a position of authority over students; for example, academic staff assess work, award grades, set examination papers, write references and grant/deny extensions for submission of work, sit on examination boards etc. The power gap can be increased by an academic employee’s greater academic knowledge, experience of the University and status within it [South Wales University – policy updated in May 2016]

e) How are staff-to-student relationships described within the policy?

The policies were searched for instances of specific words or terms to describe negative qualities or outcomes of staff-to-student relationships. The aim was to look at the choice of language in an effort to identify policies that went beyond the usual formal wording and offered students a language that could potentially help them to articulate the nature of the misconduct they had experienced.

Sussex, Plymouth and Manchester’s policies all contained the term “abuse of power”. Just one university – Keele – used the term “abuse of trust” and Sussex was the only university to include the word “predatory” to describe the possible nature of a relationship between a member of staff and a student. When describing how a staff-to-student relationship might function, Kings, LSE and Sussex all featured the word “exploitation”.

f) Does the policy advise staff against becoming involved in personal relationships with students with whom a staff member has a professional relationship?

Sussex, Portsmouth, Oxford, LSE, Leicester, Kings, Keele, Guildhall, Goldsmiths, Belfast and Bath all advise against such relationships, using terms including ‘Discourage’, ‘Strongly discourage’, or ‘Strongly advise not to.’

g) Does the policy explicitly prohibit staff from becoming involved in a close personal relationship with a student?

Roehampton’s was the only policy to use the word ‘prohibit’, instead of merely advising or discouraging staff from entering into personal relationships with students with whom they have a professional relationship. Roehampton defines a professional relationship as “one where there is an assessing, supervising, tutoring, teaching or pastoral role or a role providing administrative or technical support.”

h) Does the policy rely on “the integrity of both parties”?

Some university policies take a different approach to relationships between members of staff and students with whom they have a professional relationship. Policy documents from Salford, Wadham College Oxford, Manchester and Plymouth universities stated that they were not necessarily aiming to prevent such relationships from occurring. The following policy excerpts all show variations on the same statement contained within different policies:

The University does not set out to prevent relationships that go beyond what would normally considered as being friendships between staff and students and it relies upon the integrity of both parties to ensure that abuses of power do not occur. [Salford University. Consensual Relationships Policy]

The College does not wish to prevent, or even necessarily be aware of, liaisons between staff and students and it relies upon the integrity of both parties to ensure that abuses of power do not occur. [Wadham College, Oxford. Conflicts of Interest Policy]

The University does not wish to prevent liaisons between staff and students and it relies upon the integrity of both parties to ensure that abuses of power do not occur. [Manchester University. Consensual Relationships Policy]

The University does not wish to prevent, or even necessarily to be aware of, liaisons between staff and students and it relies upon the integrity of both parties to ensure that abuses of power do not occur. [Plymouth University. Consensual Relationships Code]

The wording suggests relying not only on staff members but also on students to avoid abuses of power. It suggests that the personal integrity of the student should be deployed in an effort to avoid suffering an abuse of power perpetrated by a staff member. It also suggests that the university does not necessarily want to even be aware of 'liaisons' between staff and students. This contrasts starkly with other university policies that request to be informed of any such relationships.

3.2. Sexual harassment policies

Relevant policy documents from the 25 universities were collected and analysed, with a focus on the sections related to staff-to-student sexual harassment (not student-to-student sexual harassment, or any other forms of harassment such as racial harassment, homophobic harassment or bullying). These sections were often contained within larger documents with titles such as Dignity and Respect at Work Policy or Harassment and Bullying at Work policy.

a) What definition of harassment does the policy use?

Several universities used the 2010 Equality Act definition of harassment in their policies, defining harassment as "unwanted conduct related to a relevant protected characteristic, which has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual." These included Edinburgh, Greenwich, Keele, Nottingham Trent and Plymouth.

Bath included a sentence encouraging its staff or students to pursue a complaint regardless of any doubts as to the exact definition:

Any difficulty in defining what constitutes harassment or bullying should not deter staff or students from complaining of behaviour which causes them distress. [University of Bath. Dignity and Respect for Students and Staff document]

University of Oxford and Guildhall School of Music and Drama included the same sentence stating, "The recipient does not need to have explicitly stated that the behaviour was unwanted."

b) Does the policy outline the procedure that will be followed when handling disclosures of sexual harassment?

There was considerable variation in the amount of procedural information provided in university policies. The universities of Salford, Portsmouth, Plymouth, Manchester, Oxford, and Kings College London all mention the existence of Harassment Advisors as a first point of call for students. Several universities including Oxford, Salford, Roehampton and Portsmouth include detailed descriptions of the complaints process, outlining the order of the steps that would be taken. In contrast, Queens University Belfast says that disclosure of sexual misconduct would be dealt with on a "case by case basis."

c) Does the policy include an option for making anonymous reports of sexual harassment?

Leicester, Cambridge and LSE all included information on submitting anonymous reports for students who might not want to be named. Cambridge's policy says that information submitted anonymously can only be used for monitoring purposes as "The University cannot offer direct advice or investigate a matter reported through the anonymous reporting tool." (University of Cambridge. Dignity at Work policy).

d) Does the policy mention 'Zero Tolerance?' and provide a definition?

Only Keele, Portsmouth and Goldsmiths mention the term Zero Tolerance in their policies, and only Goldsmiths' included a definition: "The zero-tolerance approach means that Goldsmiths treats all allegations of discrimination, bullying or harassment seriously and will not ignore any instance that it becomes aware of."

e) Does the policy mention access to legal representation for students?

Only Cambridge's policy mentioned that students might be able to access some form of legal representation: "for university procedures, members of the law faculty have volunteered to provide legal representation to students for free, where it is required." No mention of access to free legal representation was found in any of the other policies. It should however be noted that legal costs are not being met by Cambridge; the availability of legal representation is entirely dependent on volunteers.

f) Does the policy mention historic cases of harassment?

Only one mention of historic cases was found. University of Greenwich's policy stated that:

Investigations will not normally include historic issues which were not raised at the appropriate time, i.e. within three months of the occurrence, or matters which were previously investigated. However, where the behaviour complained about is part of a pattern, older incidents may be investigated to the extent where it is reasonable and practical to do so.

3.2 Conclusion

Considered in light of the findings from the interviews in parts one and two of this report, the policy analysis shows that most institutions have an awareness that staff sexual misconduct is an issue they should be addressing. However, even on paper, there are serious causes for concern that can be identified from the sample of policies shown. First, the lack of information given about procedures in many policies suggests that institutions themselves may not have such procedures in place. Secondly, the lack of provision for alumni complaints against current members of staff suggests that HE institutions are not prioritising safeguarding of students by making sure that alumni pass on information that institutions need to know. Thirdly, while it is encouraging that a few universities mention the problems with sexual consent within a relationship of unequal power, most policies do not discuss this. Finally, and most worryingly, several institutions state that they "rel[y] upon the integrity of both parties to ensure that abuses of

power do not occur.” The student, who is in the position of holding less power, is therefore somehow obliged to ensure that the staff member does not exploit their position of power against them. Institutions with this statement in their policies must amend these urgently.

However, a policy document provides at best a limited and partial picture of an institution’s approach towards complaints of staff sexual misconduct or relationship conflicts of interest. The findings from parts one and two of the lack of institutional preparedness in relation to reporting and investigating staff sexual misconduct suggests that these policies, even when they are detailed, sophisticated and nuanced, are not leading to robust action by the institution. The next and final section details recommendations both from interviewees as well as from The 1752 Group in addressing institutions’ failure to deal adequately with staff sexual misconduct.

Recommendations

Interviewees' recommendations for change

Interviewees were asked what they thought needs to change. Their most commonly mentioned recommendations for change were:

- **The sector and individual institutions need to admit there is a problem.** This should include more awareness-raising, openness, and communication within institutions about this issue
- **Training for staff members.** In particular, student-facing staff need to know where to signpost people and need to be clear what the professional boundaries between staff and students are within their institution. Some interviewees also mentioned training for students so they know what behaviours are acceptable from staff members
- **Support for complainants** including specialist counselling; academic support to replace lost teaching; independent advocacy to support students through complaints process; and more support for mental health problems and welfare generally
- **Clearer mechanisms for raising initial concerns.** This should include somewhere to discuss low-level concerns informally; staff knowing where to signpost students after disclosures; proactive responses to disclosures; and more proactive oversight of postgraduate supervision relationships, for example through regular monitoring
- **Clearer guidance on staff-student relationships,** which is easily available to students, and which includes meetings with the student separately to the staff member when a relationship is reported
- **Dismissing serial perpetrators.** Interviewees were highly frustrated and bewildered at how unusual it was for serial perpetrators to lose their jobs. To them this indicated a lack of commitment to tackling this issue

For several of the international students, in particular, the lack of independent regulation of the sector was a major concern. Sara, an undergraduate student, noted:

The UK has a responsibility to students within and from all over the world who some universities (like mine) aggressively recruit with false promises of quality and student satisfaction. International students like me come here spending a lot of money, completely unaware of such problems. I think taking more severe action is reasonable enough to protect students as well as the UK's reputation for quality education and student experience.

Interviewees' recommendations for policies

The majority of interviewees thought that their institution's policies in this area were inadequate. Their recommendations included:

- More clarity in policy on handling formal complaints
- Making sure staff understand how the policy works before it is used in practice
- Having a sexual harassment policy that is separate from the generic bullying and harassment policy
- Having staff-student relationships policies
- Having a policy for handling staff-student complaints, rather than 'making it up as they go along'
- Making sure policies are easily available, including for disabled students
- Including examples of sexual harassment in policies

The 1752 Group recommended priorities for institutions and the sector

Recommendations for policies

Sexual harassment policies:

- Include a statement encouraging staff or students to report any behaviour that has caused them distress, regardless of doubts about whether it meets an exact definition of sexual harassment
- Include a breakdown of all the processes that will be adhered to following any report or complaint of sexual harassment
- State clearly the conditions under which anonymity or confidentiality can be offered to individuals complaining or reporting sexual harassment
- Instigate a zero tolerance policy for sexual harassment, and define this clearly in the document
- Include a commitment to investigating complaints by alumni in relation to current members of staff, and do not enforce a strict time limit for disclosures or complaints of sexual harassment
- Include an option for anonymous reporting for students who do not wish to pursue a named complaint of sexual harassment and link this to an investigation procedure

Staff-student relationship policies/conflict of interest policies:

- Include a mandatory requirement for staff to disclose any personal relationships with students irrespective of whether they have a professional responsibility for that student. Make it clear that a failure to do so will result in disciplinary action
- Include electronic communication of a personal nature (email, text message, etc.) within the definition of personal relationships, to reflect changes in the way staff and students communicate
- When referring to consent and consensual relationships in policies, include a definition of consent and acknowledge the concepts of coercion and exploited consent
- Acknowledge the unequal power dynamics inherent in any relationship between a staff member and a student for whom they have a professional responsibility
- Set up separate points of contact for the staff member and the student if a personal relationship is declared, and implement regular monitoring to protect both students and staff
- Remove any statements indicating a reliance on “the integrity of both parties”. Students should not be made responsible for the prevention of abuses of power against themselves
- Remove any statements indicating that the university might prefer not to know about relationships between staff and students, and amend statements to reflect institutions’ safeguarding responsibilities

General policy recommendations:

- Ensure that all relevant policy documents are clearly labelled and easy to locate on university websites
- Include overview of relevant policies in induction processes for new students
- Regularly review all relevant policies and include the latest review date in the document

Recommendations for practices:

1. Higher education institutions should explicitly include sexual misconduct and all forms of bullying and harassment within the definition of research misconduct²⁹
2. Higher education institutions should urgently improve their internal investigations processes, following guidelines developed by The 1752 Group and McAllister Olivarius³⁰
3. Grooming should be recognised as a form of sexual misconduct within staff-student interactions. Grooming behaviours have the potential to isolate a student and incrementally test their boundaries ways that protect the perpetrator from accusations of harassment. Institutions must take the initial grooming stages of behaviour seriously as they can lead to extremely serious

29 Chapman, E., 2018. Research Integrity and Sexual Misconduct: A shared solution. The 1752 Group <https://1752group.com/research-integrity-and-sexual-misconduct-a-shared-solution/>

See also McPhaden, M.J., Gundersen, L., Williams, B.M., 2018. AGU Revises Its Integrity and Ethics Policy. Eos: Earth & Space Science News. <https://eos.org/agu-news/agu-revises-its-integrity-and-ethics-policy>

30 Available at www.1752group.com

harassment and abuse, while making the student feel complicit for not having made a complaint sooner. Grooming behaviours must also be seen as serious in their own right; while some experiences may be seen as more extreme than others, it is crucial not to assume that apparently 'low-level' behavior does not have a serious impact on students, or indeed cannot lead to the most extreme behaviour. In order to address issues of grooming, the following actions are required:

- a. Institutions should implement mechanisms for perceived low-level concerns to be raised by staff and students
 - b. In consultation with students and staff, professional boundaries relating to staff-student interactions should be clarified to minimise the risk of sanctioned behaviours being used in a grooming process, and to empower victims to come forward and be taken seriously at an earlier stage. For example, discussions are needed on the suitability of staff members contacting students through social media; the suitability of staff members asking questions or commenting on a student's personal life; and the suitability of off-campus locations for meetings
 - c. Institutions need to make it clear that all sexualised conduct, including asking students on a date, is not acceptable within the teaching and learning relationship. Prohibiting staff-student relationships may be a clear way towards signaling this. However, if institutions do prohibit staff-student relationships, such a policy is not adequate on its own, and should be introduced alongside other reforms, as above
4. Informal resolutions to complaints of sexual misconduct must be clearly signposted as such, alongside formal reporting options
 - a. Informal resolution should only be pursued with the permission of all complainants
 - b. Mediation or informal approaches are unlikely to be appropriate for cases of staff sexual misconduct
 - c. Settlements of ongoing complaints must only be made with the permission of all witnesses and complainants, to avoid damaging resolutions with no findings of fact
 5. Mandatory training for all students and staff members in recognising different forms of sexual misconduct and learning how to raise concerns
 - a. This needs to occur alongside wider work on recognising and addressing toxic or unhealthy institutional cultures, where they occur
 6. Support and advocacy should be available within and outside of the institution for students and staff who report staff sexual misconduct
 7. The OIA is not currently offering sufficient regulation to ensure that HE institutions deal adequately with staff sexual misconduct
 - a. The OIA should be able to enforce time limits for the total period within which an HE institution must address a complaint, from the date of first disclosure. For example, the first round of formal complaints processes should be addressed within six months, and the full complaints process including appeal should not take longer than a year. After this time students should be allowed to proceed to the OIA, regardless of whether they have an end-of-process letter
 - b. The Office for Students should be able to sanction universities who do not adequately deal with reports of staff sexual misconduct
 - c. The Office for Students and/or students' unions should provide a legal fund for students to access independent legal advice

Appendix one: overview of interviewees

Pseudonym	Level of study/work at time of misconduct	Subject area	Student status	Professional relationship to staff member	Did an investigation take place?	Outcome of investigation	Was the staff member still in post at time of interview?
Aditi	PhD	STEM	International	PhD supervisors	Yes	Complaint not upheld	Yes
Alice	PhD	HSS	British	PhD supervisor	No	n/a	Yes
Fiona	PhD	STEM	British	Staff member in her department	Yes	Unknown	Yes
Andrea	Masters	HSS	British	Lecturer	No	n/a	Yes
Beatrice	Undergraduate	HSS	International	Lecturer	No; attempted to report to police only	n/a	Yes
Carla	PhD	STEM	International	PhD supervisor	Yes	Complaint partially upheld	Resigned during investigation, in post abroad
Cathryn ³¹	Early career	STEM	British	Staff member in her department	No	n/a	Yes
Ally	PhD	STEM	British	PhD supervisor	Yes	Unknown	Yes
Esther	Masters	HSS	British	Dissertation supervisor	No	n/a	Yes
Gemma	Undergraduate	HSS	British	Lecturer	Yes	Complaint upheld	Yes
Helen	PhD	STEM	British	Staff member in her department	Yes	n/a	Resigned during investigation, in post abroad
Laura	Masters/PhD	HSS	British	Staff member at different university	Yes	Unknown – appears to have been fired	No – dismissed after investigation
Margaret ³²	PhD	HSS	International	Staff member in her department	Yes	Investigation ongoing	Yes
Maria	Masters	HSS	International	Lecturer	No	n/a	Yes
Rachael	Undergraduate	HSS	British	Lecturer	Yes	Complaint upheld	Yes
Sara	Undergraduate	STEM	International	Lecturer	Yes	Complaint not upheld	Yes

31 Reported on behalf of herself as well as PhD students in her department

32 Third party report in relation to the experience of undergraduate and postgraduate students in her department

Appendix two: methods

Interviews

Interviewees were recruited via two methods: by emailing respondents to the National Union of Students survey who had indicated that they were willing to participate in further research (n=11), and by contacting students who had previously got in touch with The 1752 Group for advice or support (n=5). Given the difficulties of recruiting interviewees to talk about their experience of staff sexual misconduct, it was not possible to make this sample representative. For example, the sample does not include any British students from Black or ethnic minority backgrounds. This is important because previous research³³ has demonstrated that students from marginalised groups are more likely to experience staff sexual misconduct, and/or likely to report greater harm when this does occur. This report should therefore be read as describing the experiences of some students in ways that points out issues with current institutional mechanisms for dealing with staff sexual misconduct but should not be generalized to cover the experience of all students.

Five interviewees were international students, of whom two were women of colour, two were white European, and one was mixed race European. Two of the British students mentioned in interview were the first in their family to go to university. Four disclosed pre-existing mental health conditions and three disclosed other disabilities during the interview. Interviewees all presented as cis-gendered women, therefore the pronouns she/her have been used throughout. It is likely that as the interviewer (Anna Bull) is a white, cis-gendered female, then those who shared this identity were more likely to feel comfortable to participate in interviews, and further research should be carried out by researchers with different gender and racialised identities.

Ethical approval was obtained from the University of Portsmouth's Humanities and Social Sciences ethics committee for this research. Institutions or specific disciplines are not identified in the report in order to protect interviewees' anonymity. Indeed, for many interviewees there were risks involved in speaking about their experiences, and for most it was distressing to speak about. The authors are therefore hugely grateful to interviewees for their decision to take part in this research.

Interviews were carried out in a location of the interviewee's choice, and focused on interviewees' experiences of reporting to their institution (if they did so) and the effects and impacts of staff sexual misconduct, however, all interviewees also described to some extent the experience of staff sexual misconduct itself. Interviewees were sent the transcripts of their interviews to check over and make any changes they wished to do so. Interviews were analysed thematically using Nvivo software, and narrative summaries were also made of each interview to retain an overview of each account.

Policy analysis

This report is based on an analysis of 61 policy documents obtained from the websites of UK universities. A total of 25 universities were selected and the contents of their staff-to-student Sexual Harassment and Conflict of Interest Policies were studied, or where these were not available, policies containing this information were analysed. Further web-based research was also undertaken to identify any incidents that may have influenced the creation or recent revision of the policy documents. The process consisted of the following steps: a. selecting inclusion criteria for the documents; b. searching for documents and collating them in Evernote; c. deciding on the analysis criteria; d. coding the policy documents; e. analysing the findings. The research was conducted between December 2017 and March 2018 and refers only to the policy documents that were available to download at that time. Most policy documents were available to download from university websites as PDF or Word documents. In the few cases where downloads were unavailable, the relevant text was cut from webpages.

1.3 Universities included in the analysis:

1. Aberystwyth University
2. Bangor University
3. University of Bath
4. Queens University Belfast
5. University of Cambridge
6. Durham University
7. University of Edinburgh
8. Goldsmiths University of London
9. University of Greenwich
10. Guildhall School of Music & Drama
11. Keele University
12. Kings College London
13. University of Leicester
14. London School of Economics
15. University of Manchester
16. Nottingham Trent University
17. University of Oxford
18. University of Plymouth
19. University of Portsmouth
20. University of Roehampton
21. University of Salford
22. University of South Wales
23. University of Sussex
24. Wadham College, Oxford
25. Wolfson College, Oxford

33 See for example: Power in the academy; Cantor, David, Bonnie Fisher, Susan Chibnall, Reanne Townsend, Hynshik Lee, Carol Bruce, and Gail Thomas. 2015. "Report on the AAU Campus Climate Survey on Sexual Assault and Sexual Misconduct." Association of American Universities https://www.aau.edu/uploadedFiles/AAU_Publications/AAU_Reports/Sexual_Assault_Campus_Survey/AAU_Campus_Climate_Survey_12_14_15.pdf; Ohio University Presidential Advisory Committee for Sexual Misconduct. 2016. "Social Experiences and Safety Survey Report." Ohio University. <https://www.ohio.edu/president/initiatives/sexual-misconduct.cfm>.

Appendix three: The Nolan Principles of Public Life

1. Selflessness

Holders of public office should act solely in terms of the public interest.

2. Integrity

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.

3. Objectivity

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

4. Accountability

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

5. Openness

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

6. Honesty

Holders of public office should be truthful.

7. Leadership

Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

(source: <https://www.gov.uk/government/publications/the-7-principles-of-public-life> accessed March 2018)



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