

# GENDER-BASED VIOLENCE IN UNIVERSITIES AND RESEARCH ORGANISATIONS

## NATIONAL FIELDWORK REPORT

**Country:** United Kingdom

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**Date:** 29/06/2021

### 1. INTRODUCTION

There have been no prevalence studies on GBV and related forms of violence conducted in universities and research organisations in the UK. Instead, evidence has been developed predominately by researchers, student unions, campaign organisations and by media outlets and freelance journalists in documenting individual and multiple cases of GBV and failures in institutional responses. There is no current legislation focused on GBV for the HE sector, and a voluntary approach is in place for institutions to implement guidance in the form of policies and recommendations for change. The surveys and media attention have resulted in arguably a marked shift in attitudes regarding the existence of GBV since 2010 in terms of highlighting its awareness, and focusing on institutional accountability; indeed the purpose of the National Union of Students (NUS) campaigns and surveys listed in the bibliography was to provide evidence in the face of denial by or at the least indifference of government and university administrators.

A significant step was registered in 2015 with the establishment by Universities UK (UUK) of a taskforce to seek evidence and practice on violence against women, harassment and hate crime affecting university students. The resulting report, “Changing the Culture,” summarises evidence and makes recommendations, and the UUK Pinsent Mason “Guidance for Higher Educations: How To Handle Alleged Student Misconduct Which May Also Constitute A Criminal Offence (see bibliography).” These are two key documents that should be used by universities, and sum up the current situation in the UK, where non-regulatory guidance and advice is provided to universities and research organisations.

University responses to public cases reaching the media have involved conducting ‘independent’ external reviews ([University of Sussex](#) (2016); [University of Warwick](#) (2019); [Strathclyde University](#) (2020) [Heriot-Watt University](#) (2020)). The findings are non-binding, and the external reviewers may not have expertise in the area of GBV, including sexual violence. There is no external mechanism for regulating or overseeing such reviews, or ensuring recommendations accepted by institutions are implemented.

After an open consultation, in 2021, the Office for Students (OfS), the regulator for HE in England, published a '[Statement of Expectations](#)', designed to provide a “set of consistent recommendations to support higher education providers in England to develop and implement effective systems, policies and processes to prevent and respond to incidents of harassment and sexual misconduct.” Again, this is not monitored or a requirement of registration. However, it is important to note that the OfS cannot intervene or provide resolution or redress on individual student cases and complaints, which must be dealt with through universities internal complaints and disciplinary procedures. The Office for the Independent Adjudicator (OIA) is the body



responsible for reviewing student complaints about Higher Education providers in England and Wales. Again, in line with the absence of regulation in the UK on GBV, the statement of expectations does not constitute a regulatory requirement imposed through a condition of registration. The OfS states it will not seek to use its enforcement powers in relation to the statement.

In Scotland, the Violence against women and girls (VAWG) policy involves implementing “Equally Safe: Scotland’s strategy for preventing and eradicating violence against women and girls.” As part of this, the Equally Safe in Colleges and Universities Working Group was established in December 2017 (currently paused due to COVID-19). The Scottish government established a two-year partnership project with the University of Strathclyde in 2016. This funded initiative included the development of a [toolkit](#) for Scottish higher education institutions focused on female university students.

In Wales, in November 2020 the Higher Education Funding Council for Wales (HEFCW) published its guidance, “[Tackling violence against women, domestic abuse and sexual violence in HE.](#)” The document outlines how institutions can contribute to pursue the purpose of the Violence Against Women, Domestic Abuse and Sexual Violence (Wales) Act 2015. The guidance defines violence against women, domestic violence and abuse, and controlling and coercive behaviours. It documents key actions to tackle violence against women, domestic abuse and sexual violence in HE as well as case studies from universities. It suggests the HE providers consider the Welsh Government’s National Strategy on VAWDASV and its six objectives as a means to shape priorities and deliverables.

The UK Parliament published “[Sexual harassment of women and girls in public places,](#)” (2018) which specifically addressed women’s safety at university and who and what organisations are responsible. It states that universities are autonomous organisations in the UK, and while a number of individual institutions are taking a range of actions, including developing training and support for staff who receive complaints and new policies on sexual harassment, the current voluntary approach has not worked well, and there is a great deal of variation in the approach institutions take to students’ welfare. There is tension with respect to the regulatory role of the Office for Students (OfS). The OfS perceives legal duties reside with the Equality and Human Rights Commission and Parliament perceives the OfS to be a public body with obligations under the Public Sector Equality Duty as well as the Human Rights Act 1998, and that taking action on the safety and equality of women students should be a priority. The UK Government published its response, “[Sexual harassment of women and girls in public places: Government response to the Committee’s Sixth Report of Session 2017–19,](#)” which makes 20 recommendations in relation to the 2018 report. Recommendation 20 specifically addresses women and girls’ safety at university, and explicitly proposes tying funding to the prevention of sexual harassment:

The Government should put in place legal obligations that mirror provisions in the US to link state funding with a requirement to prohibit sex discrimination and sexual harassment, and to collect and publish data on the effectiveness of institutional policies. This could be done by introducing Regulations under s.153 of the Equality Act 2010.

UK Research and Innovation (UKRI) produced “[Bullying and Harassment in Research and Innovation Environments: An evidence review,](#)” which provides a comprehensive overview of



the UK and universities and research sector. The review is part of UKRI's long-term equality, diversity and inclusion (EDI) strategy to inform the organisation's approach to bullying and harassment in the research and innovation sector. In November 2020, UKRI established the [Forum for Tackling Bullying and Harassment in Research and Innovation](#).

Much work in the sector is being done by voluntary and union organisations and academics and activists campaigning and conducting research. This includes organisations such as the Everyone's Invited website, Culture Shift, Emily's Test, The 1752 Group, Revolt Sexual Assault, Reclaim the Campus, End Violence Against Women, Rape Crisis, as well as national unions National Union of Students and the University and College Union.

For example, recently Reclaim the Campus, a campaign group, published a [report](#) in June 2021 examining policies on sexual harassment in 40 UK universities. Key findings from this sample indicate significant work to be done in prioritising GBV in policy and prevention: Only 13 of the universities researched had a specific policy on sexual misconduct; 16 others mentioned it under other sections of policy like Bullying and Harassment or general Student Conduct; 14 of the universities researched had a policy on sanctions that perpetrators will face; 6 of the universities had no specific route to anonymously report sexual misconduct, and 6 of the universities had compulsory consent classes.

## 2. MAPPING OF POLICIES AND LEGAL FRAMEWORKS

There is no specific legislation focused on the higher education sector. Instead, there are two pieces of legislation in the UK where universities have obligations: The Equality Act 2010 and the Human Rights Act 1998. The UK Equality Act 2010 protects people with protected characteristics from discrimination in the workplace and in wider society. Currently, people may only bring discrimination claims relating to one protected characteristic. The Human Rights Act 1998 sets out the fundamental rights and freedoms that everyone in the UK is entitled to. It incorporates the rights set out in the European Convention on Human Rights (ECHR) into domestic British law. Recently, both acts are now [being used](#) to bring cases for individuals whose cases have been mishandled by universities.

As noted in the parliamentary briefing paper on "[Sexual Harassment in Education](#)" (2021) further education and HE institutions also have a well-established common law duty of care towards their students. As well as the Equality Act 2010, the Public Sector Equality Duty (PSED) in Wales (2011) aims to eliminate unlawful discrimination, harassment and victimisation; advance equality of opportunity between people; and foster good relations between people. The Parliament report on sexual harassment of women and girls in public places (2018) makes clear that whilst universities are public bodies with clear legal duties under the Equality Act 2010 and the Human Rights Act 1998 to ensure that women are free from sexual harassment, the central government has not placed specific legal obligations on them to deal with sexual harassment.

The Office for the Independent Adjudicator (OIA) "[Good Practice Framework: Disciplinary procedures](#)" sets out the overriding principles that should apply to higher education providers' disciplinary processes. Procedures should be accessible, clear, proportionate, fair, independent, timely, appropriately confidential and should improve the student experience. The focus of that section of the Good Practice Framework is on how providers should manage their disciplinary



procedures rather than on how they should support and communicate with students who make a complaint about sexual misconduct or harassment. The OIA published a [briefing note](#) in 2018 on complaints involving sexual misconduct and harassment. The OIA will receive complaints from students about how the provider has handled a complaint about another student or staff member, and not about the misconduct itself.

### **The main actors/stakeholders**

**Universities UK (UUK)** is a membership and advocacy organisation comprising vice-chancellors and principals of universities in the United Kingdom. It produces non-binding, non-regulatory guidance for the sector. UUK has no enforcement or monitoring role.

**Office for Students (OfS)** is the independent regulator of higher education in England. It defines its work in harassment and misconduct as covering three areas:

- 1) Provide a consistent set of standards to support universities and colleges to develop and implement effective systems, policies and processes to prevent and respond to incidents of harassment and sexual misconduct.
- 2) Working with a range of partners to develop and share sector-wide effective practice, guidance and resources.
- 3) Providing funding for higher education providers to develop practical and innovative approaches and solutions.

The OfS states it does not have legal powers to investigate complaints from individual students (see above for tension regarding its legal obligations). Students can submit a notification to the OfS if they feel that a university or college is not meeting the requirements set out in the OfS registration conditions.

**Office for the Independent Adjudicator (OIA)** is an independent body set up to review student complaints on a range of issues, including complaints about staff members. The OIA will not review a complaint unless the higher education provider has had the opportunity to look at it first. This means that normally the student needs to have completed the provider's internal processes before complaining to the OIA, and the provider will have given them a Completion of Procedures Letter. However, the briefing note states that students can go to the OIA without a Completion of Procedures Letter if the complaints process at their institution is not progressing. The OIA will only review whether an institution has followed its own complaints process; it will not review evidence or investigate a misconduct complaint.

The equivalent in Scotland is the **Scottish Public Services Ombudsman (SPSO)** is the final stage for complaints about public service organisations in Scotland. It has developed a Model Complaints Handling Procedures (MCHPs) for each public service sector, including Higher Education.

The **Northern Ireland Public Services Ombudsman** provides examinations of complaints about public services. The Northern Ireland **Equality Commission** can provide assistance to people who feel they have been discriminated against.

**The Equality and Human Rights Commission (EHRC)** is a statutory non-departmental public body that independently operates as Great Britain's national equality body. Established as part of the Equality Act 2010, the EHRC has specific powers to challenge discrimination,



promote equality, protect human rights and act against those who abuse the rights of others. The EHRC has produced non-statutory [technical guidance](#) for further higher education in England, Scotland and Wales that explains the requirements of the Equality Act 2010 on further and higher education institution not to discriminate against, harass or victimise prospective students, students at the institution, disabled people who are not students at the institution but who hold or have applied for qualifications conferred by the institution, and in some limited circumstances former students. It is the ‘responsible body’ of a further or higher education institution that is liable for any breaches of the Equality Act. The ‘responsible body’ is liable for the actions of its employees and agents of the institution unless it can show that it took ‘all reasonable steps’ to prevent the discrimination, harassment or victimisation from taking place.

Law firm McAllister Olivarius has [pointed out](#) that unlike the US and Title IX, under the Equality Act there is ‘vicarious liability,’ where employers are liable for the actions of employees, whether the act was completed with or without the employer's knowledge. This means UK students do not have to prove that their university or college knew of the harassment and failed to act.

**UK Research and Innovation (UKRI)** is the UK’s largest funder of research and innovation. It states that it can and will play a significant role in preventing bullying and harassment. In 2019 UKRI commissioned an evidence review to inform its approach to preventing bullying and harassment in the research and innovation sector. The findings informed its [“bullying and harassment position statement,”](#) which set out its expectations of the organisations that we fund and the support we will provide to help drive culture change. In May 2020 UKRI published its policy on [“Preventing harm \(safeguarding\) in research and innovation,”](#) which outlines the wider expectations UKRI has for protecting all those involved in research funded by us and also lists the actions we may take when incidents arise. In November 2020 UKRI clarified its expectations on organisations in terms of mitigating against bullying and harassment in its [“full economic cost \(fEC\) grant and training grant terms and conditions”](#) document.

To manage the risks associated with its funding, organisations must inform UKRI of any upheld allegations of sexual exploitation, abuse and harassment, bullying, psychological abuse and physical violence against staff, students or associated personnel directly involved in a UKRI funded activity. UKRI monitors compliance with this policy through its funding assurance processes and will work with organisations to address any issues. The report: [“Research Integrity: a landscape study”](#) published in 2020 highlights the perceived impact of bullying and harassment on the quality and integrity of research.

**Department of Education (DfE)** is responsible for children’s services and education, including early years, schools, higher and further education policy, apprenticeships and wider skills in England. The UK Parliament briefing paper “Sexual Harassment in Education” was published 30 April 2021 and outlines the landscape currently for further education and higher education in the UK.

**An expert assessment of the extent to which the national and/or regional as well as RFO policies have an impact on organisational level of HEIs and RPOs in the country**

The lack of a regulatory framework and monitoring means the uptake of policies and procedures to prevent and address different forms of GBV is inconsistent across the UK. There is ambiguity around the HE institutions legal responsibilities, with this currently being tested through civil cases using the Equality Act 2010. Arguably GBV is not discussed widely, instead bully, sexual harassment and sexual misconduct are the common terms used and employed within policy.

### **Other relevant activities to combat GBV in universities and research organisations (national and regional level, RFOs)**

In 2016, the OfS established the [Catalyst fund](#) to provide financial support for projects designed to tackle hate crime and sexual violence and harassment. These were activity rather than research focused. From 2016-2019 119 projects were awarded a total of £4.7 million, £2.45m of which was given to 63 projects specifically focussed on tackling sexual and gender-based violence in higher education. The two funding rounds were focused on safeguarding and hate crimes. Projects are match-funded by providers and their partners, with a stated total investment of £10m.

The UK Government recently had a [call for evidence](#) to seek views to help inform the development of the government's next Tackling Violence Against Women and Girls Strategy.

University College London (UCU) established a sexual violence task group in 2020: <https://www.ucu.org.uk/article/10812/Sexual-violence-task-group>. It involves a survey of all UCU members.

### **An expert assessment of the extent to which the national and/or regional as well as RFO policies have had an impact on the organisational level of universities and research organisations in the country**

The UKRI initiatives and policy is recent and is too soon to tell as to its effectiveness and impact on addressing and preventing forms of GBV. The two follow up reports from UUK on its Changing the Culture guidance as discussed in the bibliography suggest that sexual harassment has been prioritised, with attention paid to areas of prevention including training for staff and students. Less focus has been paid to hate crimes and there is a lack of resourcing limiting action. This assessment proposes that there remains a lack of understanding about the prevalence, experience and impact of different forms of GBV, in order to prioritise action.

### **The role of RPOs in providing knowledge on GBV, and whether and how GBV is included as a topic in relevant curricula, and in teaching in universities (e.g., medicine, police and the army, etc.).**

GBV is included in different course curricula at universities across different disciplines, and there are specific modules addressing GBV. There is guidance provided by the Equally Safe in Higher Education Toolkit in Scotland on [how to incorporate GBV](#) into course, curricula and knowledge exchange.

## **3. DEBATES REGARDING #METOO AND THE ISTANBUL CONVENTION**

Provide a brief overview of any debates related to the #MeToo movement (or other similar/related movement if relevant) and the ratification of the Istanbul Convention specifically in relation to universities and research organisations.

There are ongoing debates and actions related to the #MeToo movement, including recently the creation of the website "[Everyone's Invited](#)," which is dedicated to eradicating rape culture, and has received over 16,000 anonymous testimonies from survivors of sexual violence in UK education. There are a number of campaign groups operating in the UK that have been created in response to research, media reports and campaigns on GBV. Since #MeToo there has been a new focus on sexual misconduct in higher education by media outlets. For example, the Guardian newspaper has a run series of articles on staff sexual misconduct (see bibliography); BBC journalist Rianna Croxford's [investigations](#) into the use of non-disclosure agreements for sexual assault cases; Tortoise Media's [investigation](#) into Cambridge University's Trinity Hall and sexual assault allegations against a male staff member; and the BBC Three television [programme](#) on Warwick University's rape chat scandal.

The UK government has signed but has not ratified the Istanbul Convention.

While there has been less use of the term GBV by government, it is used in some university policies. There is an established field of academic study focused on GBV in higher education. For example, Sundari Anitha and Ruth Lewis (eds.) 2018. *Gender based violence in universities of communities: Policy, prevention and education initiatives*. Bristol: Policy Press. and Fenton, R. and Jones, C. 2017. "An Exploratory Study on the Beliefs about Gender-based Violence held by Incoming Undergraduates in England." *Journal of Gender-Based Violence*, 1(2).



#### **4. PUBLIC OPINION ON GBV**

There have not been national public opinion surveys on GBV in universities and research organisations, however, there have been high profile cases that have generated considerable media discussion and activism.

#### **5. IMPACT OF COVID-19 ON DISCUSSIONS ABOUT GBV**

There has been some discussion on online harassment and domestic violence and their impact during the two national lockdowns across the UK. If anything, COVID-19 has delayed initiatives and work implementing changes to address GBV in universities and research organisations.

#### **6. CONCLUSION**

**GBV occurring in the UK in universities and research organisations is significant and far-reaching, but as yet there has been no national commitment to understanding its prevalence and impact. The UK relies on the use of guidance**

rather than legislation and regulation to direct universities as public institutions. More recent activism and activities from current and former students, student unions, campaign groups and survivor-focused NGOs, and journalists drawing attention to GBV have placed pressure on government organisations to address the issue of GBV in its various forms. While punitive measures are not without criticism, currently there is little incentive for universities and research organisations to be proactive, instead action appears to be driven by public relations and reputation control, after incidents become public. Significant work needs to be directed at developing survivor-centred processes and at prevention initiatives that focus on the well-being of students and staff, rather than on risk and reputation management for institutions.

## 7. REFERENCES

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Everyone's invited. <https://www.everyonesinvited.uk/>.



This project has received funding from the European Union's Horizon 2020 research and innovation programme under grant agreement No 101006261.

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