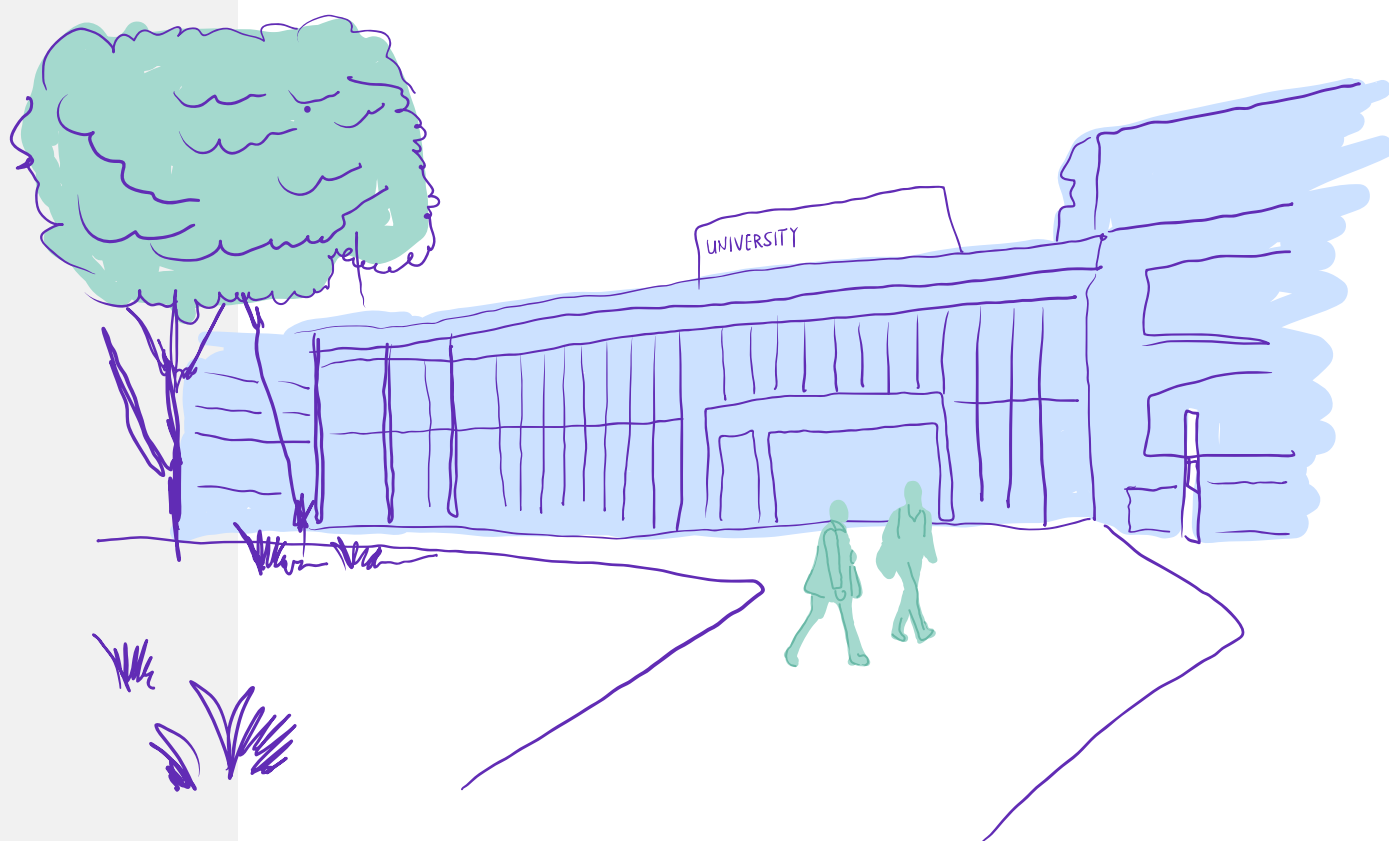


# Evidence review on addressing staff- to-student sexual misconduct in higher education



## Acknowledgments

This review builds on a document written by Dr Fiona Vera-Gray for the Universities UK (UUK) taskforce to examine violence against women, hate crime and harassment affecting university students. The final version has been informed by the UUK advisory group on addressing staff-to-student sexual misconduct, chaired by Professor Cara Aitchison. We would like to particularly acknowledge the expertise of [The 1752 Group](#), namely Dr Anna Bull, Dr Tiffany Page and Dr Emma Chapman, and thank them as well as all contributors for their generous support and guidance.

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# Introduction

The purpose of this literature review is to establish what is known about staff-to-student sexual misconduct, drawing upon research and existing practice, and act as a more detailed 'evidence base' for our [Strategic guide](#), [Practical guide](#) and the recommendations. The review was initially prepared in 2019 and updated in 2021 to include key pieces of research published in the intervening period.

This short document sets out an understanding of what is meant by staff-to-student sexual misconduct and provides a brief summary of what is known on this in UK higher education. Given research in the UK is limited, attention is also drawn to literature and practice from international higher education sectors. In particular, research and practice from the US and Australia is reviewed given the similarities between these contexts and the UK.

The review has been organised into two main sections:

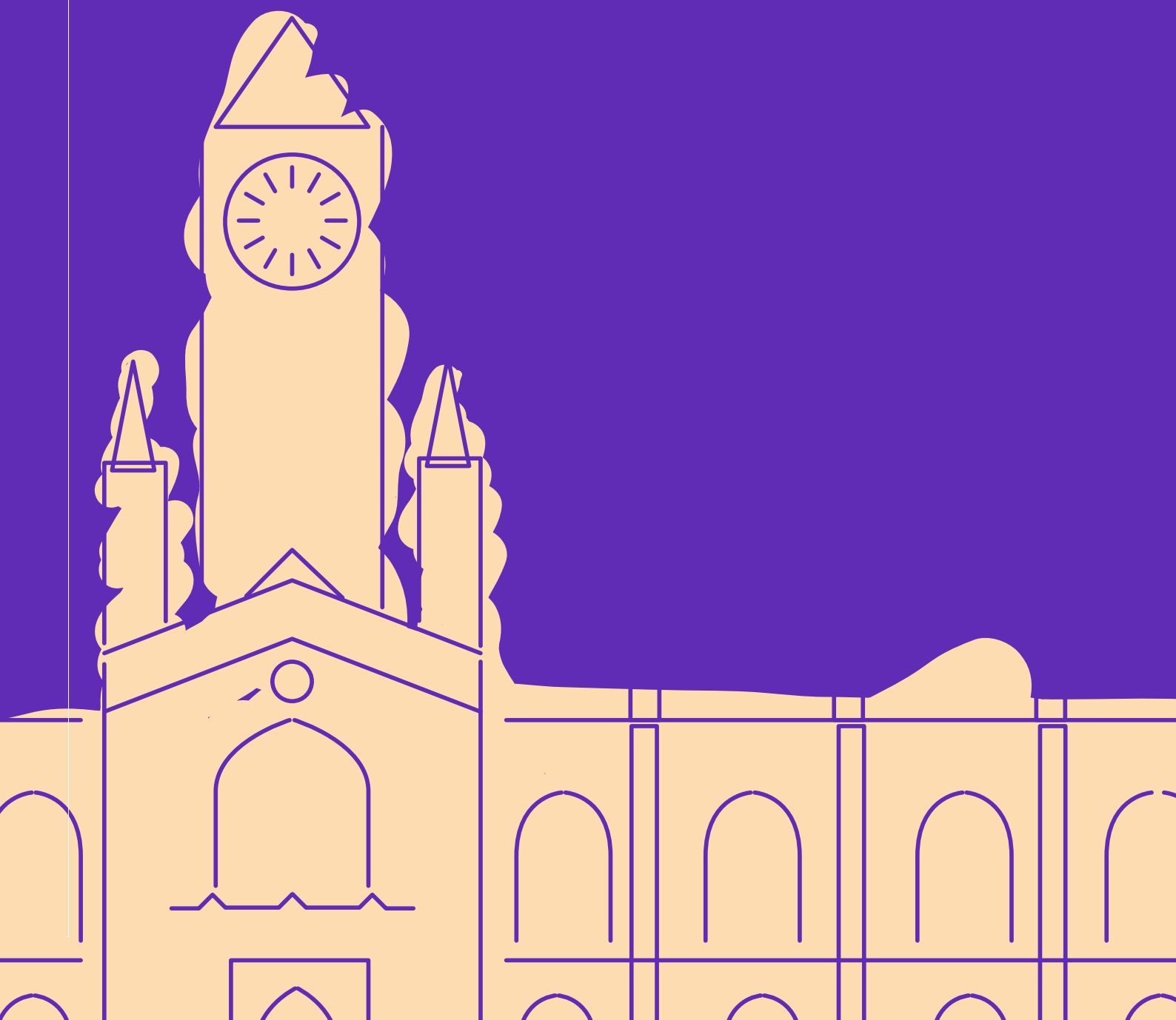
1. [Nature and extent](#), gives an overview of the existing evidence on prevalence as well as what is known about victim-survivors and perpetrators.
2. [Reporting and response](#) looks at what is known about reporting rates and barriers. It examines the limited evidence from the UK on institutional policies and procedures and sets out some promising practices for addressing staff-to-student sexual misconduct.

This review only explores staff-to-student sexual misconduct. Other forms of misconduct and harassment (such as that by students towards staff, or between staff) are outside of its scope.

This review references the evidence drawn on to inform the recommendations and guidance set out in both the [Strategic guide](#) and the [Practical guide](#) on addressing staff-to-student sexual misconduct.

A full list of the references used in this review is attached as [Annexe A](#).

# Nature and extent



# 1. What is staff-to-student sexual misconduct?

To distinguish university processes and procedures from criminal law processes, universities tend to refer to sexual violence, harassment and abuse as '**sexual misconduct**'. The use of this term by the higher education sector is not intended to trivialise what has happened: sexual misconduct is a term that captures all types of sexual violence, from rape and sexual assault, to stalking, harassment and abuse. As noted by Page and Bull (2019), the term 'misconduct' also signals that this is a matter of workplace behaviour. This ensures that the focus remains on the responsibility of the staff member and their employer for maintaining professional conduct in their dealings with students. It also helps to foreground the difference between a police investigation under criminal law where a judge and/or jury will deal with allegations and make findings, and an investigation by the university under its misconduct regulations.

UUK (2022) uses the following definition of staff-to-student sexual misconduct:

All behaviour of a physically or emotionally intimate or sexual nature by a staff member that, reasonably considered, is inappropriate or unacceptable. This includes unwanted behaviour of a sexual nature that:

1. has the purpose, or may reasonably be considered to have the effect, of violating a student's dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment for a student; or
2. is an abuse of power over a student; or
3. is more or less favourable treatment of a student because the student has rejected or submitted to such behaviour – through any medium, including online.

Even if the behaviour is not expressly unwanted this would still be regarded as sexual misconduct if (2) or (3) apply.

The first point refers to the definition of sexual harassment as ‘unwanted behaviour’, as set out in the Equality Act 2010 (eg Equality and Human Rights Commission 2020<sup>1</sup>). The second point recognises that ‘sexual misconduct’ can go beyond ‘unwanted behaviour’, especially in relationships of unequal power, and the context of a perpetrator’s actions can add complexity to consent.

This is supported by developments in the broader field of sexual harassment (eg Vera-Gray 2016; Vera-Gray and Kelly 2020), enabling a theorisation of misconduct focused on the actions of the perpetrator and the context within which they occur, rather than whether they are perceived at the time as harmful by the victim-survivor. This shift in focus is particularly important in the case of staff-to-student sexual misconduct, as research on victim-survivor experiences of staff-to-student sexual misconduct indicates that power imbalances between the two parties create the conditions for abusive behaviours (Bull and Page 2021).

**An exhaustive list of the behaviours that comprise sexual misconduct is not as useful as a focus on the context within which these behaviours take place.**

Staff-to-student sexual misconduct exists on the continuum of sexual violence (Kelly 1987). The continuum refers to both a basic common character that underlies many different events, and a continuous series of elements or events that pass into one another and which cannot be readily distinguished. This means that the behaviours characterising staff-to-student sexual misconduct may also constitute, both legally and conceptually, other forms of sexual violence, such as intimate partner violence, sexual harassment, stalking and sexual assault.

Though sexual harassment might be understood as the most common form of staff-to-student sexual misconduct, research by The 1752 Group (Bull and Page 2021) note a much broader range of behaviours, including grooming, the creation of a hostile atmosphere and promised resources in exchange for sexual access. As such, like sexual harassment, an exhaustive list of the behaviours that comprise sexual misconduct is not as useful as a **focus on the context** within which these behaviours take place, marked by an imbalance of power.

This can form difficulties in both reporting and recording the extent of sexual misconduct in universities, particularly through survey methodologies that can struggle in capturing the legal and/or policy definition of sexual harassment (see discussion in Cantalupo and Kidder 2018).

<sup>1</sup> See, for example, section 2.20 EHRC (2020) [Sexual harassment and harassment at work, technical guidance](#).

## Professional boundaries

A [survey by the National Union of Students \(NUS\)/The 1752 Group \(2018\)](#) on the issue also found evidence of widespread uncertainty about appropriate professional boundaries between staff and students in higher education. Research by the sex education charity [Brook \(2019\)](#) also indicated that many students do not have a full understanding of consent, or what constitutes sexual harassment.

Additionally, increasing levels of remote teaching and learning during and following the Covid-19 pandemic mean such boundaries may be increasingly blurred and/or purposefully manipulated (Page, 2021). This lack of clarity may form a barrier to reporting, with student understandings of what constitutes sexual misconduct emerging after such conduct has been experienced (sometimes many years later). Page (2019) has also highlighted that the shift to online learning means universities need a greater focus on ensuring that online learning environments are safe.

There are also difficulties in defining the possible overlaps between the positions of 'staff' and 'student'. In our guidance 'staff' refers to all those that are employed or engage with students. This may include short-term or outsourced contractors such as postgraduate students employed as staff during their studies, for example as teaching and/or research assistants (Page, Bull and Chapman 2019). It's therefore possible for an individual to be both a member of staff and a student at the same time.

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Anonymous Report |

Date

To whom it may concern

## 2. How common is it?

To date, there is only limited quantitative and qualitative research on staff-to-student sexual misconduct at UK universities including its prevalence, though the work of the NUS and The 1752 group is contributing towards closing this gap. It is therefore difficult to assess the nature and scope of this issue in the UK from existing data. Although there is a lack of evidence in the UK, studies from the US and Australia suggest a significant incidence rate of staff-to-student sexual misconduct. Given the similarities between the three regions, some research from both the US and Australia is considered here alongside evidence from the UK.

The rest of this section looks at staff-to-student sexual misconduct in more detail in relation to the university context. However, this should not be seen in isolation but considered alongside the much broader context of how prevalent sexual harassment is across wider society. Further information on the incidence of sexual harassment in the UK is available from the [Sexual Harassment Survey, \(2020\)](#) carried out by the Government Equalities Office and a [Literature Review of Sexual Harassment in the Workforce \(2021\)](#).

**Studies from the US and Australia suggest a significant incidence rate of staff-to-student sexual misconduct.**

### United Kingdom

To date, there have been no large-scale, representative studies on staff-to-student sexual misconduct in the UK similar to those described in the US and Australia below.

The most detailed evidence on staff-to-student sexual misconduct in the UK is provided by The 1752 Group and NUS, who partnered in 2017 to undertake the [first UK study](#) of its kind. This explored the patterns and behaviours involved in staff-to-student sexual misconduct in higher education, and students' experiences of reporting to their institution.

The NUS obtained responses from a non-representative, self-selecting sample of 1,839 current and former students and data from four focus groups which discussed professional boundaries between staff and students. Outcomes from the study were published in the report [Power in the academy: staff sexual misconduct in UK higher education](#) (NUS 2018).



In summary, the survey revealed that:

- 80% of respondents indicated that they would be very or somewhat uncomfortable with staff having sexual or romantic relationships with students
- 41% of respondents who were current students had experienced at least one instance of sexualised behaviour from staff, with a further 5% (74 respondents) aware of this happening to someone else
- 30% reported staff making sexualised remarks or jokes
- 12% (1 in 8 respondents) had been touched in a way that made them uncomfortable
- 2.3% (35 respondents) had experienced non-consensual sexual contact by a staff member
- 0.8% (15 respondents; 9 current and 6 former students) had suffered sexual assault or rape.

In 2017, The Guardian sought data on this issue through a freedom of information (Fol) request to all universities to find out how many staff-on-student and staff-on-staff claims had occurred in the previous six years (Batty and Bengtsson 2017). Fol requests sent to 120 universities found records of students making at least 169 such allegations against academic and non-academic staff from 2011–12 to 2016–17, while at least another 127 allegations about staff were made by colleagues. Given the overlaps between the positions of staff and student, it is possible that some of these latter allegations could also be categorised as staff-to-student sexual misconduct.

While it should be noted that the sample surveyed in NUS (2018) was self-selecting and non-representative, the large discrepancy between this data and the low number of reports uncovered by The Guardian does suggest that **staff-to-student sexual misconduct is currently under-reported**, and thus under-recorded, through formal university systems in the UK. This is echoed by recent comments from the Minister for Higher Education in England, Michelle Donelan MP, in response to the [Everyone's Invited](#) movement, that universities should act as though sexual harassment and online sexual abuse is happening, even where there are no specific reports of this.

Others that have explored the issue of sexual misconduct by staff towards students include Tutchell and Edmonds (2020). Their research includes an exploration of stories from victim-survivors; an analysis of university policy and procedures; and examples and suggestions for actions to prevent and address this form of harassment, such as commissioning a survey to establish the extent and nature of sexual harassment and abuse' and 'banning sexual relationships between staff and students'.

## United States

The most substantial evidence on staff-to-student sexual misconduct is from the higher education sector in the US, where the first existing research on the prevalence of sexual misconduct in graduate education was conducted more than 30 years ago.

McKinney, Olson and Satterfield (1988) found that 35% of female graduate students had experienced sexual misconduct at their current institution (in comparison to 9% of male graduate students surveyed).

Fitzgerald and colleagues (1988a) similarly reported that as many as 30% of graduate women experienced 'unwelcome seductive behaviour' from their professors. This reported student experience is supported by reports that '37% of surveyed male faculty members indicated attempting to initiate a personal or sexual relationship with a student' (Fitzgerald, Weitzman, Gold and Omerod 1988b).

**35% of female graduate students had experienced sexual misconduct at their current institution by faculty.**

There is further evidence that risk of sexual misconduct increases over time, with students enrolled for longer being more at risk (Cortina et al 1994). This supports other findings suggesting **postgraduate students are most at risk** (see *Victimisation and Perpetration* on [page 12](#)).

In 2015, the [Association of American Universities \(AAU\)](#) carried out a [survey](#) on 27 campuses with 150,072 students (AAU 2015). This found that 1 in 6 female postgraduate students and 1 in 20 female undergraduate students had experienced sexual harassment from a lecturer. The second iteration of this survey was carried out in [2019](#). Surveying 181,752 students (including 1.7% of self-identified transgender, queer and non-binary students) the AAU (2019) survey found significant levels of sexual misconduct on campus and disparities in the prevalence of sexual misconduct among different categories of students.

The survey also found a strong relationship between level of study and staff-to-student sexual misconduct. For example:

- Though the vast majority of respondents who had been sexually harassed identified their harasser as another student (88.8%), **graduate/professional students were more likely to report the harasser as being in an authority position at the school**. For example, among women 5.5% of undergraduates reported the person was a faculty member compared to 24% of graduate/professional students.
- For victim-survivors of stalking, the pattern was similar: **graduate/professional students tended to report teaching assistants and faculty as perpetrators**, where for undergraduates the perpetrator was more often a student. Among women graduate/professional students, 6.5% reported a faculty member, compared to 1.3% of undergraduate women.

AAU also found significant increases from 2015 to 2019 in student reports of their knowledge about school definitions and procedures related to sexual assault and sexual misconduct. This suggests that a sector-wide survey of sexual harassment and misconduct, including that perpetrated by staff against students, may play a role as part of a coordinated group of measures, in helping raise awareness and increase reporting.

In addition to these national surveys, a 2018 review of over 300 cases of faculty–student sexual harassment ([Cantalupo NC, Kidder WC 2018](#)) gathered from media reports, lawsuits and investigations by the Departments of Education and Justice concluded with two key findings:

- Contrary to popular assumptions, faculty sexual harassers are not engaged primarily in verbal behaviour. Rather, most of the cases reviewed for this study (53%) involved faculty alleged to have engaged in unwelcome physical contact dominated by groping, sexual assault and domestic abuse-like behaviours.
- Contrary to a belief that perpetration is based on the particular relationship between victim-survivor and perpetrator, more than half (53%) of cases involved professors allegedly engaged in *serial* sexual harassment against different students. This raises important questions about the so-called ‘**pass-the-harasser**’ **phenomenon** of serial sexual harassers relocating to new university positions, (Cantalupo and Kidder, 2018).



## Australia

In 2016, as part of the *Respect. Now. Always.* initiative, Universities Australia commissioned the Australian Human Rights Commission (AHRC) to conduct a national, independent survey of university students to gain greater insight into the nature, prevalence and reporting of sexual assault and sexual harassment at Australian universities. The survey aimed to provide universities with data to help improve their policies, procedures and support services by gathering both qualitative and quantitative data on all aspects of sexual abuse and misconduct, including staff-to-student sexual misconduct. Supported by the Australian National Union of Students and the National Tertiary and Education Union, 39 universities were involved in the study.

The final report (AHRC 2017) does not give evidence about all forms of sexual misconduct by all university staff, although this information was released by individual universities. It does, however, give findings on sexual harassment from tutors and lecturers.

- Overall, 7% of 4,852 respondents had been sexually harassed at university by a tutor or lecturer.
- Similar to the AAU studies, experience of victimisation was impacted by level of study: 6% of undergraduate students reporting sexual harassment experienced this from a tutor or lecturer, jumping to 10% of postgraduates.

Qualitative analysis of student experiences of sexual harassment by staff found:

- the power disparity between students and teaching staff to be a strong theme
- that harassment had taken place in a range of settings, including in teaching rooms, residential colleges and conferences.

Although the results are not directly comparable, a similar survey of Australian students was commissioned by Universities Australia in 2021. The results were published in Heywood et al (2022). One in 20 (4.7%) who had been sexually assaulted in an Australian university context reported that their most significant incident had been perpetrated by a university staff member (including lecturers, tutors, research or academic supervisors, and/or non-academic staff), with postgraduate research students (14.5%) more likely than other students to report that the perpetrator was a university staff member.

The survey also suggested that there may be some settings within university contexts that are more conducive to sexual harassment, whether among students or in the dynamic of staff and student supervisory arrangements. This is consistent with previous international research demonstrating the extent and impacts of sexual harassment particularly on female postgraduates who in many disciplines are predominantly supervised by male academics (Oman and Bull 2021; Whitely and Page 2015). Unsurprisingly, preventing sexual harassment and sexual assault from university staff, including in the context of postgraduate supervision, is highlighted as one of the key areas for further action by universities in Australia.

### 3. Victimisation and perpetration

For sexual violence and harassment in other areas, such as public spaces or the workplace, gender, sexuality, racialisation and class have been found to play a role in victimisation (who is targeted or vulnerable), as well as influencing responses and barriers to disclosure. The limited existing evidence on staff-to-student sexual misconduct suggests some similar patterns, for example with female students much more likely than men to be targeted.

However, the lack of research in this area means that there are large gaps in knowledge about the impact of other social inequalities, and their intersections, on the experience of victimisation. Given that personal risks in disclosing experiences of sexual misconduct are exacerbated for those on precarious contracts or in junior positions (Whitley and Page 2015), and that academic precarity is associated with belonging to one or more marginalised groups, this is an evidence gap that needs further attention.

#### What do we know about perpetrators?

This review has found a significant research gap in the evidence base on perpetration. More generally, it is known that men are more likely to be perpetrators of workplace sexual harassment, and often in a position of seniority to the victim-survivors (EHRC 2020).

The NUS and The 1752 Group (2018) survey on staff-to-student sexual misconduct found that **76% of reported perpetrators were male, and they were more likely to be an academic rather than other member of university staff**. However, little is known beyond this. Research is urgently needed in the UK to identify the factors associated with perpetration, including underlying attitudes that may be encouraged or tacitly endorsed by university systems, as well as to develop an evidence base on perpetrator's understandings of their actions in order to inform prevention.

## What do we know about who is targeted?

When considering sexual harassment more generally, evidence indicates that women are more likely to be targeted than men. Young women are also more likely to experience sexual harassment than older women, in both wider society and in the workplace (HM Government 2021; TUC 2016). This suggests that **younger, female students may be more at risk of staff-to-student sexual misconduct.**

While research from The 1752 Group suggests that sexual misconduct by staff toward students affects students of all racial and gender identities and sexualities, it also supports the findings from other research that women, students of colour, disabled students, and lesbian, gay, bisexual, transgender and queer (LGBTQ) students are more likely to experience sexual harassment than other populations (Cantalupo and Kidder 2017; Cantalupo 2018; Cantor et al 2015; Chen 2016; National Council on Disability 2018; NUS 2015, 2018).

Students from these groups also face structural barriers reporting their experiences both formally and informally due to discrimination and prejudice. These structural barriers may form part of the reason they are targeted.

Current research has identified two groups of factors of particular importance in terms of victimisation: **gender and sexuality**; and **level of study and subject**. For example, though it is not possible to extrapolate from the NUS/The 1752 Group (2018) survey to the general student population, it found that:

### Gender and sexuality

Women respondents were more likely than men respondents to have experienced sexual misconduct from university staff, sometimes more than twice as likely (eg 15.6% of women reported being touched by a staff member in a way that made them uncomfortable, compared to 7% of men). This was even more so the case among gay, queer and bisexual women respondents, with 22.9% of gay, queer and bisexual women reporting that they had experienced being touched in a way that made them uncomfortable.<sup>2</sup>

### Level of study

Research in this area also suggests that the prevalence of staff-to-student sexual misconduct is related to the **level of study** and the **subject studied**, a point that was raised by the UUK harassment taskforce, particularly in terms of postgraduate and PhD students.

<sup>2</sup> The categories set out here are those used by the NUS and The 1752 group in their report [Power in the Academy](#) (2018) page 9.

The NUS and The 1752 Group echo findings from both AAU surveys (2015; 2019) and AHRC (2017) that **postgraduate students were more likely to have experienced sexual misconduct from staff than undergraduate students**. For example, more than twice the proportion of postgraduate to undergraduate respondents in their 2017 survey reported a staff member attempting to draw them into a discussion about sex (14.9% of postgraduates vs 6.4% of undergraduates).

As highlighted by Rosenthal, Smidt and Freyd (2016), postgraduate students are in a potentially risky position because:

- they remain at the same university for several years (eg for doctoral students this could be up to six or seven years)
- they can work in close proximity with faculty staff (collaborating on projects, publishing papers together, etc)
- they may be highly dependent on a small number of faculty members, which is unlikely for those studying at an undergraduate level.

In 2020, the Office of the Independent Adjudicator (OIA) Annual report stated that **43% of all the complaints they received came from postgraduate and PhD students and supervisory relationships were a common theme in complaints from PhD students**.

Postgraduate and PhD students make up 25% of the overall student population in England and Wales (Higher Education Statistics Agency). The OIA report also states that likely reasons for the over-representation, include the 'substantial personal and financial investment' by postgraduates and PhD students. Other considerations for some non-EU students include visas or sponsorship arrangements; all of which can lead to a possible greater sense of pressure to 'succeed' in their studies.



## Subject studied

In terms of the **type of subject studied**, there is evidence that male-dominated fields are particularly conducive to staff-to-student sexual misconduct against women students (eg AHRC, 2017). Stratton et al (2005) found that:

- 45% of female medical students felt that sexual misconduct influenced their choice of medical specialty
- female law students were 1.58 times more likely to have experienced faculty/staff misconduct and 1.5 times more likely to have experienced student misconduct than other female graduate students
- male law students also reported more student misconduct than their peers in other graduate programmes.

In addition, a 2019 [survey](#) by Wellcome into research culture indicated that most of the participating researchers had witnessed bullying or harassment, compared to 18% of the wider workforce. Research is also male-dominated field, with only 22% of researchers being women ([Department for Business, Energy and Industrial Strategy 2021](#)).

Torrey (2007) has suggested that law schools may create and support particularly toxic environments for female students. Wider research on workplace contexts suggests that the degree of male dominance in the workplace affects how women label their experiences of sexual misconduct and their willingness to report (Adkins 1995). This highlights the importance of addressing the role of specific gender regimes – both within individual departments and within the wider institution – in creating an environment where staff-to-student sexual misconduct is more likely.

## Missing evidence

There is, however, a notable gap in evidence about **the impact of racialisation** on staff-to-student sexual misconduct. This gap is particularly important given the Equality and Human Rights Commission (2019) [report](#) on racial harassment in universities in the UK. An intersectional approach to understanding racial and sexual harassment is lacking in the UK, resulting in a siloed approach in both evidence and practice that may mean the true extent of racialised sexual harassment and misconduct is undetected and unaddressed.

More work is also urgently needed to understand the experience of **disabled students** and students from other **minoritised backgrounds**.



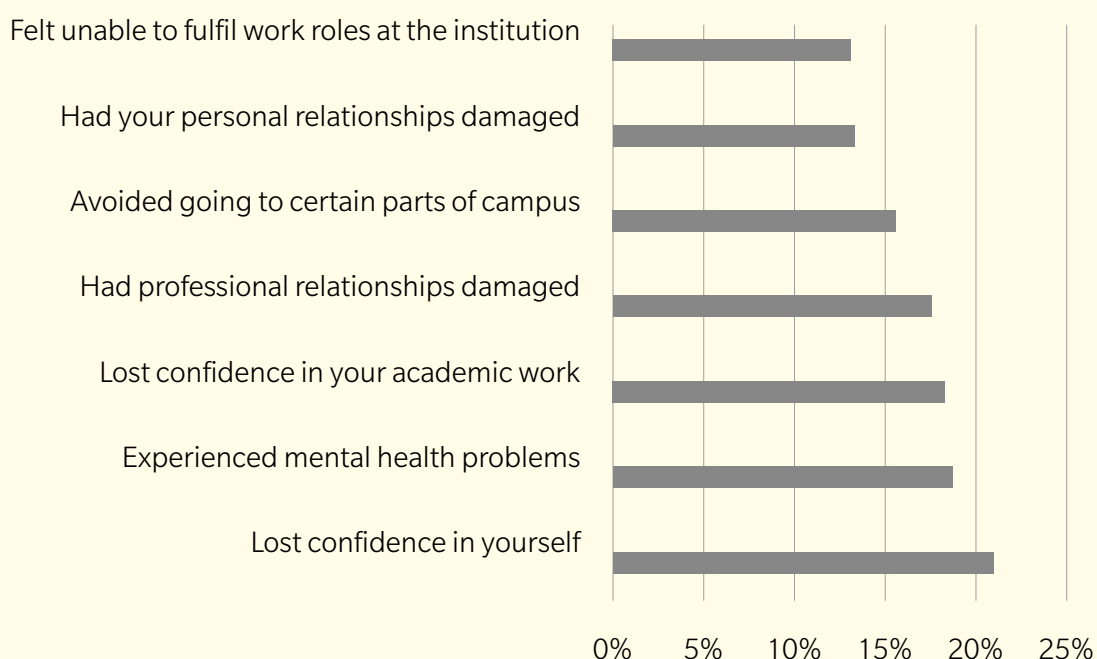
## What is the impact?

Although knowledge and research on the impact of staff-to-student sexual misconduct in higher education is limited, there is a growing evidence base on its impacts in two main areas: **mental health** and **academic opportunities or attainment**.

### Mental health

The mental health impacts of sexual misconduct are wide-ranging and long-lasting. NUS and The 1752 Group (2018) found that of women who experienced sexual misconduct, a fifth of them reported losing confidence in themselves, and just under a fifth experienced mental health problems. The table below shows the most common impacts on women who were subjected to staff-to-student sexual misconduct, (NUS, 2018).

#### The most common effects of misconduct on women



These findings support other research focusing on the impact of sexual misconduct on student's health and wellbeing. Street, Gradus and Stafford (2007) suggest that 'sexual misconduct significantly predicts depression, post-traumatic stress disorder symptoms, and diminished general mental health for both men and women'.

Rosenthal, Smidt and Freyd (2016) suggest that there is a similarity in the effects of sexual misconduct in the workplace with sexual misconduct towards postgraduate students, and link this to post-traumatic symptoms potentially leading to serious psychological harm. Building on Freyd's (1994) betrayal trauma theory – which holds that 'abuse is more harmful when perpetrated by people one is close to or depends upon for survival' – they conceptualise this as 'institutional betrayal'; the failure of an institution to tackle sexual violence as well as the act of sexual misconduct itself when perpetrated by a trusted member of staff. In their work, faculty and staff-to-student sexual misconduct was the sole significant predictor of feelings of institutional betrayal for female graduate students when accounting for all other traumatic experiences measured.

More recently, Oman and Bull (2021) have published an exploration of 'joining up' concerns about postgraduate research student wellbeing, and staff sexual misconduct towards students. They argue that these concerns are usually treated as unrelated in higher education yet are fundamentally interlinked, and that attempts to improve postgraduate research student wellbeing must simultaneously seek to improve their evidence base and policy response to staff sexual misconduct against students.

### **Academic opportunities and attainment**

Beyond mental health impacts, there is also evidence of an impact on students' academic opportunities and attainment. The NUS/The 1752 Group (2018) study found the following:

- **Women respondents were around three times more likely than men to experience negative impacts** because of misconduct, and much more likely to experience severe negative impacts, such as dropping out of their course or university.
- **Women respondents were also three to four times more likely to report changing their behaviour**, for example, skipping lectures, tutorials or supervisions, as a result of misconduct. This is supported by other research on women's 'safety work' in response to the threat and reality of sexual violence and harassment (see Vera-Gray and Kelly 2020).
- **The impact of staff-to-student sexual misconduct on academic engagement, progression and careers is also high**, affecting relationships with supervisors, choice of modules or even leading some participants to change their careers.

Although not specific to the context of higher education, research on sexual harassment in the workplace more generally suggests that victim-survivors of harassment may also experience negative financial repercussions; for example, if they lose their job, or are unable to make progress in their career (EHRC 2020).

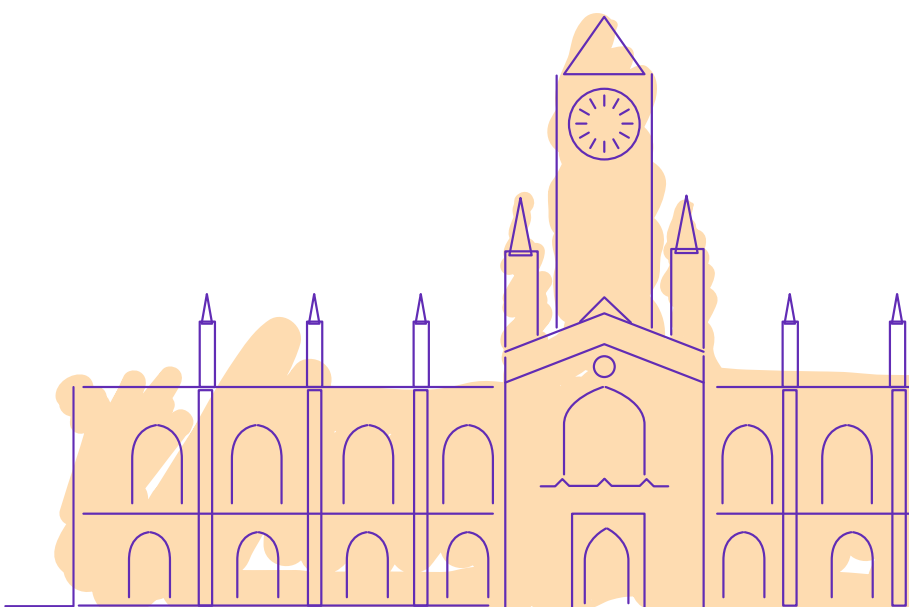
Kelly (2012), further developed by Vera-Gray (2016), uses the term 'safety work' to refer to the routine embodied strategies women and girls use to prevent and manage intrusive actions from known and unknown men. Studies on these kinds of strategies broadly categorise them into two groups: avoidance behaviours (used to isolate or remove oneself from danger) and self-protective behaviours (designed to minimise risk when facing danger) (see for example, Riger and Gordon 1981). Both kinds of behaviours can be seen in the case of staff-to-student sexual misconduct, but more work is needed to understand how these operate specifically in this context and what the impact is on students' mental and physical wellbeing, as well as equalities and attainment.

Existing work suggests this impact may be significant. For example, the NUS/The 1752 Group (2018) study found that of those who had experienced staff-to-student sexual misconduct, 15.5% reported avoiding going to certain parts of campus and 13.2% felt unable to fulfil work roles at their institution.

Fitzgerald and colleagues (1988a) also suggest that the threat of sexual misconduct may be associated with decreases in students' abilities to complete their degree requirements. They found that 21% of female graduate student participants avoided enrolling in a course to avoid a professor of concern.

Similarly, McKinney et al (1988) found that 30% of harassed graduate student participants reported avoiding or dropping a class as a strategy to evade a harassing professor. McKinney et al also reported that 9% of graduate students who experienced misconduct from a professor switched mentors to sidestep further misconduct.

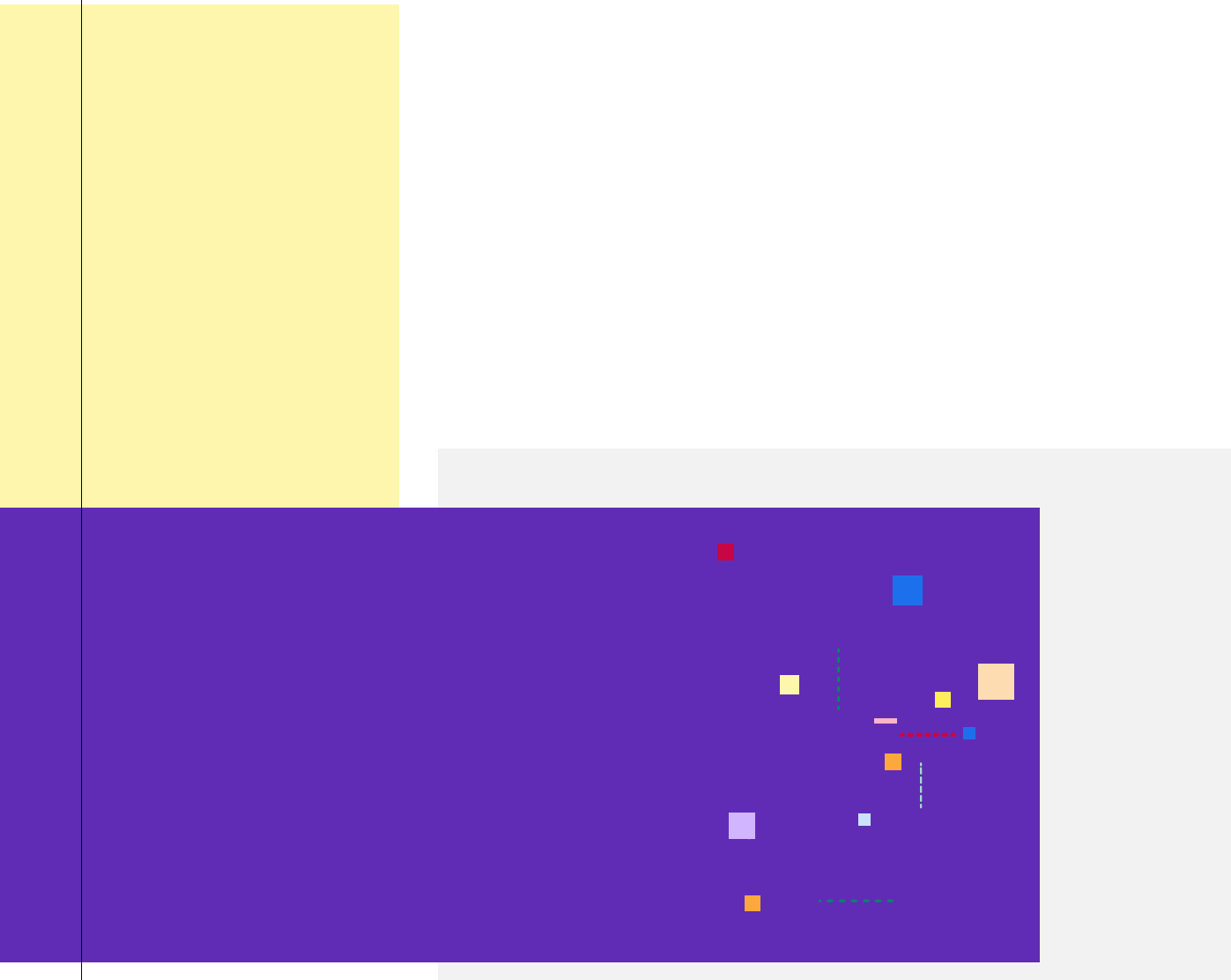
It is also important to recognise that the impact of sexual misconduct on victim-survivors will vary for each person and that this can compound and deepen inequalities within existing unequal power dynamics and institutional structures.



## Impact on other students and staff

Staff-to-student sexual misconduct may impact on groups of students or staff beyond the reporting and responding party, such as those who are witnesses to an incident. Evidence from the UK and US also suggests that some perpetrators of this form of harassment are serial harassers targeting multiple students (or staff members), either simultaneously or in subsequent years.

Cantalupo and Kidder (2017), Bull and Rye (2018) and the [Open Letter](#) by The 1752 Group raise the issue of reports by multiple students and/or staff about one person. This implies that addressing staff-to-student sexual misconduct requires **protecting other students and staff who have contact with the same member of staff, as well as those that report**. Others, including student peer groups, can also be affected by how it impacts on the culture and learning/working environment of a department and wider institution.



# Reporting and institutional response



## 1. Barriers to reporting

As with other forms of sexual violence, staff-to-student sexual misconduct appears to have a **high rate of non-disclosure**. According to the NUS/The1752 Group (2018) survey, under 10% of respondents who experienced staff-to-student sexual misconduct reported this to their institution.

The most common barrier to reporting, given by almost one in three respondents (31.5%), was that they were **unsure if the behaviour was serious enough to report**. Such a barrier is often seen in other forms of sexual harassment such as that occurring in public spaces or workplaces.

Of respondents who did report their experiences, over half believed that **their institution did not respond adequately to their complaint**, and only one in four respondents thought that their institution had taken proactive steps to prevent this type of experience.

Further information on motivations and catalysts for reporting staff-to-student sexual misconduct, which is useful in understanding both barriers to reporting and enablers, is available from Bull (2021).

### Fear of institutional response

The importance of the role of organisational culture in sexual harassment has been documented by a number of researchers in the UK. For example, Bull (2016) argues that research into sexual harassment in the workplace demonstrates that sexual harassment is primarily about a culture that allows misconduct to occur and is not only an issue of individual behaviour. This implies that sexual misconduct cannot be addressed solely through having appropriate policies and practices, but also requires an organisational culture that will not condone or support it.

**Of respondents who did report their experiences, over half believed that their institution did not respond adequately to their complaint.**

One of the first studies in this area, Fitzgerald et al (1988a), found that most students did not formally report experiences of sexual misconduct. They found that only 3% of the students affected had attempted to make a formal report of the incident; many thought they would not be believed or feared they would be labelled troublemakers.

This echoes the findings of 2015 research commissioned by Imperial College London after a series of events involving the men's rugby team. The review, conducted by Phipps (2016), was wide ranging and included staff-to-student harassment. The final report acknowledged that having policies was not enough to prevent issues occurring and emphasised the importance of institutions **understanding the differences between what policy dictates and how culture operates**. It states that 'despite the existence of positive mechanisms within the institution, it was felt that being in need of support could still be construed as shameful, weak, and evidence of failure'. The fear of institutional response is thus not only a fear of being disbelieved or labelled a troublemaker, but also of being seen as weak and incapable.

Research has also indicated that leaving an institution, thereby no longer fearing its response, may act as a catalyst for reporting staff-to-student sexual misconduct (Bull 2021). This is a reason why removing time limits on reporting incidents of staff-to-student sexual misconduct can be beneficial; a finding echoed by the recommendations of an [independent report](#) (2020) at the University of Strathclyde, following the conviction of a former academic for sexual abuse of students.

## Uncertainty about what constitutes sexual misconduct

An additional barrier to reporting has been identified by Vohidalova (2011) whose research found that there could be a gap between an individual's perception of sexual harassment and the individual and legal-institutional definitions of sexual harassment.

This research also showed that even if sexual misconduct was a common phenomenon among students, it could sometimes be constructed as a 'remote' problem with students perceiving this as something that did not relate to them. This was also found by Fitzgerald et al (1988a) who noted that female students were often unlikely to label their experience as sexual misconduct. The analysis did, however, reveal that certain factors could result in the labelling of certain behaviour as sexual harassment. These factors related to the explicit nature of sexual harassment, the power imbalance, the situational context and the violation of individual boundaries.

Bull's (2021) interviews with a small sample of victims of staff-to-student sexual misconduct highlighted that they were more likely to report this once someone else in the institution had validated that what they experienced was wrong, suggesting that clear expectations of acceptable behaviour may increase reporting.

## Confidentiality and non-disclosure agreements

Confidentiality clauses, or non-disclosure agreements (NDAs), are provisions in a contract that seek to prohibit the disclosure of information. Although they have a number of uses, they cause concerns when used in cases of sexual harassment. This includes the reporting party feeling 'silenced', and unable to speak up about their institution's handling of an incident and their experience. In practical terms, this can leave them unable to explain delays or gaps in their academic progression. These concerns can result in a student deciding to drop a complaint or to withdraw from university altogether and act as a factor in facilitating a culture that lacks openness where students and staff feel unsafe to make a disclosure or report. This can also hinder the university in understanding the prevalence and nature of staff-to-student sexual misconduct on campus and the ability to address this.

Other concerns relating to the use of NDAs relate to the protection of the responding party, given the reporting party is prevented from exposing or warning others, allowing the responding party to continue in their behaviours. This could include moving to another institution; if the responding party's employment is terminated and no one can speak about what happened or the reasons for the termination, that person may be able to seek employment in another university. A phenomenon sometimes known as 'pass the harasser' (Cantalupo, N.C., Kidder, W.C. 2018). The use of NDAs in the higher education sector was raised by *The Guardian* through a Fol request. On the basis of this Weale and Batty concluded that the use of NDAs in sexual misconduct cases involving staff and students allows alleged perpetrators to move to other institutions where they could offend again.

If the reporting party is unable to speak out about any disciplinary process, and the outcomes and sanctions associated with this, this could also be seen by others in the university that there are no consequences for inappropriate behaviour which in turn could help perpetuate a culture that condones staff-to-student sexual misconduct, (EHRC 2019).

**The use of NDAs in sexual misconduct cases involving staff and students allows alleged perpetrators to move to other institutions where they could offend again.**

Responding to these concerns we have publicly stated that universities should not use NDAs in sexual harassment cases and this is a specific recommendation in the [Strategic guide](#).



Concerns regarding the use of NDAs have also been raised by the EHRC in their report [Turning the tables: Ending sexual harassment at work](#) (EHRC 2018), including that NDAs are often used to deter people from speaking out even if they are not legally enforceable.

In 2019, universities in Scotland [committed](#) not to use NDAs in relation to sexual misconduct or harassment. This followed discussion with Emily Test, Scottish Government and other key partners.

On 18 January 2022, the Minister for Higher and Further Education, Michelle Donellan MP, launched a [pledge](#) encouraging all universities in England not to use NDAs in cases of sexual misconduct and harassment. In Wales, the Minister for Education has written to all universities to ask for information on their approach to NDAs.

In 2021, the UK government [stated](#) that they are reviewing options to limit the use of NDAs in cases of sexual harassment in higher education (HM Government 2021).

## 2. Institutional response

The higher education sector's policies and practices in terms of preventing and responding to sexual misconduct, and specifically staff-to-student sexual misconduct, is largely undocumented. This means it is currently not possible to determine in any robust way which policies institutions have, how these are implemented and whether incidents are recorded. Recent work by members of The 1752 Group has sought to address this gap, examining discrimination in complaints processes (Bull, Calvert-Lee and Page 2021) as well as the governance of complaints processes (Bull and Page 2021).

Comparison across the UK and US is complicated due to different legal mechanisms, in particular the federal protections for students in the US under Title IX, a legal obligation requiring universities to investigate an allegation of sexual harassment. The impact of the litigious culture of the US also makes comparisons difficult. For example, Richards et al's (2014) review of US higher education policies on staff and student relationships and sexual misconduct found that the increase in sexual misconduct litigation and the liabilities associated with such relationships resulted in an increase in the number of these policies. As such, this section will focus on what is known about the institutional response in the UK.

## Current policies in the UK

In 2015, to support the work of our harassment taskforce, we carried out a limited trawl for evidence from member institutions. Of the 63 institutions that responded, many stated that they did not have distinct policies for responding to hate crime or sexual violence and misconduct, and reported that these issues were usually dealt with under an overarching policy. It was because of this that the taskforce recommended in UUK (2016) that universities should ensure that policies are ‘unambiguous and clearly present the type of behaviours that are unacceptable’.

An FoI request by The Guardian in 2017 found that 32% of institutions reported that they did not have a separate institution-wide policy on staff and student relationships. Where these policies did exist it was noted that these varied significantly in content, application, and in departmental and institutional interpretation and awareness.

Evidence on university policies in the UK is available from The 1752 Group. In 2018 the University of Portsmouth and The 1752 Group undertook an 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. The subsequent report, [Silencing students: institutional responses to staff sexual misconduct in UK higher education](#) has highlighted the problems with the responses to staff-to-student sexual misconduct across higher education institutions in the UK (Bull and Rye 2018).

Overall, the study found that institutional responses to staff-to-student sexual misconduct tended to involve ‘making it up as they go along’. The policy analysis found a wide range of institutional responses in university policies, from prohibiting staff–student relationships, to ‘don’t ask, don’t tell’ policies that included variations on the 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’ (Bull and Rye 2018).

Despite this variance, the report noted some recurrent concerns across the policies:

- The lack of provision for alumni complaints against current members of staff.
- The lack of information in policies around the problems with sexual consent within a relationship of unequal power.
- The reliance on the integrity of both the staff member and student to ensure that abuses of power did not occur.

However, the analysis also showed that most institutions had an awareness that staff-to-student sexual misconduct was an issue that they should be addressing, which demonstrates a level of interest in the issue.

Examples of universities that have implemented policies on personal relationships between staff and students are included below. In many cases they highlight the importance of professional boundaries.

Cardiff  
Metropolitan  
University  
[Code of  
Professional  
Conduct](#)

The Code of Professional Conduct is aligned to Cardiff Met's collective values and behaviours. This explicitly recognises that there is likely to be a related power differential in a professional context eg, staff/student, PhD supervisor/PGR student and especially within close and/or sexual relationships. Therefore any close and/or sexual relationships between employees and enrolled students are strongly discouraged and employees are expected to act professionally and with integrity and maintain professional boundaries with students. Serious or repeated breaches of this Code of Professional Conduct will be dealt with using Cardiff Metropolitan University's Disciplinary Policy and Procedure.

Durham  
University  
[Sexual  
Misconduct  
and Violence  
Policy](#)

This policy applies to staff and students, and Durham University has a specific procedure on dealing with staff sexual misconduct. This sets out how the university will deal with incidents of sexual violence and misconduct where the responding party is a member of staff. The procedure is part of the university's sexual violence and misconduct policy and should be read in conjunction with that policy and also sits alongside other university policies such as Respect at Work and Study which may be applicable in certain circumstances.

St George's  
University of  
London [Code  
of Conduct  
on Personal  
Relationships](#)

This policy was renewed and published in May 2021. The code provides guidance where personal relationships overlap with working relationships and prohibits personal relationships where there is a supervisory relationship. The university also strongly advises employees and students against entering into a relationship that may result in a conflict of interest or which may have influence on an individual's career or employment. Where this occurs (whether it is a pre-existing relationship or occurs while at the university) employees are required to declare to their line manager that a personal relationship exists and to agree any practical steps that may be required (this does not include details of the relationship itself).

University  
College  
London  
Personal  
Relationships  
Policy

This policy sets out the expectations and obligations for all employees with respect to personal relationships between students and staff and between colleagues. The policy recognises that staff–student relationships impose particular responsibilities and duties on staff to ensure that appropriate safeguards and processes are in place to prevent abuses of power and sexual misconduct. The policy also prohibits close personal, sexual or intimate relationships between staff and students where there is direct supervision. Even if no direct supervision is involved any close relationship between a staff member and a student has to be declared using the Personal Relationships Declaration Form. The policy also contains information on implementation and on the importance of maintaining professional boundaries, and details examples of the types of behaviour that students should not expect, eg where there is a direct teaching relationship staff should ‘refrain from contacting students outside of reasonable working hours’.

University of  
Greenwich  
Personal  
Relationships  
Policy

This policy prohibits sexual and romantic relationships between staff and students, and if these already exist these must be reported to HR. This policy also highlights professional boundaries and notes examples of what would be considered inappropriate behaviour, such as where a private discussion is required (eg supervision) this should take place in an appropriate location on campus. Breaches of the policy are investigated under the university’s disciplinary procedures.

University of  
St Andrews  
Personal  
Relationships  
at Work Policy

This policy states that employees, casual workers, agency workers, contractors and any third party engaged to work at the university, including students on work placements, visiting scholars and volunteers must declare any existing or new personal relationships they have which involves a student and which may give rise to an actual or potential conflict of interest, misuse of power or unfair bias. Appendix A sets out useful definitions for a personal, professional and working relationship.

London School  
of Economics  
(LSE)  
Policy and  
Procedure  
on Personal  
Relationships

LSE prohibits any personal relationships between staff and students where i) there is a direct supervisory relationship in existence (eg PhD student and supervisor); ii) a member of staff has direct or indirect responsibility for, or involvement in, that student's academic studies (for example, assessor of a student's work) and/or personal welfare (for example, academic advisor and advisee) or iii) a member of staff interacts with a student as part of their role (including the period during which a prospective student is applying for admission, and any period of time after the completion of a degree during which the staff member maintains a direct or indirect professional role, such as mentoring or writing references for a former student). The policy also usefully defines 'positional power', 'consent' and 'exploited consent'.

It should be noted that as of 2021, the Office for Students, through their statement of expectations, expects all English higher education providers to have effective policies and processes in place to prevent and respond to incidents of harassment and sexual misconduct experienced by students, including from staff. In Northern Ireland, the Department for the Economy has also launched a statement of expectations for preventing and addressing harassment and sexual misconduct for universities in Northern Ireland.

## Procedure and process

Even where appropriate policies are in place, this is not sufficient. Policies also need to be reflected in the university's procedures, processes and practice. For instance, an independent review at the University of Sussex into a domestic abuse incident involving a senior lecturer and a postgraduate student highlighted that while the university had an appropriate policy on preventing and managing violence, this was not operationalised, leading to failings (Westmarland 2017). In their analysis of institutional policies, Bull and Rye (2018) also found that in many policies information about procedures was missing, that is, information on the 'nuts and bolts' of what happens, to who and for how long. Ahmed (2021) explores the handling of harassment and bullying complaints, drawing on oral and written testimonies by students and academics and the difference between what a policy dictates and what may happen in practice.

Without clear and transparent procedural guidance, The 1752 Group concluded that a policy document provided at best a limited and partial picture of an institution's approach towards complaints of staff-to-student sexual misconduct, or relationships and conflicts of interest. Their report strongly recommends that universities review their procedures for how staff-to-student sexual misconduct is investigated and ensure that these are transparent with clear processes, timelines and provision of support for students. This includes having human resources practices in place as well as appropriate disciplinary proceedings that address staff-to-student sexual misconduct specifically, as opposed to treating this form of harassment as a general form of misconduct. To support this recommendation, The 1752 Group partnered with the law firm McAllister Olivarius to develop recommendations and [guidance for disciplinary processes](#) into staff sexual misconduct in UK higher education (The 1752 Group/McAllister Olivarius 2018).

In February 2021, the [Scottish Funding Council](#) requested that all higher education providers in Scotland carry out a self-assessment of their procedures against key findings from two independent reviews into two universities' handling of incidents involving the same member of staff, who was later convicted of sexual abuse of his students. Other universities may also find this beneficial.

## Promising practices

### Universities Australia

As part of the Respect. Now. Always. initiative, Universities Australia together with the National Tertiary Education Union, Council of Australian Postgraduate Associations Incorporated, and the Australian Council of Graduate Research published in 2018 their [Principles for Respectful Supervisory Relationships](#).

Designed to be read alongside an institution's own policies and procedures, the guidance (Universities Australia et al 2018) states eight principles:

1. A sexual or romantic relationship between a supervisor and their student is never appropriate.
2. Universities recognise there is a power imbalance in the supervisor–student relationship and that the greater power lies with the supervisor.
3. The professional relationship between a supervisor and their student is characterised by mutual respect and trust.
4. Expectations, roles and responsibilities of students and their supervisors are clear.
5. Safeguards are used to protect students from situations of risk and unwanted advances from their supervisors

6. Sexual assault and sexual harassment are unacceptable.
7. The safety and wellbeing of anyone who reports sexual assault or sexual harassment are promoted and protected by the university.
8. Disclosures or formal reports of sexual assault or sexual harassment are met with support and compassion.

### **Conservatoires UK, principles of best practice in teaching**

The principles of best practice are reflected in each member institution's own policies, procedures and practices, and all [Conservatoires UK \(CUK\)](#) member institutions conduct regular and systematic reviews of their own policies, procedures and practices. In 2021, CUK reviewed their policy and published [a commitment to safeguarding](#) within the Conservatoire Sector and [Principles of Best Practice in Conservatoire Teaching](#).

## **3. Prevention**

Proactive prevention work on this issue is rare. Alongside the need for multi-channel consistent messaging making clear both institutional policies and the wider context of sexual violence, research has identified three main areas of focus to support the prevention of staff-to-student sexual misconduct.

### **Addressing institutional inequalities**

The Phipps (2016) report commissioned by Imperial College London, concluded that bullying and other forms of staff misconduct were symptomatic of institutional and systemic inequality. An institution-wide approach to changing the institutional culture was proposed based on an understanding of power relations. The team recommended that the college worked 'to transform the processes which conserve power within the institution in particular spaces and with particular types of people and values'. Attention was also drawn to identifying 'where the power is located, with whom, how it is enacted, and who is excluded from processes of decision-making'.

## Role of leadership

Phipps (2016) also highlighted the significant role that leaders and senior managers can play in enabling transformative change by tackling perceived behavioural norms and conventions.

This work suggests that supportive leaders could be extremely important in tackling staff-to-student sexual misconduct. The importance of senior leadership was highlighted in the UUK (2016) report [Changing the culture: one year on](#), which found that most progress had taken place in those institutions demonstrating senior leadership commitment to implementing the taskforce recommendations. To support members, we worked with Against Violence and Abuse (AVA) and the NUS to develop a [toolkit for vice-chancellors and senior leaders](#).

The advice in this toolkit has been produced based on interviews with nine vice-chancellors who are leading the way in this area. It includes nine practical steps senior leaders can take:

1. Publicly acknowledge that sexual harassment, misconduct and all forms of hate exist in universities.
2. Set the tone for culture change.
3. Adopt a whole university approach.
4. Get others on board.
5. Seek support from the governing body.
6. Invest in learning and professional development.
7. Capture and publish data and evidence.
8. Practise inclusive leadership and create a safe team environment.
9. Recognise the impact on mental health.

At our [conference to address harassment](#) in 2022, UUK's President Steve West, and Professor Cara Aitchison, who led UUK's work on tackling staff-to-student misconduct, highlighted the importance of senior leaders setting an example from the top to drive cultural change. Senior leadership can set expectations and provide the leverage required when staff are asked to take part in new initiatives to tackle unacceptable behaviours and attitudes. Similarly, student leaders are also critical to achieving cultural change.



Governing bodies also have an important role to play in promoting a positive culture. In England The OfS statement of expectations states that ‘governing bodies should ensure that the provider’s approach to harassment and sexual misconduct is adequate and effective. They should ensure that risks relating to these issues are identified and effectively mitigated’. The Committee of University Chairs has also published [guidance](#) to support governing bodies to address sexual misconduct and harassment (2022).

Clearly, no one person can achieve culture change alone. Leadership at all levels of the organisation will be required to challenge the status quo. Furthermore, such challenge needs to be visible to give confidence to students that staff in universities are working together to achieve lasting social change.

## Changing organisational culture

While many universities have developed proactive approaches to defining and refining their culture and values to better reflect the needs of their students, staff and stakeholders, exclusive and negative cultural environments do persist. Phipps (2015) offers a useful definition of culture for the higher education context, focussing on the interconnections between culture, values and belief and the intersectionality of gender, race and class with wider considerations of social, cultural and economic capital, all of which can interact to exaggerate existing inequalities.

### What do we mean by ‘culture’?

Culture is the **toolkit of habits, skills and styles** with which individuals construct their behaviour (Swindler 1986). In a university, this means work, teaching and study practices and established modes of interaction.

Culture also includes **beliefs**. In a university these would be around what the institution is, and what it means to exist within it. These beliefs are linked to values – for example, excellence and equality – which can be top-down or bottom-up, internal- or external-facing. Beliefs may also be stated and/or experienced (in other words, an institution’s stated values may not be what its staff and/or students experience in practice).

### **Institutional cultures interact with social categories such as gender, race and class.**

This refers to the types of people who are dominant or marginalised, and favoured ideas or ways of being.

**Institutional cultures produce particular ways of working and behaving** and some people, usually from more privileged social groups, are better equipped to survive established institutional cultures than others.

How cultures can support and condone sexual harassment in all its forms is well documented. Evidence on the impact of power imbalances in the workplace is set out in the EHRC report *Sexual harassment and harassment at work: technical guidance*. This states that harassment in the workplace largely reflects power imbalances based on gender and is part of a spectrum of disrespect and inequality that women face in the workplace and everyday life. Although sexual harassment can be perpetrated or experienced by both men and women, women are most often the targets and men the perpetrators.

In the higher education context, academics such as Phipps (2018) and Jackson and Sundaram (2020), have set out the ways in which systemic and institutional culture of gender inequality and other inequalities and forms of discrimination, can foster and support sexual misconduct and harassment in universities. They highlight that, without a commitment to gender equality and an understanding of the gendered analysis of sexual misconduct and its impact, along with addressing other forms of discrimination, culture change is unlikely to occur.

**Harassment in the workplace largely reflects power imbalances based on gender.**

Challenges arising from an institution's culture have also been raised by Whitley and Page (2015), who argue that sexism in higher education institutions is a manifestation of 'institutional misogyny'. In relation to this, some staff may experience multiple disadvantages, which may also leave those most vulnerable to discrimination and misconduct without appropriate structures or supportive mechanisms to address the issue. Therefore, ensuring that institutional cultures clearly condemn misconduct, harassment and abuses of power is important to addressing the issue.

One example of an institution seeking to change its organisational culture is the University of Sussex. The university commissioned a similar review to that at Imperial College on a larger scale. This was a response to ongoing and immediate concerns such as: reports of bullying in staff survey data, awareness of long-standing institutional inequalities, and the findings of an independent report into a domestic abuse incident involving a member of staff. The project engaged almost 900 members of staff and students at Sussex and the final report was made public by the institution (Phipps et al 2018).

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