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**Staff sexual misconduct:
new research and ways forward**

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HEFCE Catalyst-funded project

PART ONE:

- 16 interviews with students or ex-students who experienced various forms of sexual misconduct from academic staff, and who had reported or tried to report
- 15 different perpetrators across 14 different institutions
 - Across a variety of disciplines and stages of study
- All incidents of staff sexual misconduct took place since 2010, many more recently than that.

PART TWO:

- Analysis of a cross-section of 25 institutions' policies in this area

Overview of talk



1. Attempting to report staff sexual misconduct
2. Informal responses by institutions
3. Formal responses/investigations by institutions
4. Redress

Reporting and attempting to report



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 the [perpetrator], 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.

- Carla*, PhD student

*all names have been changed

Being blocked from reporting



I think it was about nine different statements, from either people who he had behaved inappropriately towards, or who had witnessed him doing this. And when I spoke to HR they said to me, “There is nothing we can do because it’s historical.”

And I said, “But it is still current because he is still in the building, and he is still doing this to people.” But they told me it was historical, and they could not do anything.

- Cathryn, postdoc

[The university administrator] said he will investigate the race discrimination against me and my ethnicity, but he will not investigate [sexual] harassment part. [...] He said if I didn’t leave that out, nothing will be done about my other complaints.

- Maria, master’s student

Reporting and attempting to report



- 11 tried to make a formal report and were blocked or dissuaded from doing so
- Five participants got involved in reporting by accident
- A pattern of people responding to disclosures as individuals, but failing to respond on behalf of the institution
 - This links into a wider failure of process and lack of institutional preparedness to deal with this situation
- Lack of ownership of reports.



Informal responses to reports

They 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 that 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.

- Esther, masters student



Informal responses to reports

- In six out of the 16 cases there was no investigation, but instead an informal response from the institution.
- In two cases students were subject to threats or intimidation by university staff when they tried to turn a disclosure into a formal report
- There were a variety of ways in which institutions refused to investigate

Formal responses and investigations



- In the cases of 10 out of the 16 participants investigations were carried out
- Only one out of 15 perpetrators lost their job as a result of the misconduct.

Issues with investigations



- Lack of knowledge over what is sexual harassment
- Lack of communication, support and advocacy from institution to student
- Labour of reporting – emotional and administrative
- Length of process, which can take years
- Lack of expertise among staff carrying out investigations and disciplinary panels = poor process that can be overturned on appeal
- Use of confidentiality
- Trauma of going through the investigation process

Lack of knowledge about sexual harassment



Their view seems to be that harassment is about perception, that it's, like, they think people don't actually mean to do anything, it's just the person perceiving it as harassment.

- Sara, undergraduate student

The [external investigator's] report said that there was no evidence of sexual harassment, that there was just inappropriate behaviour, constantly the word 'inappropriate' behaviour. [...] Because if we gave an answer, then it meant that it was a back-and-forth thing, it wasn't a one-sided thing. So therefore, it was difficult to call it sexual harassment because we were involved as well

- Carla, PhD student

Use of confidentiality



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.

- Gemma, undergraduate student

We were always really warned [by the university] about not speaking about it to other people [...] the amount of time that it took gave him space to create a counter narrative. [...] He 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

– Laura, PhD student

Use of confidentiality



So, we sued [...] and we demanded that we be given a confidentiality waiver, because I didn't even care what happened to him by this point. All I wanted to do was be able to protect myself [from retaliation].

So, they offered me a lot of money, and we said no, and they bluffed for a little bit and said that, "Well, you know, if you go to court, we're going to tear you apart. You have to be prepared for this, that we will go at you with everything we have," but we held out.

- Ellie, PhD student

Trauma of investigation



I was diagnosed with PTSD. That was a mixture of the original events, which were horrific enough, [...] the process of reporting it had compounded that trauma, and actually kept adding layers of trauma. So, as the psychiatrist put it, they could never get to the root of this, because every single week, every week, I would come in and something else had happened, something terrible had happened, you know. So, it was almost like this institution was not letting me get better

- Ellie, PhD student

Redress – OIA/legal action



The report felt like it was victim-blaming really, but I was told by college that that was the best report I was going to get, that it wasn't going to get much better if I complained to [...] the next level up.

- Carla, PhD student

I was really depressed and I felt suicidal, because it seemed like, no matter what I do, with or without evidence, nothing is going to change. For me, it's, like, if the outcome is that he's innocent, then it's basically calling me a liar. I can't live like that [...]

- Sara, undergraduate student

Redress – OIA/legal action



- Internal processes can take years, with up to three rounds of complaints processes (excluding informal processes)
- OIA are very limited in their remit of what they can do
 - No regulatory powers and cannot punish or fine institutions
- There is a 3 month window for legal action on sexual harassment



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