

# CHANGING THE CULTURE: ONE YEAR ON

AN ASSESSMENT OF STRATEGIES TO  
TACKLE SEXUAL MISCONDUCT, HATE  
CRIME AND HARASSMENT AFFECTING  
UNIVERSITY STUDENTS



## ACKNOWLEDGEMENTS

This is a Universities UK (UUK) report which presents the research independently carried out by the Leadership Foundation for Higher Education (LFHE) on our behalf, with the acknowledged support of the Higher Education Funding Council for England (HEFCE), the Higher Education Funding Council for Wales (HEFCW) and the Department for the Economy in Northern Ireland.

For any enquiries about this document please contact [Fiona Waye](#), Senior Policy Lead, Inclusion, Equality and Diversity at UUK.

The work of the LFHE's study team which conducted the research and produced this report for UUK was overseen by a Steering Group with membership drawn from the Department for Education, HEFCE, HEFCW and UUK. The research team is grateful for the support and input of everyone who contributed to the study.

**Lead Author:** Helen Baird, with support from Zeb Nash-Henry and colleagues at the Leadership Foundation for Higher Education.

## FOREWORD BY PROFESSOR DAME JANET BEER

In 2016 the Universities UK (UUK) Harassment Taskforce published its report [\*Changing the culture\*](#). This report set out a series of recommendations which were designed to serve as a catalyst for universities to think carefully about how they can make their institutions safer places to live, work and study so that no student or member of staff is subject to any form of sexual violence or misconduct in our universities. Such an abuse of power is categorically at odds with our values and the standards of behaviour expected in the sector. As a member of the Taskforce, I know that we were determined to make practical recommendations which would drive meaningful change across the higher education sector.

Since then UUK has developed a programme of work to support universities in implementing the recommendations, including the development of [\*Guidance for higher education institutions: how to handle alleged student misconduct\*](#). In late 2017, UUK initiated research to assess the sector's progress in implementing the recommendations and determine where further support was required. This report provides the outcomes of this research which involved in-depth interviews with 20 universities across England, Wales and Northern Ireland.

It is encouraging to see from the evidence in the report that a real step change has occurred and that significant progress has been made at many of the institutions in the sample. It is also noticeable that progress is more likely to occur with active senior leadership and where changes have become more fully embedded within existing governance, policies, structures, systems and processes.

However, there is clearly more to be done and there needs to be a real focus on tackling staff-to-student sexual misconduct, hate crime and hate-based harassment. A long-term commitment by senior leaders will also be vital to ensuring progress and sustainability. As a sector, this will inevitably lead to increased reporting. This should be seen as a positive development, as it is only through knowing about instances of harassment that universities can address the issue properly and provide appropriate support for victims/survivors. Credit must go to a number of universities who have tackled the issue head-on, and encouraged greater reporting.

I believe that our universities have a significant role to play in driving cultural change to help combat the pernicious problem of harassment and violence in our society today. The recommendations in this report, based on good practice from the survey, provide suggestions on how we can continue to change the culture and show that harassment, hate crime and gender-based violence will not be tolerated in higher education.

# TABLE OF CONTENTS

<b>1. EXECUTIVE SUMMARY</b> .....	<b>5</b>
1.1 Overview.....	5
1.2 Assessment of strategies .....	6
1.3 Recommended further steps .....	10
<b>2. INTRODUCTION</b> .....	<b>14</b>
2.1 Background and context .....	14
2.2 Assessing progress made to date in the higher education sector .....	18
2.3 Terms of reference for the qualitative study .....	18
2.4 Approach .....	19
<b>3. PROGRESS MADE TO DATE</b> .....	<b>21</b>
3.1 Overview of progress to date.....	21
3.2 Senior leadership role .....	24
3.3 A holistic institution-wide approach.....	26
3.4 Effective strategies for prevention of incidents .....	32
3.5 Enabling an effective response.....	35
3.6 Handling student disciplinary offences .....	40
3.7 Sharing and learning from good practice .....	42
3.8 Strategies for online harassment .....	44
3.9 Conclusion.....	45
<b>APPENDIX ONE: UUK TASKFORCE'S RECOMMENDATIONS</b> .....	<b>47</b>

# 1. EXECUTIVE SUMMARY

## 1.1 OVERVIEW

Following campaigns to eliminate gender-based violence and harassment in higher education by the National Union of Students (NUS)<sup>1</sup> and others from 2010 onwards, combined with well-publicised reports of misconduct, concerns grew over the links between these issues and the existence of ‘lad culture’ on campuses. In 2015, Universities UK (UUK) established a programme of work aimed at ensuring that any harassment, sexual violence or hate crime<sup>2</sup> whether related to gender, religion and belief, sexual orientation or disability, should not be tolerated within the higher education sector. This included the establishment of a [Taskforce](#) to consider the evidence and provide support to higher education providers in addressing these issues, and to examine what further steps the sector should take to ensure an inclusive, safe and tolerant environment for students. The UUK Taskforce published 18 recommendations in its report [Changing the culture](#) in October 2016<sup>3</sup>, alongside guidance [How to handle alleged student misconduct which may also constitute a criminal offence](#) (prepared by Pinsent Masons LLP<sup>4</sup> and replacing the 1994 ‘Zellick Report’).

Since 2016, UUK has developed a programme of promotional activities and other initiatives to support the higher education sector in implementing the Taskforce’s recommendations. Aligned with this work, the Higher Education Funding Council for England (HEFCE) has provided funding support to English providers through three [Catalyst funding calls](#) to identify and support good practice to improve and enhance student safeguarding, looking specifically at tackling sexual misconduct, hate crime and online harassment.

More recently in late 2017, and in response to a ministerial request for a report on progress being made, UUK initiated further research to assess the sector’s progress, or barriers to progress, in implementing the Taskforce’s recommendations, and to identify what further information, action or support may be required. The approach being taken for this assessment of progress is as follows:

- **Stage One** was a short qualitative study based on research with a sample of 20 higher education providers of different sizes and types across England, Wales and Northern Ireland.<sup>5</sup> This study, which took place between November 2017 and January 2018, assessed the sector’s progress towards meeting the Taskforce’s recommendations. Consideration of current issues or numbers of incidents at participating providers was

---

<sup>1</sup> NUS. (2010). [Hidden Marks A study of women students’ experiences of harassment, stalking, violence and sexual assault](#) and NUS (2014). [That’s What She Said. Womens’ students experiences of ‘lad culture’ in higher education.](#)

<sup>2</sup> This refers to any incident or crime motivated by hate based on an individual or group’s identity. This can include their race, religion, sex, gender identity, sexual orientation, disability or transgender identity.

<sup>3</sup> Universities UK (2016). [Changing the Culture: Report of the Universities UK Taskforce examining Violence Against Women, Harassment and Hate Crime affecting University Students.](#)

<sup>4</sup> Universities UK (2016). [Guidance for Higher Education Institutions How to Handle Alleged Student Misconduct Which May Also Constitute a Criminal Offence.](#) This is a framework to support providers in responding to all student misconduct, but specific recommendations are made in relation to sexual misconduct.

<sup>5</sup> Scottish higher education institutions did not take part as a cross-institutional approach funded by the Scottish Government is being pursued through the [Equally Safe in Higher Education project](#) based at the University of Strathclyde.

not within the scope of the study; rather, its focus was on the approaches in place to prevent and respond to such incidents. This report sets out this study's findings, conclusions and recommendations.

- **Stage Two** will build on the results of the Stage One study through a quantitative survey of all UK higher education providers which will be undertaken by UUK and GuildHE during spring 2018 (with the potential involvement of some of the UK higher education funding bodies). The results of this broader survey will also provide a mechanism for providers to assess their own progress in safeguarding students against the rest of the sector.

## 1.2 ASSESSMENT OF STRATEGIES

### 1.2.1 Key findings

This qualitative study was based on in-depth research with a small sample of 20 higher education providers, designed to reflect key characteristics of the broader sector such as location, size and type of provider. The research involved in-depth interviews and group discussions with circa 100 senior sponsors, operational managers and student representatives across the 20 providers in the sample. Although the findings will not be entirely representative of the whole higher education sector, they should provide a reasonable indication of the progress being made more broadly by higher education providers in implementing the Taskforce's recommendations.

In brief, the key findings from the qualitative research study suggest that:

- Significant but highly variable progress appears to have been made across the higher education sector in tackling student-to-student sexual misconduct since the Taskforce's report was published in 2016. The majority of the 20 participating providers in the study are in the process of implementing, or have already implemented, improved preventative strategies designed to raise awareness and encourage reporting, through student and staff training, and revised reporting systems and support for students when disclosures are made. However, seven of the 20 are at a considerably earlier stage of developing policy and practice in this area than the others.
- Progress has been driven among participating providers by the momentum created by the UUK Taskforce's recommendations and the surrounding publicity and dissemination activities. Most of the participating providers have also reviewed and are in the process of enhancing their disciplinary processes and procedures to comply with the framework set out in the new UUK/Pinsent Masons guidance, which requires substantial changes to be made.
- A great deal of good emerging practice is evident and UUK has been active both in its own well-received thought leadership in this area, and in facilitating the sharing and

dissemination of this emerging good practice and additional briefing notes and guidance across the sector.

- To date, the majority of higher education providers have focussed predominantly on tackling student sexual misconduct. Tackling hate crime and harassment tends to have a lower profile and priority status within most providers in the study, compared with efforts to address student-to-student sexual misconduct and violence against women in particular. Most cover other forms of harassment as part of general misconduct policies and processes, and via equality statements. Generally, hate crime and harassment has not been the primary focus of enhanced preventive strategies, such as awareness raising campaigns and training, or of improved reporting strategies. This is beginning to change, and some providers have begun tackling it relatively recently, often aided by second round Catalyst funding for projects to address hate incidents and crime. Nonetheless, the findings suggest that tackling these issues will require further support and time to achieve the same level of prominence and effort to drive change.
- Handling reports of alleged incidents of staff-to-student sexual misconduct tend to be within the remit of human resources (HR) departments, rather than student support or similar functions within higher education providers, which in most cases handle student-to-student misconduct. There is far less evidence among the participating providers of new prevention and responsive strategies being developed to address staff-to-student sexual misconduct in the same way as those addressing student misconduct. Moreover, the results of the study suggest that students are less clear about how and where to report incidents of staff-to-student misconduct and seek support, than they are in the case of student-to-student misconduct. The ongoing efforts of various lobbying and campaign groups along with [further work by UUK](#) in this area are likely to continue to raise awareness of this issue.
- Crucially the scale of HEFCE's [Catalyst safeguarding funding](#) of £2.45 million has accelerated and supported change across the English higher education sector.<sup>6</sup> Fourteen of the 20 providers have received Catalyst matched 1:1 project funding of £50,000, and three have funding for projects in both the first and second rounds. The study also found that two of these three providers are the furthest advanced comparatively and are exemplars of good practice in their approaches. However, the extent to which the sum of matched institutional funding will be made available generally across the sector in future years is not yet clear. Sustainability of funding, specialist resources and activity will be an important area of enquiry for the second stage of this research and for the evaluation of the Catalyst safeguarding funding to examine in more detail.
- Additionally, the issues considered by the Taskforce's report continue to have a high profile due to extensive reports over the past year of gender-based violence and harassment within multiple sectors, particularly in sport, the entertainment industry and

---

<sup>6</sup> It is estimated that with the matched funding from institutions, total funding on these issues is over £10 million.

in public life, with consequent high media coverage, social media campaigns, and public interest in this area.

- Providers report barriers to progress where further support would be helpful including in areas such as: the sustainability of funding for resources and initiatives; the extent to which training for students and academic staff can be rolled out widely enough across larger providers particularly to make a difference; providers' concerns over their ability to deal with high volumes of disclosures being made where awareness raising and improved reporting mechanisms bring this about; the need for better clarity and a consistent approach across providers in particular aspects of handling disclosures and providing support to students; and in some cases concerns over the risks around potential future appeals and challenges to disciplinary panels' decisions.

### **1.2.2 Variations in progress across the sector**

Despite evidence of significant progress being made in implementing the Taskforce's recommendations across the higher education providers participating in the study, it remains highly uneven. In part this is because a small minority of the providers were already addressing issues of student sexual misconduct as an organisational priority prior to the publication of the Taskforce's report. For these providers which had started work in this area already, the report enabled them to map their existing actions to the recommendations and helped increase the status and focus of the work taking place.

Conversely, perhaps one-fifth of the providers in the sample have made very limited progress in meeting the recommendations and addressing this agenda, with most of the participating providers somewhere between these extremes. There are no obvious distinctions by characteristics (such as size, type, mission group of provider, location or type of campus) in relation to the progress the providers in this small sample have made in implementing the Taskforce's recommendations. Where providers' approaches are less well-developed, this can be due in some cases to their having applied for Catalyst safeguarding funding at the second rather than the first round, or where significant unrelated change has been taking place over the period, such as organisational restructuring.

In addition to the differing stages which participating providers have reached in implementing the recommendations:

- There is also clear variation in how they are implementing the various changes, and their relative success in embedding them through developing institution-wide approaches, deemed essential by the Taskforce. Many of the providers are taking this area of work forward across the organisation under their student support and wellbeing agendas being implemented by the central student support directorate or team.
- Approaches to the leadership and governance of change initiatives within the providers are also highly variable across the sample. Active leadership of this area and accountability for change residing within executive teams, as well as embedding of



change projects or groups within existing governance structures, seem to be critical success factors in how far advanced the higher education providers are in meeting the Taskforce's recommendations. Effective leadership and governance of change helps ensure these issues can be addressed in a cross-cutting way across the organisation, since all relevant strategic groups and committees are sighted along with inter-related student safeguarding and supporting initiatives (such as student mental health and wellbeing and initiatives to tackle alcohol misuse).

- Differences are also evident in the extent and ways in which the UUK/Pinsent Masons guidance has been implemented. Roughly one-third of the 20 providers are at a much earlier stage than the others, and are still in the process of drafting policy and process, which will have to be approved at various points of the institutional decision-making structures.
- Other key distinctions identified by the research include the levels of expertise, maturity of approaches, external partnership development, and capacity and resourcing levels. Adequate resourcing for permanent staff and changes to institution-wide policies, processes and procedures are also key to changes becoming embedded and thereby sustainable, as are effective partnerships with other organisations (including the students' union) and learning from the expertise of specialist agencies.

### **1.2.3 Cultural change**

Changing organisational culture takes time to become apparent and is difficult to measure. However, the study found some emerging evidence of cultural change as follows:

- Several of the providers cite increased acceptance by senior leaders that incidents of sexual misconduct by students need to be handled by robust internal disciplinary processes as evidence of culture change. In some cases, it was previously considered that such incidents should be handled by the police, and that providers lacked the necessary processes and capabilities to respond.
- Many participants point to the increase in the number of disclosures of current and historic student sexual misconduct in the past year and consider this positively as an indication of cultural change, at least among students.
- Student representatives report that their colleagues are more willing than in the past to come forward to report recent and historic incidents of student sexual misconduct which they have experienced themselves, or which they have witnessed. This suggests that students' awareness of what constitutes student sexual misconduct may be changing, and that they feel more confident now than they may have done in the past in reporting incidents and in their higher education provider addressing such incidents.
- However, it is impossible to establish the precise impact of the Taskforce's report and recommendations on either providers or student behaviour from that of the extensive press and social media coverage of issues of sexual misconduct in multiple sectors over

the same period, and societal concern and pressure for change. This point was recognised by the majority of student and staff participants in this research.

### 1.3 RECOMMENDED FURTHER STEPS

The Taskforce's report, and surrounding publicity through numerous conferences, articles and discussions, has provided an impetus for the higher education sector, and resulted in student-to-student sexual misconduct being afforded higher priority status than in the past, and more so than other forms of harassment and hate crime.

*Changing the culture's* 18 recommendations are broadly welcome and acceptable to those consulted for this study, and are considered fit for purpose, and helpful and sensible as an approach. However, since the recommendations are not mandatory<sup>7</sup> many of the providers are taking different approaches to their implementation, which accounts for the significant levels of variation in progress and practice.

Some participating providers prefer to work with a looser, customisable framework of what they ought to address, but determine internally how they are going to implement the changes. Others, particularly smaller providers with fewer resources and those at an earlier stage in developing their approaches, felt they would benefit from more detailed information and guidance, and the opportunity to learn lessons on what has worked for others to support implementation. Additionally, some of the higher education providers highlighted the benefits of a consistent approach being taken across the sector, particularly in aspects of implementing the new framework to support for the handling of student misconduct which may constitute a criminal offence. Developing further guidance on implementation has been a continued focus for UUK, and further guidance on implementing the framework will be available later in 2018.

This study found elements of good practice in how providers are tackling sexual misconduct, hate crime and harassment, which others may find it helpful to know about and possibly learn from in developing their own approaches. Therefore, the figure below contains a set of recommendations for higher education providers based on this good practice. There are also suggestions from the study on how UUK and other sector bodies can further support the sector. This includes developing new guidance, sharing and disseminating good practice and continuing to promote this area, and these are also included as recommendations in Figure 1.

---

<sup>7</sup> UUK is a membership organisation and not a regulatory body and therefore the focus of the Taskforce was to provide practical and customisable support for higher education providers to enhance their practice.

**Figure 1: Schedule of recommendations**

<b>Theme</b>	<b>Ref</b>	<b>For whom</b>	<b>Recommendations</b>
<b>Senior leadership role affording priority status and adequate resourcing</b>	<b>1</b>	Senior leaders of higher education providers	Effective practice from the study suggests that where higher education providers do not already do so, they should consider moving sponsorship, ownership and accountability for student safeguarding initiatives to tackle sexual misconduct and hate incidents and crime to the senior leadership team.
	<b>2</b>	Senior leaders of higher education providers	To ensure sustainability of initiatives which tackle sexual misconduct, harassment and hate crime, higher education providers should consider committing longer-term resources to fund student safeguarding projects and roles.
<b>A holistic institution-wide approach being taken</b>	<b>3</b>	Senior leaders of higher education providers	To ensure sustainability of initiatives to tackle sexual misconduct, harassment and hate crime, higher education providers should consider: <ul style="list-style-type: none"> <li>• making working groups, projects or other temporary structures set up to tackle these issues permanent, or at least guarantee their funding for several years</li> <li>• ensuring that such groups and projects are embedded within the existing governance and reporting structures of the organisation to ensure that issues are addressed in a cross-cutting way across the organisation</li> </ul>
	<b>4</b>	Senior leaders of higher education providers and governing bodies	To ensure appropriate oversight of these safeguarding issues by their senior leadership and governing bodies, higher education providers should consider the best strategic reporting mechanism for the governing body (or the relevant senior sub-committee) on sexual misconduct, harassment and hate crime reporting.  This could include reporting on trends, the types of cases and incidents, the responsive measures and outcomes, as well as on preventative measures and their impact.
	<b>5</b>	Senior leaders of higher education providers	Higher education providers should seek to ensure that the principles and priority status accorded to handling student-to-student sexual misconduct are extended to also cover incidents of staff-to-student sexual misconduct, incidents of hate crime and other forms of harassment.
	<b>6</b>	Senior leaders of higher education providers	Higher education providers should consider how to make it clearer for their students about how to report, disclose and or seek support for any incident of safeguarding.  This should involve introducing the same accessible mechanism(s) for students to make a report, make a disclosure or seek support in relation to any type of safeguarding incident, be this: <ul style="list-style-type: none"> <li>• student-to-student sexual misconduct</li> </ul>

Theme	Ref	For whom	Recommendations
			<ul style="list-style-type: none"> <li>• staff-to-student sexual misconduct</li> <li>• hate crime and other forms of harassment</li> <li>• online harassment</li> </ul>
<b>Effective prevention strategies</b>	7	Higher education providers – senior lead for teaching and learning/ student experience	Higher education providers should consider, if they have not already done so, adopting the new National Student Survey (NSS) questions on safety to be able to baseline and measure student perceptions in this area and compare them with those of their peers.
<b>Effective responsive strategies</b>	8	Senior leaders of higher education providers	Higher education providers, which do not do so already, should provide clear information on their websites, in student handbooks, and via social media, on what to do in the event of experiencing or witnessing any incident of sexual misconduct or hate incident or crime. There should ideally be one key source of information which all students should be made aware of.
	9	Senior leaders of higher education providers	Higher education providers, which do not do so already, should consider adopting a centralised approach to collecting, recording and storing data on all types of incidents of sexual misconduct, hate crime and harassment. This would enable management information reports to be collated to provide intelligence to inform decision-making about how and where to target preventative measures such as campaigns, or training for particular cohorts. It could also support reporting to senior leadership and governing bodies.
<b>Sharing and learning from good practice</b>	10	UUK/other sector bodies	<p>The study highlighted the need for more sharing and learning from good practice by UUK and/or other sector bodies to provide support in the development of common approaches where appropriate, and enable institutions to assess and benchmark their own progress against peers to develop effective practice.</p> <p>UUK should consider supporting this work by expanding the Directory of Case Studies to include more substantive thematic documents to share information on the ways in which multiple providers are implementing specific aspects of the recommendations and extracting the learning points at a sector level. Examples could include:</p> <ul style="list-style-type: none"> <li>• advantages and disadvantages of different models and approaches to consent and bystander training</li> <li>• an assessment of the benefits of online reporting and of anonymous/attributed data collection</li> <li>• effective centralised recording systems</li> </ul>

Theme	Ref	For whom	Recommendations
			<ul style="list-style-type: none"> <li>• case management software and integration with existing systems</li> <li>• good practice to better protect students online</li> </ul>
<b>Research and guidance</b>	<b>11</b>	UUK/other sector bodies	<p>Further research, guidance and practical support for the sector may also be helpful from UUK as follows:</p> <ul style="list-style-type: none"> <li>• to support some standardisation of the categorisation of misconduct offences and appropriate sanctions being used across the sector, and to investigate the legal status of sanctions and the extent to which these can be enforced</li> <li>• to identify effective and inclusive practice where providers have drawn on the experiences of victims/survivors, and in what they (victims/survivors) find helpful or less helpful in their providers' responses to incidents and the provision of support</li> <li>• to develop impact measures to enable a common and comparable approach and enable providers to assess and benchmark their own progress against that of peers</li> <li>• to collate and monitor information anonymously from providers on experiences, judgements and outcomes of different types of cases considered by disciplinary panels for students to establish how well new disciplinary processes are working and highlight where further areas of support are needed</li> </ul>
<b>Communications</b>	<b>12</b>	UUK/other sector bodies	<p>UUK should continue to work with other sector organisations to consider how best to communicate at a national level the benefits of positive preventative and responsive safeguarding activities by higher education providers, with a view to alleviating any concerns that this may have a negative impact on recruitment and reputation.</p>

## 2. INTRODUCTION

### 2.1 BACKGROUND AND CONTEXT

#### 2.1.1 Duty of care to students

Higher education providers should ensure that their students have a safe environment in which they can live, work and study, and this applies whether they are physically on campus, in student accommodation, undertaking placements or overseas study, participating in sports or social activities away from campus, or studying online. This is because their students ‘...can only perform to their full potential in an environment which models and promotes respectful and responsible behaviours. If students do not feel safe, are being bullied, or experience sexual harassment this will impact on their physical and mental health, their social life and their academic experience.’<sup>8</sup>

Higher education providers do not have the same statutory duty for safeguarding their students as that of colleges and schools, since most higher education students are over 18 and considered adults.<sup>9</sup> Although, the same statutory duty does apply to higher education providers in safeguarding minors on their campuses (for instance those attending outreach or recruitment activities and typically younger further education students where this is applicable), and those who are classed as vulnerable adults.

The statutory and regulatory context for student safeguarding is set out in [UUK’s guidance on protecting students’ mental health and wellbeing](#), which states that higher education providers have a ‘...general duty of care at common law: to deliver their services (for example teaching, supervision, pastoral) to the standard of the ordinarily competent institution; and, in carrying out their services and functions as institutions, to act reasonably to protect the health, safety and welfare of their students’.<sup>10</sup> Moreover providers must have a legally binding contract with each of their students, which ‘is regarded in law as a consumer contract and, as such, will be subject to the application of consumer legislation including the principles of fairness and reasonableness interpreted in favour of the student’.

Within the context of sexual misconduct, hate crime and harassment, higher education providers in England, Scotland and Wales have specific safeguarding duties stemming from the [Equality Act 2010](#), and specifically from the [Public Sector Equality Duty \(PSED\)](#) (subsection 149). The latter requires that public bodies, or those who exercise public functions<sup>11</sup>, must, in the exercise of those functions ‘...have due regard to the need to eliminate discrimination and harassment and the need to foster good relationships between different

---

<sup>8</sup> See [Speech from Professor Janet Beer, President, Universities UK conference to address harassment](#), 8 November 2017.

<sup>9</sup> All schools in England must have a child protection policy in place, including measures in relation to protecting children from sexual harassment, whether from staff members or their peers, see House of Commons Library. (December 2017). [Briefing Paper Number 08117: Sexual Harassment in Education](#).

<sup>10</sup> Universities UK. (Feb 2015). [Student mental wellbeing in higher education: good practice guide](#).

<sup>11</sup> Governing bodies of higher and further education institutions are public bodies for the purposes of the PSED, see s.142(2) of the Equality Act 2010.

groups when they formulate policies and practices in areas such as: sexual harassment, governance of student societies and sports teams, campus security, housing, bars and social spaces. The duty applies to decisions on individual cases, as well as to policy decisions.<sup>12</sup> In addition, providers need to be aware of their statutory obligations in the context of the [Human Rights Act 1998](#).<sup>13</sup>

### 2.1.2 ‘Changing the culture’

Following campaigns to eliminate gender-based violence and harassment in higher education by the National Union of Students (NUS)<sup>14</sup> and others from 2010 onwards, combined with well-publicised reports of misconduct, concerns grew over the links between these issues and the existence of ‘lad culture’ on campuses.

In 2015, UUK established a programme of work aimed at ensuring that any harassment, sexual violence or hate crime<sup>15</sup> whether related to gender, sex, race, religion, sexual orientation, disability or trans identity, should not be tolerated. This included the establishment of a [Taskforce](#) to consider the evidence and provide support to higher education providers in addressing these issues, and to examine what further steps the sector should take to ensure an inclusive, safe and tolerant environment for students.

This was followed by an invitation from the Minister of State for Universities, Science, Research and Innovation to prepare a report on addressing violence against women, and to assess progress made by the sector. The Taskforce published its evidence-based report, [Changing the culture](#), in October 2016<sup>16</sup>. Alongside this report, it published guidance for providers on [How to handle alleged student misconduct which may also constitute a criminal offence](#) (prepared by Pinsent Masons LLP)<sup>17</sup>, which replaced the 1994 ‘Zellick Report’.

*Changing the culture* considered harassment in all its forms, but prioritised issues of gender-based violence and harassment among students. It found that despite some positive activity, providers could ‘...be more systematic in their approaches and not every university had all of the necessary building blocks in place for effective prevention and response’. The

---

<sup>12</sup> Outlined in: House of Commons Library. (December 2017). [Briefing Paper Number 08117: Sexual Harassment in Education](#).

<sup>13</sup> See also the Legal Briefing prepared by Louise Whitfield and Holly Dustin in: End Violence Against Women Coalition. (Jan 2015). [Spotted: Obligations to Protect Women Students’ Safety & Equality Using the Public Sector Equality Duty & the Human Rights Act in Higher and Further Education Institutions to Improve Policies and Practices on Violence Against Women and Girls](#).

<sup>14</sup> See: NUS. (2010). [Hidden Marks A study of women students’ experiences of harassment, stalking, violence and sexual assault](#) and NUS (2014). [That’s What She Said. Womens’ students experiences of ‘lad culture’ in higher education](#).

<sup>15</sup> This refers to any incident or crime motivated by hate based on an individual or group’s identity. This can include their race, religion, sex, gender identity, sexual orientation, disability or transgender identity.

<sup>16</sup> Universities UK (2016). [Changing the culture: report of the Universities UK Taskforce examining violence against women, harassment and hate crime affecting university students](#).

<sup>17</sup> Universities UK (2016). [Guidance for higher education institutions: how to handle alleged student misconduct which may also constitute a criminal offence](#). It provides institutions with a framework to support them in responding to all student misconduct, but specific recommendations are made in relation to sexual misconduct.

report made 18 specific recommendations for higher education providers and for UUK encompassing six key themes (the recommendations are included at [Appendix One](#)):

- The key role to be taken by the **senior leadership team** within higher education providers
- The criticality of a holistic **institution-wide approach**
- Development of effective **preventative strategies**
- Development of effective **responsive strategies**
- **Sharing good practice** within providers and the sector at large
- The need to engage with and have strategies for **online harassment**

UUK emphasised that the Taskforce report marked a step on a longer journey of how the higher education sector addresses student sexual misconduct. It also highlighted the need for further research and action to address hate incidents and crime and other forms of harassment, including staff-to-student misconduct.

### **2.1.3 The context since 2016**

Since the publication of *Changing the culture* in 2016, UUK has developed a programme of work to support providers in implementing the recommendations. This includes promoting the recommendations at a range of external conferences, hosting its own annual conference and other events and developing resources to support, promote and disseminate innovative and good practice, including through a [directory of case studies](#). In addition, UUK is supporting a range of specific initiatives, such as the provision of practical support on implementing the UUK/Pinsent Masons Guidance, and on tackling issues of staff-to-student sexual misconduct, faith-based harassment and cyber-bullying. UUK has also developed a communications plan to promote a positive narrative about the role higher education providers are playing to prevent and respond to harassment in all its forms.

The issues considered by the Taskforce's report continue to have a high profile due to extensive reports over the past year of gender-based violence and harassment within multiple sectors, particularly in sport, the entertainment industry and in public life, with consequent high levels of media coverage and public interest in this area. Higher education policymakers remain concerned about issues of sexual misconduct among students within the sector, and have also expressed their interest in better understanding issues associated with staff-to-student harassment. Additionally, there is a continued commitment to engage with race, religious and ethnicity-based harassment alongside sexual harassment and gender-based violence. Other lobbying and campaign groups are also making an active contribution in this area.



#### 2.1.4 Approaches across the home nations

UUK's work has been an important driver of policy change and has set the context for much of the work in this area taking place within higher education providers across the UK. However, there are a range of approaches and drivers across the UK which are summarised below.<sup>18</sup>

- In **England**, HEFCE has provided support to the sector to help implement the Taskforce's recommendations through three [Catalyst safeguarding funding calls](#). The first round provided matched funding of up to £50,000 to 63 institutions addressing gender-based harassment and violence. A second round provided match funding for 45 institutions, specifically for tackling hate crime and online harassment on campus. Both cohorts are due to conclude by December 2018. In addition, in February 2018 HEFCE provided a third round of funding in support of tackling faith-based hate crime and harassment. Further to this, HEFCE has appointed the [Leadership Foundation for Higher Education](#) as an external evaluator to work with the project teams during 2018–19 and support and enable learning, exchange and dissemination of innovative and good practice, and identify 'what works' in safeguarding students. A final evaluation report will be available in spring 2019.
- The policy context in **Scotland** is being driven by the Scottish Government's national strategy [Equally Safe](#), which takes a gendered analysis of abuse of women and girls, and aims to achieve a shared understanding of the causes, risk factors and scale of the problem. The [Equally Safe in Higher Education](#) pilot project, delivered by the University of Strathclyde<sup>19</sup>, is developing the Equally Safe national policy in a higher education institution setting. Funded by the Scottish Government this involves the development of a toolkit for all higher education institutions to be launched in March 2018, to challenge gender-based violence in Scottish higher education, along with other awareness raising campaigns and prevention education and training programmes for staff and students.<sup>20</sup>

The Equally Safe in Higher Education project involved a [Rapid review of higher education responses to gender based violence](#) for Scottish higher education institutions, which was published in spring 2017. The project involves a second phase of research interviews in the Scottish sector, which will form part of the final toolkit. That analysis will reflect on progress in the Scottish higher education sector, and as a result Scottish higher education is not covered in this assessment.

- **Welsh** policy in this area is driven in particular by the [Violence against Women, Domestic Abuse and Sexual Violence Act 2015](#), and also by the [Wellbeing of Future Generations \(Wales\) Act 2015](#) and [Social Services and Wellbeing \(Wales\) Act 2014](#). The

---

<sup>18</sup> For further details and links to additional sources of information see: House of Commons Library. (December 2017). [Briefing Paper Number 08117: Sexual Harassment in Education](#).

<sup>19</sup> For more information see:

<https://www.strath.ac.uk/humanities/schoolofsocialworksocialpolicy/equallysafeinhighereducation/>

<sup>20</sup> For more information on the project and on policy and practice in Scotland see: McCullough, A., McCarry, M. and Donaldson, A. (2017) [Rapid review of Scottish higher education responses to gender based violence. Equally Safe in Higher Education project report](#). Glasgow: University of Strathclyde.

latter encourages providers in Wales to ensure that their policies and procedures relate to the presence of minors and vulnerable adults at risk on campus. Additionally, some Welsh Government online resources have been used to support staff training in the areas of sexual misconduct and harassment and to facilitate the sharing of training materials between providers.

- In **Northern Ireland**, the recent policy context includes [Stopping Domestic and Sexual Violence and Abuse in Northern Ireland](#), a seven-year joint strategy published in 2016 by the Department of Health, Social Services and Public Safety and the Department of Justice on behalf of the Northern Ireland Executive, which is applicable to all levels of education as well as other organisations in the public sector.

## 2.2 ASSESSING PROGRESS MADE TO DATE IN THE HIGHER EDUCATION SECTOR

In response to the ministerial request for a progress report in this area, UUK initiated work with HEFCE in late 2017 with support from the Higher Education Funding Council for Wales (HEFCW) and the Northern Irish Department for the Economy, to assess the sector's progress, or barriers to progress, in implementing the Taskforce's recommendations, and to identify what further information, action or support may be required. The approach being taken for this assessment is as follows:

- **Stage One** was a short qualitative study based on research with a sample of 20 higher education providers of different sizes and types across England, Wales and Northern Ireland.<sup>21</sup> This study, which took place between November 2017 and January 2018, assessed the sector's progress towards meeting the Taskforce's recommendations. This report sets out this study's findings, conclusions and recommendations.
- **Stage Two** will build on the results of the Stage One study through a quantitative survey of all UK higher education providers which will be undertaken by UUK and GuildHE during spring 2018 (with the potential involvement of some of the UK higher education funding bodies). The results of this broader survey will also provide a mechanism for providers to assess their own progress in safeguarding students against the rest of the sector.

## 2.3 TERMS OF REFERENCE FOR THE QUALITATIVE STUDY

The aims of this qualitative study were to:

- Assess the sector's progress, or barriers to progress, in implementing the UUK Harassment Taskforce's recommendations, to inform ministers, higher education funding bodies and UUK on what further action or support might be required.
- Provide useful information to enable higher education providers to self-assess their own progress in meeting the recommendations and to signpost sources of further support.

---

<sup>21</sup> Scottish institutions did not take part as a cross-institutional approach funded by the Scottish Government is being pursued through the [Equally Safe in Higher Education project](#) based at the University of Strathclyde.

The scope of the study covered:

- Higher education providers in England, Wales and Northern Ireland (the Scottish Funding Council are taking this agenda forward through Equally Safe in higher education as outlined above).
- Higher education institutions and alternative providers of higher education in England (excluding further education college providers of higher education) and higher education institutions in Wales and Northern Ireland.
- The primary focus was on how higher education providers are taking forward the Taskforce's recommendations for safeguarding in relation to student-to-student sexual misconduct. However, it also considered how higher education providers address other forms of harassment and hate crime and issues of staff-to-student sexual misconduct, though in less detail.
- Consideration of current issues or numbers of incidents at participating providers was not within the scope of the study; rather its focus was on the approaches in place to prevent and respond to such incidents.

## 2.4 APPROACH

This qualitative study took place between November 2017 and January 2018. It involved extensive in-depth discussions held on an anonymised basis with a sample of 20 higher education providers. The sample was designed based on characteristics of geographic location, size and provider type as follows:

- Home nation: providers from England (17), Wales (2) and Northern Ireland (1).
- English region: East of England (1), East Midlands (3), Greater London (5), North-East of England (1), North-West of England (1), South-East (1), South-West (2), West-Midlands (1) and Yorkshire and Humber region (2).
- Size by number of full-time equivalent (FTE) students: fewer than 1,000 (2); 5,000-10,000 (3); 10,000-15,000 (2); 15,000-20,000 (4); 20,000-25,000 (6); and 25,000 or more (3).
- Type: alternative provider (1); small and specialist, including one conservatoire (2); pre-1992 institutions (6); and post-1992 institutions (11).<sup>22</sup>

Consultation took place with circa 100 individuals across the 20 providers through in-depth, semi-structured interviews (by telephone or face-to-face) and focus group discussions. In most cases, participants provided a holistic view from strategic leaders to students, including:

- senior leadership team sponsors

---

<sup>22</sup> Small institutions and alternative providers are under-represented as only a small number agreed to take part.

- operational managers and key staff within student welfare, support or safeguarding teams, as well as other staff nominated by the provider
- students involved in safeguarding activities (such as in training or awareness raising) and women, welfare and other representative officers in students' unions

The main outputs from the short study were a short ministerial briefing to the Department for Education in England, delivered in December 2017, and this final report in March 2018. Additionally, this study has helped identify key areas of enquiry for inclusion in the questionnaire survey which will form Stage Two of this progress assessment.

### 3. PROGRESS MADE TO DATE

#### 3.1 OVERVIEW OF PROGRESS TO DATE

This qualitative study was based on in-depth research with a small sample of 20 higher education providers, designed to reflect key characteristics of the broader sector in terms of their location, size and type of provider. The research involved in-depth interviews and focus group discussions with circa 100 senior sponsors, operational managers and student representatives across the providers. Although the findings will not be entirely representative of the whole higher education sector, they should provide a reasonable indication of the progress being made more broadly across higher education providers in their implementation of the Taskforce's recommendations. Additionally, the quantitative survey of all higher education providers during the second stage of the research will be able to explore progress with a wider group.

The UUK Taskforce's report and publicity around it has given considerable impetus, helped focus minds and resulted in student-to-student sexual misconduct being afforded higher priority status in the higher education sector than in the past. Even for those providers that had started work in this area beforehand, the report has allowed mapping of existing actions to the recommendations and increased the status and focus of the work taking place.

Higher education providers consulted for this study are in the process of implementing improved approaches to tackling student sexual misconduct or have already done so. These changes are being driven in large part by the Taskforce report and by other initiatives, most crucially the [Catalyst safeguarding funding](#) which has accelerated and supported change across the English higher education sector. This is in the broader context of the continuing media coverage of these issues across multiple sectors, which is raising awareness for both providers and students.

However, based on this study, progress in tackling these issues across the higher education sector remains uneven. Progress on implementing the recommendations is dependent on what individual providers chose to prioritise, with some prioritising awareness raising campaigns and training, while others selected policy and process first. The focus can also be dependent on levels of expertise, maturity of approaches, capacity, resourcing levels and enthusiasm of key individuals. Most providers are not yet taking the sort of 'institution-wide' approach envisioned by the Taskforce.

Additionally, the UUK/Pinsent Masons guidance on new ways of handling alleged student misconduct which may also constitute a criminal offence is not mandatory for providers, but this is driving significant changes within policies and procedures within many of the providers participating in the study although progress is also variable.

*'I thought the recommendation to take an institution-wide approach was one of the most significant recommendations from the Taskforce's report. The most successful strategic initiatives are when that type of approach is taken... [This includes] a strengthened, explicit code of behaviour for all staff and students and more use of reporting into the Council and Academic Board to achieve institutional change.'* – Senior Sponsor: large, post-92 institution

*'Replacing the Zellick Guidance with the UUK/Pinsent Masons Guidance has had a massive impact.'* – Senior Sponsor: medium-sized institution

*'This [implementation of the new guidance] hasn't happened yet. This needs to go through our committee structure. Disciplinary procedures will also need to be reviewed.'* – Senior Student Support Manager: medium-sized, post-92 institution

*'We have found this [implementation of the new guidance] challenging. We will need to determine where the balance of probability falls. This will be really hard if there are two different versions of events – it still boils down to one word against the other in the absence of any other evidence.'* – Senior Student Support Manager: small specialist institution

*'The guidelines were clear; however things will be tested from now on.'* – Project Officer: large, research-intensive institution

Most higher education providers are focussed predominantly on preventing and responding to student-to-student sexual misconduct. A great deal of good emerging practice is evident in this area and UUK has been active both in its own well-received thought leadership in this area, and in facilitating the sharing and dissemination of this emerging good practice across the sector. Conversely, tackling hate incidents and crime and staff-to-student misconduct tend to have a lower priority, and policies and campaigns are less well-developed in these areas within most of the providers in this study – as is the data collected on these areas. A minority of providers plan to address either or both of these areas as a next stage. Other ongoing research and student campaigns on these areas are likely to continue raising awareness of these issues. Both require further support and time to achieve the same step change and enhanced priority status within providers as that of student-to-student sexual misconduct.

*'Student sexual misconduct has been the focus of our work which has been given special emphasis [since the publication of the Taskforce's report]. We do have processes for hate crime and harassment, we have always had these within equality statements'* – Senior Sponsor: large, post-92 institution

*'Hate crime is the area lacking information on ... there is an issue for students of not knowing where to report an incident to – is it the police or the university? There is also an issue of students from certain areas not coming forward... We need to create*

*an environment where it is talked about.*’ – Student President: large, post-92 institution

*‘Student-to-student issues seem to be easier to deal with, I am only aware of anecdotal complaints against staff not of any detail.’* – Student President: large, research-intensive institution

*‘We keep statistics on student misconduct, but we can’t produce similar data on staff incidents...’* – Senior Manager: large, research-intensive institution

Changing organisational culture takes time to become apparent and is difficult to measure. Higher education providers recognise that changes to policies and procedures must be backed up by addressing all the recommendations to achieve cultural change. However, many of the participants in this study have experienced considerable increases in the number of students disclosing recent or historic incidents of sexual misconduct. This is considered positively as evidence that students are more confident in coming forward due to the changes being made. There is some concern among larger institutions particularly of the need to have appropriate processes, procedures and staffing levels in place to support the potential sharp increase in the volume of disclosures.

*‘Hard to tell regarding culture change as so much going on nationally. There is more awareness but can’t pinpoint how much is to do with national spotlight or our own activity.’* – Senior Sponsor: large, research-intensive institution

*‘It’s very early. There has been an increase in disclosures.’* – Project Officer: large, research-intensive institution

*‘There has been a big increase in disclosures – including historic. There are issues around taking the volume of disclosures, and also supporting the staff who are taking these. Also trying to resource this with staff of the right grade.’* – Senior Student Support Manager: large, research-intensive institution

Participating providers and student representatives report that students are more willing than in the past to come forward to report incidents of student-to-student sexual misconduct which they have experienced themselves, or which they have witnessed. This suggests that their awareness of what constitutes student sexual misconduct is changing, and that they feel more confident now than in the past that their provider will address such incidents. However, it is impossible to determine the relative impact of the Taskforce’s recommendations, both on providers and student behaviour from other factors, especially given the extensive media coverage of issues of sexual misconduct in multiple sectors over the same period.

The remainder of this section considers each element which the UUK Taskforce considered essential for effective prevention of and response to sexual misconduct and hate crime. It

discusses progress being made across the sector or any barriers in implementing the Taskforce's recommendations. Good practice examples where available are included, along with suggestions for additional changes which may need to be made by higher education providers, or where further information, action or support may be required from sector bodies.

### 3.2 SENIOR LEADERSHIP ROLE

The Taskforce's report concluded that a 'long-term and visible commitment from senior leadership is needed to ensure that violence against women, harassment and hate crime are effectively addressed.' The recommendation for senior leaders was that:

*i. all university leaders should afford tackling violence against women, harassment and hate crime priority status and dedicate appropriate resources to tackling it*

The study found that there is a clear variation within participating providers in terms of visible senior leadership sponsorship, involvement and direction setting for tackling sexual misconduct and hate incidents and crime. Active senior leadership, alongside embedding of changes within existing governance structures, seem to be critical factors in how far ahead providers are in meeting the Taskforce's recommendations due to the priority status this brings. Both help ensure these issues are addressed in a cross-cutting way, since all relevant strategic groups and committees are sighted on this alongside other significant inter-related student safeguarding and supporting initiatives.

For a minority of the providers participating in this study, sponsorship is at the highest executive level and vice-chancellors, their deputies or pro-vice-chancellors or chief operating officers are leading initiatives directly and visibly. This includes personal contribution to student-facing campaigns, presentation of decisions relating to work in this area to the senior team, communications to all staff in relation to project work, and organisational change in this area. A minority of interviewees report that a lack of senior sponsorship and focus in this area means the institution is catching up with others. However, all reported this is now improving.

Nonetheless, within most of the participating providers, the senior sponsorship and accountability is indirect through the line management structure (reporting to the registrar, chief operating officer or similar roles on the senior team). In most cases however, leadership of efforts to tackle student sexual misconduct is at the level of directors of student services, support, welfare or similar roles. There is a risk from this as the student affairs brief is not always represented on senior teams, and consequently for the tackling of these issues not being considered an organisational priority, properly resourced in the longer term or reported to the relevant committee of the governing body.

Moreover, the leadership and management of initiatives to address incidents of hate crime and other forms of harassment and staff-to-student misconduct tends to be located within



different parts of the organisation, such as the HR directorate. Therefore, addressing these issues is not always joined-up at the highest level of the organisation. Consequently, the approaches to preventing and responding to these other types of safeguarding incidents, and the experience of students when they arise, can be inconsistent.

In terms of the provision of resources, many of the providers reported an increase over the past year, and in most cases this was to address student-to-student sexual misconduct. This included support from Catalyst funding. Resources were used to fund new (mostly temporary but some permanent) posts to provide support for students, for investigation of reports of misconduct, to support awareness raising campaigns, and for training of both staff and students. Some providers were unsure of how best to resource changes and services, recognising that resources could be focused on providing more support at a strategic level, or at an operational level such as funding a caseworker or investigative officer – or initiate a new project.

15 of the 20 providers that participated in this study are in receipt of HEFCE Catalyst safeguarding matched funding of up to £50,000, and three have funding from the first two rounds. However, only a minority of providers have so far allocated the matched funding sum in future years' budgets. Therefore, it is not certain whether the funding is temporary and there is concern within some providers that the momentum created by the Catalyst funding may be short-to-medium term, and there is a risk that once this comes to an end both the momentum and provider funding may also end. Resourcing seems more likely to be sustained in those providers where leadership of change is at the most senior levels, visible and vocal, and where changes have become more fully embedded within existing governance, policies, structures, systems and processes.

*'There have been two FTEs in relation to bystander training – one funded by HEFCE [through Catalyst funding], and one FTE is planned in relation to supporting students, and one in relation to investigation.'* – Project Officer: large, research-intensive institution

*'The successful Catalyst bids will provide project funding to really get started.'* – Senior Student Support Manager: Large post-92 institution

*'It would be helpful to see different resourcing models eg proportion of strategic posts to project posts.'* - Senior Sponsor: Large research-intensive institution

## Recommendations – senior leadership role

**1:** Effective practice from the study suggests that if they do not already do so, higher education providers should consider moving sponsorship, ownership and accountability for student safeguarding initiatives to tackle sexual misconduct and hate incidents and crime to the senior leadership team.

**2:** To ensure sustainability of initiatives which tackle sexual misconduct, harassment and hate crime, providers should consider committing longer-term resources to fund student safeguarding projects and roles.

### 3.3 A HOLISTIC INSTITUTION-WIDE APPROACH

The Taskforce highlighted the importance of taking a cross-institutional approach<sup>23</sup> to all aspects of preventing and responding to sexual misconduct and hate crime affecting students. The report contained several specific recommendations that providers should:

- ii. take an institution-wide approach to tackling violence against women, harassment and hate crime*
- iii. provide their governing bodies with regular progress reports summarising what progress has been made towards adopting a cross-institution approach. This should include reporting on the resource made available and used to support an effective cross-institution approach, including any recommendations for additional resource*
- iv. carry out a regular impact assessment of their approach*
- v. involve their students' union in developing, maintaining and reviewing all elements of a cross-institution response*

#### 3.3.1 Institution-wide approaches

Progress is being made in developing 'institution-wide' approaches to tackle sexual misconduct among the participating providers. The size and structure of a provider is relevant to the approaches being taken, with participating providers in the study ranging from those with fewer than 1,000 students, to those with more than 30,000.

The staff and students consulted for this study are generally very supportive and recognise the importance of these issues. The majority of the providers consulted have responded to this agenda through setting up one or more ad hoc working groups (or by adding to the remit of an existing committee or group with a broader remit), or by creating new interdisciplinary teams tasked with addressing student safeguarding. In most cases, this approach has

---

<sup>23</sup> Elements of an institution-wide approach outlined in the Taskforce report include the need to separate prevention activities from response; ensure clear lines of accountability and ultimate accountability should lie with a senior staff member; have a clear understanding of risk and who owns each risk; ensure appropriate governance; embed across all relevant university functions; involve the student body as much as possible; offer support tailored to meet the needs of the individual; identify and up-skill 'go to' people in the university and make sure all staff are made aware of them.

enabled individuals from relevant parts of the organisation, both from academic and professional services, to become core members of the group. Several instances of effective practice were highlighted of academic subject matter experts, for instance in sociology, criminology or social work, having membership of the working groups.

For the most part, these working groups take a project-based approach to securing change. They are focussed variably on raising awareness and encouraging reporting, developing new preventative strategies through student and staff training, and implementing revised reporting systems and support for students when disclosures are made. The working groups are approaching the matter in various ways. Many are adopting policies for the whole institution as a starting point, along with a common set of procedures, whereas others are focusing on preventative training and awareness raising campaigns. A minority of providers which are furthest ahead in meeting this agenda have made more substantive, longer-term changes and are embedding these in statutes, governance, structures, policies and processes. Some of the most significant changes are arising within those providers which are furthest ahead in implementing the UUK/Pinsent Masons guidance (see below).

Most of the participating providers are focussed predominantly on tackling student-to-student sexual misconduct. Initiatives to develop new strategies to prevent or respond to hate crime and harassment, and staff-to-student misconduct both tend to have a lower priority and policies and campaigns are less well developed in these areas within higher education providers. There are fewer institution-wide approaches and initiatives evident to address these issues. Instead in most cases these areas are dealt with by different governance, functions and processes within the organisation. HR policies and processes are used to respond to incidents of staff-to-student misconduct, and the HR team communicate with the staff member, and the student support services would communicate with the student. A minority of providers plan to better join up these areas as a next stage.

*‘There are student union reps on a university level working group’ – Senior Students’ Union Officer: large post-92 institution*

*‘A task group has been set up. We recognised the need to do more in this area – and were relieved to see catalyst funding available for this – small institutions need this support.’ – Senior Sponsor: small, teaching focused institution*

*‘At the request of the VC: led by [senior managers relating to student support and equality] who pulled together [a working group], this had cross-institutional representation from the Students’ Union and student groups, academics, professional services, sports etc. The result was a framework of actions and activities. This was approved by the Students’ Union Executive and the University Executive.’ – Senior Operational Staff: large post-92 institution*

### **3.3.2 Governance**

The embedding of changes within existing governance structures seems to be a critical factor in conjunction with senior leadership involvement, in how far advanced providers are in meeting the Taskforce's recommendations. Good practice is where senior sponsors report to their governing bodies (or a senior sub-committee) through an appropriate strategic reporting mechanism. This provides an opportunity to include reporting on safeguarding information and data, and to align strategic approaches and monitor progress. This information is used proactively to make policy and process recommendations and modifications. Clearly this approach needs to be underpinned by the use of robust, centrally held data.

Being part of existing institutional governance helps ensure these issues are addressed in a cross-cutting way, since all the relevant strategic groups and committees will be sighted on this and other inter-related student safeguarding and supporting initiatives (such as student mental health and wellbeing and initiatives to tackle alcohol misuse). Connection with the institutional governance process also ensures priority status and adequate oversight of progress being made.

However, only a small minority of providers in the sample report directly to the governing body on these aspects of student safeguarding. Project work in this area is often governed at a project specific level, rather than embedded in the existing governance structure of the institution, and in some instances, the working group or project team has been configured in an ad hoc way and is not part of formal governance structures. Often, the level of funding for additional resources is not high enough to require approval by the governing body. More commonly, the senior sponsor of the initiative or the chair of the working group will simply report on progress to a sub-committee of the governing body or of the academic board.

*'I know there is a lot of work going on to tackle student sexual misconduct at the university, but I have not so far heard it raised at governing body meetings.'* –  
Student President: large post-92 institution

### **3.3.3 Impact assessment of approaches**

The use of impact assessments is not yet in place across the providers in the sample. Evaluation of approaches remains at an early stage, and so far, has been largely based on attitude surveys among students and staff to explore their perceptions of the new approaches. There is also widespread monitoring of output measures, such as the volumes of reports being made and numbers of students and staff on training, to understand the scale of the issue. However, understanding of appropriate measures to assess the impact of interventions is not well developed. Although, many of the providers with Catalyst funding are beginning to look at ways of evaluating the impact of their funded initiative or intervention.

*'More incidents have been reported, these are recorded centrally now in one place. There is a casefile system which can export information to a spreadsheet. Review of this data will go up through the committee structure of the university.'* – Senior Student Support Manager – medium-sized institution

*'I'm not sure. We only started collecting data on this in 2015–16. [Additional student support posts] have only been in place since last year. We hope numbers go up as this will show reporting is getting better.'* – Senior Student Support Manager: small teaching focussed institution

Some providers point to not only an increase in recent reporting by victims/survivors, but also to increases in historic incidents and the number of witnesses coming forward to report incidents. Higher education providers collect data on reports of student-to-student sexual misconduct, however, it is less clear whether centralised data on staff-to-student misconduct, or on other forms of harassment based on hate, are maintained in the same way.

Most participants believe it is too early to try to assess the impact of changes which have been made and have yet to create a baseline against which to measure change in future. Moreover, some participants suggested that impact in future should perhaps be measured in three-year cycles by cohort. The new NSS optional questions for providers to assess safety will be helpful in this regard, however, not all the participants in the study were aware of these.

### **3.3.4 Involving students**

Representation from students' unions on working groups focused on student safeguarding is common within participating providers. A good working partnership between the institution and the students' union is reported by most participants, although the level of formal involvement reported does vary. Student representatives tend to be members of working groups or committees, and in some cases, are members of boards of discipline. However, there were a number of reports of institutions and students' unions not working in tandem in terms of the issues on which they are campaigning, with the desired timeframe from input from either side being misaligned, for instance the students' union having moved on to new campaign issues.

*'This has been a partnership from the beginning. The [senior sponsor] set up a working group of students and representatives from across the university looking at these issues and how to address/seek opinions on how to best approach. The bystander training in particular has been a joint approach'* – Senior Students' Union Officer: small institution

*'We have taken the lead on student facing campaigns and encouraging students to come forward. The university has worked with us, but not as much as we might have liked. There was some tension around branding of the campaign. Things have*

*been better since.*' – Senior Students' Union Officer: large research-intensive institution

There is often close working between providers' project leads and individual students' union women's or welfare officers, who are able to feed in experiences of victims/survivors of misconduct in an indirect way. Some instances were highlighted where personal interest, considerable effort and enthusiasm of individual sabbatical officers was such that it helped drive momentum, but there is a risk that in the following year the next officer may be campaigning on quite separate issues and that momentum is lost and the changes become unsustainable. Moreover, it can be a huge amount of (not always institutionally supported) work for individual representatives particularly in organising and delivering training and there can be a risk that the knowledge on what works best may be being lost from year to year. Many of the providers are using student ambassadors to deliver training to their peers.

Student voices tend to be collated through the design of campaign materials, performance as part of events, surveys in partnership with other institutions and internal surveys and focus groups comprising of participants with protected characteristics. There was little evidence of the direct voices of victims/survivors of incidents of sexual misconduct and hate crime feeding into the development of preventative campaigns or new reporting and support arrangements, although most providers have established partnerships with expert referral organisations and the police and seek their advice. Many interviewees commented on the challenge of seeking the direct input of survivors into preventative and responsive approaches due to the highly sensitive nature of their experiences.

Additionally, it is not yet clear to what extent any of the providers are focussed on designing their preventative strategies to support students with multiple protected characteristics; this is important, as the experience of sexual misconduct may differ as a result and require different approaches. A Catalyst funded project is developing an intersectional approach to training for harassment and hate crime, which should provide some guidance on this for the wider sector.

### **3.3.5 Summary**

The rationale for addressing sexual misconduct, hate crime and harassment using a holistic and institution-wide approach as recommended by the Taskforce is clear. However, some of the participating providers in the study are at a very early stage of implementation, and much more effort will be needed to embed changes being made across the different parts of their organisations. Adequate resourcing for permanent staff and changes to institution-wide policies, procedures and processes are key to changes becoming embedded and thereby sustainable, as are effective governance and partnerships with other organisations (including the students' union) and learning from the expertise of specialist agencies and the experiences of victims/survivors.

Moreover, further work is needed to support providers in developing institution-wide approaches to safeguarding students against student sexual misconduct, but also hate crime and other forms of harassment, and staff-to-student misconduct. There was no evidence of a single-entry point into the system within the higher education providers consulted for students to report incidents of staff-to-student misconduct in the same way as that by students, although several have their policy under review given the current attention to the issue. One provider has circulated recent new guidance to staff and students and is refreshing contracts and looking at staff training and induction.

Several Catalyst funded projects are looking at issues of hate incidents and crime, with another looking at staff-to-student misconduct, and they will be able to share learning on these with the wider sector. In addition, UUK has agreed to establish a task and finish group to develop guidance to support institutions in addressing staff-to-student sexual misconduct.

### **Recommendations – institution-wide approach**

**3:** To ensure sustainability of initiatives to tackle sexual misconduct, harassment and hate crime, higher education providers should consider:

- making working groups, projects or other temporary structures set up to tackle these issues permanent, or at least guarantee their funding for several years
- ensuring that such groups and projects are embedded within the existing governance and reporting structures of the organisation to ensure that issues are addressed in a cross-cutting way across the organisation

**4:** To ensure appropriate oversight of these issues by the senior leadership and governing bodies, higher education providers should consider the best strategic reporting mechanism for the governing body (or relevant senior sub-committee) on sexual misconduct, harassment and hate crime reporting trends, the types of cases and incidents, the responsive measures and outcomes, as well as on preventative measures

**5:** Higher education providers should seek to ensure that the principles and priority status accorded to handling student-to-student sexual misconduct are extended to also cover: staff-to-student sexual misconduct and incidents of hate crime and other forms of harassment.

**6:** Higher education providers should consider how to make it clearer for their students about how to report, disclose and or seek support for any incident of safeguarding. This could involve introducing the same accessible mechanism(s) for students to make a report, make a disclosure or seek support in relation to any type of safeguarding incident, be this:

- student-to-student sexual misconduct
- staff-to-student sexual misconduct
- hate crime and other forms of harassment
- online harassment

### 3.4 EFFECTIVE STRATEGIES FOR PREVENTION OF INCIDENTS

The Taskforce advocated supporting ‘students to be agents of change, fostering a positive respectful culture via evidence-based bystander initiatives’. Additionally, a zero-tolerance culture setting out behavioural expectations with corresponding disciplinary regulations should be in place. To prevent incidents, the Taskforce recommended that providers should:

*vi. adopt an evidence-based bystander intervention programme*

*vii. ensure that partnership agreements between the student and the university highlight up-front the behaviours that are expected from all students as part of the university community, set out disciplinary sanctions and state the university’s commitment to ensuring the safety and wellbeing of students*

*viii. embed a zero-tolerance approach across all institutional activities including outreach activities with schools and further education colleges, engagement with local bars and nightclubs, student inductions (including international student inductions), and student information*

*ix. take meaningful steps to embed into their human resources processes (such as contracts, training, inductions) measures to ensure staff understand the importance of fostering a zero-tolerance culture and are empowered to take responsibility for this*

There would appear to be a preventative focus on student safeguarding in terms of recent campaigns and training focus across most of the providers in the study. They are implementing awareness raising campaigns and initiatives to address student sexual misconduct and are aiming to create an environment where students feel more able to make disclosures than in the past. These strategies are clearly having an effect, with many reporting an increase in the number of reports and of historic incidents, indicative of some change in organisational culture. However, it is not evident that the design and roll-out of preventative strategies is based on good management information derived from the analysis of data within individual providers, for instance to direct and tailor the direction of training and content of campaigns, or to increase outreach with local bars and nightclubs where there is a preponderance of incidents off campus.

Both consent and bystander intervention training for students are now prevalent across providers, although there is much variation in how training is conducted and by whom and in how it is being rolled out to which groups of students. Some of the participants in the study noted their surprise that students are entering higher education without having had prior training in sexual misconduct, particularly consent, at school and college level. More joined-up working through higher education providers’ outreach activities with local schools for instance could be beneficial.

*‘There needs to be thought into what schools are doing to prepare students for attendance at university. There seems to be a proportion of first year students who*



*are misconducting.*' – Senior Student Support Manager: large research-intensive institution

Some of the participating providers have undertaken surveys to understand where to target preventative campaigns. Many are now targeting and prioritising freshers, students in halls of residence, along with other key groups on a risk-basis. This is often directed at those with positions of pseudo-responsibility within the student community such as committees of sports clubs and societies, where these students are able to act as role models to their teams, and/or where there may also have been historic issues with culture towards sexual misconduct in some of these groups.

The format and amount of time taken for training also varies, with some taking eight hours in total, and others taking two. There were a small number of reports of trying to embed this training into the curriculum. This may be easier for professional/vocational programmes, since it can be challenging to find time out of the curriculum for this training otherwise. However, those on professional/vocational courses already receive significant education in the form of fitness to practise education. Smaller providers, and those institutions where all first-year students are accommodated in halls of residence may use this induction period to complete consent training, or provide a talk relating to behavioural expectations and sanctions. Size of provider is again relevant to the approaches which can be successfully adopted. With a very large student population it can be challenging to reach all students with meaningful in-person training.

Bystander intervention training packages and approaches are enormously varied, and providers are at various stages of evaluating the approach they have adopted. Examples include: online training for a wide range of students; in person training of 2–8 hours duration, usually targeted at student leaders within clubs and societies, and halls of residence; and in some cases, paid, uniformed bystander personnel at student events. At least one higher education provider in this sample is considering mandatory online consent and bystander training as part of the registration process for all new students. Certain providers may find it easier to implement mandatory training that others depending on the expectations of their students. For example, there is some concern that mandatory training for new students may be highly insensitive to survivors, and that making this a requirement of registration, and therefore access to funds has ethical and legal implications.

*'Bystander training has already made a significant impact, seen in the increase in numbers of disclosures being made and students trusting the institution to do something about it, and in general awareness raising; what people have accepted and normalised as an institution has changed.'* – Senior Sponsor: large post-92 institution

*'Bystander intervention training workshops have been run but I do struggle with the optional approach [to attending training] as it can be difficult not to just preach to the converted.'* – Student President; large research-intensive institution

Numerous awareness raising campaigns were reported as part of the study. These are often led by the students' union but in some cases by the provider, for instance during freshers' week. Campaigns are often linked to a launch event or associated with a themed week and are an important conduit. Good practice was identified in some of the providers where campaigns relating to both sexual misconduct and hate crime are run annually. These are often led by the students' union and there are examples of very successful partnerships between union and provider communication officers and teams. Campaigns include a rich mix of print and online materials, events and performances. Examples of direct input from survivors and students who are at an increased risk of hate crime have been reported through focus groups and surveys. Management information relating to incidents of sexual misconduct and hate crime is often used to direct and inform campaigns. Support for more awareness raising, training and joined-up approaches in some cases is required to address hate crime and other forms of harassment and staff on student misconduct.

Where any tension between student representatives and managers at providers has been reported, this is usually in relation to the production of campaigns. Where these issues occur, they don't appear to be related to size or type of provider. Issues include: misalignment of timelines for production and deployment of campaigns; lack of requested input from either party; the broader issue of quality of handover between sabbatical officers and the implicit loss and re-development of expertise related to these positions; disagreement about the design of campaigns, or the information to be included, eg language or statistics relating to sexual misconduct.

Zero-tolerance approaches are generally confined to on-campus activities. However, a minority of providers in the sample are taking forward outreach activities with local bars and nightclubs, but these seem to be the exception. Examples of developed preventative relationships with external partners include: city/regional partnerships with the local authority, police, the NHS, and other higher education and further education providers in the local area.

A city-wide strategic partnership was reported or planned in their cities by two of the participating providers to create safer places. In both cases there are multiple institutions in the urban area, and both cities have a high student population in halls of residence and private rented accommodation. Such partnerships may have a sub-group looking at student safety in off-campus bars and venues, and private-rented accommodation; and outreach with bars and nightclubs – some universities and students' unions have been able to promote campaigns within off-campus premises and influence the security policies of these venues. Moreover, in larger providers, third sector partners relating to sexual violence and hate

crime may have an on-campus presence, including during campaign events, or provision of training to staff who are most likely to receive disclosures.

Behavioural obligations for students are commonly referenced in student codes of conduct and may be referenced in offer letters, or student contracts that students must agree to at the point of registration. More transparent statements are available than in the past of what constitutes and what is not considered acceptable behaviour. The extent to which staff-to-student harassment and hate crime are explicitly referred to is unclear. A majority of student participants commented that they are not aware of any specific preventative actions for staff-to-student misconduct.

#### **Recommendations – prevention strategies**

**7:** Higher education providers should consider – if they have not already done so – adopting the new NSS questions on safety to be able to baseline and measure student perceptions in this area and compare these with their peers.

### **3.5 ENABLING AN EFFECTIVE RESPONSE**

The Taskforce highlighted the key components of an effective response for providers, with specific recommendations that providers should:

- x. develop a clear, accessible and representative disclosure response for incidents of sexual violence and rape, working with relevant external agencies where appropriate*
- xi. take reasonable and practicable steps to implement a centralised reporting system*
- xii. conduct a thorough assessment of which staff members need to be trained and what training needs to be provided. A clear, multi-tiered training strategy covering different types of incident can then be developed*
- xiii. build and maintain partnerships with local specialist services to ensure consistent referral pathways for students*
- xiv. establish and maintain strong links with the local police and NHS in order to develop and maintain a strategic partnership to prevent and respond to violence against women, harassment and hate crime affecting students*

### 3.5.1 Disclosure response

Most of the providers have developed – or are in the process of developing – much clearer and more accessible responses and formal processes for handling student disclosures of student sexual misconduct. Many report having modified processes and developed new staffing structures for receiving and processing disclosures. There is variability as some providers have wellbeing support staff embedded within academic units, while others have a much more centralised model of student support. To support this process, UUK in partnership with Coventry University, is developing a briefing note with practical guidance on how to deal with an initial disclosure of an incident.

Some examples of what appears to be effective practice among the participating providers in handling disclosures are:

- having one or more trained members of a core central services team who the student is directed to – as well as a clear range of options for the students to make a report (which may include an online system and/or app)
- having staff members with a full-time academic or support role at the provider who has volunteered for specific training in the handling of disclosures and can signpost students to other internal and external services
- there is a clear approach to response times based on how recently the incident occurred
- there is a clear risk management process which takes account of the context between the reporting student and the alleged perpetrator and any conditions set by the police
- partnerships with local Sexual Assault Referral Centres (SARCs) and other related partners are well developed

*‘We have a centralised process for online disclosures. We have trained a team of staff from across the university [academic departments and central services] on how to respond to these. Once a report is received online, a member of this team will offer advice and signposting, we have a central process for recording all information.’* – Senior Student Support Manager: large, research-intensive institution

*‘Over the last year, everything has been revised to make it more apparent that the student should be referred to [central services]. A colour coded one-page leaflet has been produced for all staff.’* – Student Support Manager: larger, research-intensive institution

*‘There is a reporting form for incidents. This is not online and is for staff handling disclosures. There are tick boxes to indicate which bracket the incident falls under. There is a question around whether they would like referrals to the police and internal and external services.’* – Senior Student Support Manager: small specialist institution

Resourcing this area is linked to the size of the institution which has an implicit relationship to the number of disclosures received. Contributors to this report have student populations ranging from fewer than 1,000 to more than 30,000. Student support teams vary from one officer who may have a broad remit to larger teams with dedicated student councillors, mental health practitioners, disability officers, international student support and other roles. Many of the students' unions have advice centres or officers to whom reports and disclosures can also be made. It is unclear how 'joined-up' this work by the students' union is with that of the provider, and more research would be helpful here to understand what works well for the students. The extent to which the data collected by the students' union and that collected by the higher education provider are collated is also unclear.

All staff spoken to with a role in either coordinating support for students or directly providing this said that options provision following disclosure is a key principle of their work, and that taking account of the wishes of the individual student is key. The support offered is tailored to the circumstances of the individual and takes account of their other needs, such as mental health issues or accommodation. A caseworker model is adopted by some of the participating providers, while in others there is usually a named member of staff who will coordinate the support for the reporting student.

When a student makes an allegation against another student most providers will convene a risk assessment panel or similar, which can immediately put in place any mitigating actions to keep them apart, and this is reviewed on a regular basis. This risk assessment approach is commonly used, however the interpretation of what this means in practice seems to vary, from formally documented and reviewed assessment by an individual or panel with formalised review points, to a case-by-case approach with limited documentation in a minority of cases. The risk assessment will commonly have a focus on the context between the two students, whether they are in the same accommodation or learning spaces, with a focus on avoiding contact.

Many of the participants in the study believe that up to the point of a decision by the police or an internal disciplinary panel there is an equal duty of care to both students. It is also common practice to allocate a separate case-worker or lead coordinating role to different members of support staff and ensure there are different councillors provided if appropriate. In smaller providers, the number of staff qualified to fulfil these roles can be limited, and challenges can arise, for instance, if there are more than two individuals involved.

### **3.5.2 Centralised systems**

Centralised systems and processes for collecting, recording and storing data on incidents of sexual misconduct, hate crime and harassment remain underdeveloped areas across most of the providers in the study, although UUK and Catalyst funded projects in England are seeking to take this forward and share practice across the higher education sector. Robust

and centrally collected data will underpin the management information reported to senior leadership teams and governing bodies, thereby enabling more effective decision-making on how and where to best target resources and prevent further incidents.

Additionally, there is a limited number of online reporting tools used by the providers in the sample. At least two institutions are concerned about putting information online on how to respond to and report issues of sexual misconduct, due to concern over their ability to deal with an increased volume of disclosures. There is varying use of online reporting forms for students, some of which allow for anonymous reporting. There are different views among consultees as to the benefits of anonymous reporting, with some concern about how to ensure students are supported, while others point to the higher numbers of anonymous reports being made.

Another issue, as mentioned elsewhere, is that although many of the students and their representatives understood how to report an incident of student sexual misconduct, many were less clear how they would go about reporting hate incidents and crime and incidents of staff-to-student misconduct.

*'Disclosures have gone up a lot which suggests there is more keenness to report. Students have been making reports, and staff too. There have been twice as many anonymous reports as non-anonymous, it's [the option for anonymous reporting] going well in that sense.'* – Senior Students' Union Officer: large research-intensive institution

*'We looked at developing an anonymous online reporting app. There are issues with anonymous reporting – what happens to this information? How do we ensure the student is supported? What is the university going to do with the data?'* – Student Support Manager: medium-sized institution

*'It is hard to know what the issues are – we really don't know if there is Islamophobia or anti-Semitism on campus. We would like to know this.'* – Students' Union Officer: large post-92 institution

### **3.5.3 Training for staff**

Training for staff usually involves a tiered approach tailored to the likely role of staff in responding to incidents. This includes training for those working in central support services for students, those who are most likely to receive disclosures working across a range of departments, and those who are likely to be first responders to a reported incident.

Specialist staff training is key, so staff have the skills to take disclosures, triage reports, investigate cases, interview students, take part in misconduct and disciplinary hearings, and provide support to both reporting and responding students. The extent of staff training, however, across providers in the sample is variable. Specialist training and support (peer-to-

peer and in some cases therapeutic) tends to be in place for staff directly involved in handling disclosures and providing support to students.

Providers are implementing different approaches to the numbers of staff who can take disclosures. In most cases this is limited to a relatively small number of individuals working in the central student support team and many of the providers mentioned resource for an extra FTE member of staff within student welfare/advice/support centres for case handling. However, there are several reports that training for staff across the provider has been rolled out so that certain staff within all academic areas are fully trained in how to deal with disclosures, or how to signpost students to staff who have been trained. Smaller providers commented that training for staff provided by national training providers can be prohibitively expensive for them, and that other routes for receiving this training must often be adopted, such as requesting it from local partners.

More general staff training and awareness raising through HR processes is far more variable across the providers in the sample. Many of the providers issued information to all staff (particularly heads of academic units and personal tutors) regarding which specialist staff members a student should be referred to once a disclosure is made. There are several examples of online process diagrams/print materials made available to all staff.

#### **3.5.4 Partnership approaches**

Most of the providers in the sample highlighted the clear links and partnerships in place with external agencies for referral and to provide additional expert support for students when incidents take place. These are mainly with agencies such as Rape Crisis Centres, Sexual Assault Referral Centres (SARC), and the police. In some larger providers, local partners such as the SARC or the police may have a presence on campus, but most have named liaison officers.

There are reports of working with other partners in the geographical location, such as the local authority and other universities with the objective of having a wider impact on safety in the local area. There are some specific partnerships with local charities, but there appear to be fewer partnerships in relation to hate crime than in sexual misconduct. Three providers mentioned concerns about increasing number of reports to partners and the potential impact of this strain on referral services.

#### **Recommendations – responsive strategies**

**8:** Higher education providers which do not do so already should provide clear information on their websites, in student handbooks, and via social media on what to do in the event of experiencing or witnessing any incident of sexual misconduct or hate incident or crime. There should be one key source of information which all students should be made aware of.

**9:** Higher education providers, which do not do so already, should consider adopting a centralised approach to collecting, recording and storing data on all types of incidents of sexual misconduct, hate crime and harassment. This would enable management information reports to be collated to provide intelligence to inform decision-making about how and where to target preventative measures such as campaigns, or training for particular cohorts. It could also support reporting to senior leadership and governing bodies.

### 3.6 HANDLING STUDENT DISCIPLINARY OFFENCES

Alongside the Taskforce's report, UUK published guidance for higher education providers on *How to handle alleged student misconduct which may also constitute a criminal offence* (prepared by Pinsent Masons LLP), which replaced the 1994 'Zellick Report'. The specific recommendation for UUK, which has been met was:

*xv. Universities UK should conduct a thorough review of the 1994 Zellick guidelines and produce new guidance for the sector on how to handle disciplinary issues that may also constitute a criminal offence*

This guidance focussed on managing situations where students have committed a disciplinary offence which may also constitute a criminal offence. This relates to all student misconduct, with specific recommendations in relation to sexual misconduct. While the principles and framework set out in the revised guidance have been widely welcomed by the sector, there have been some challenges for providers to make the changes necessary to implement the recommendations and this has been an area of continued focus for UUK. To support the implementation of the framework, UUK is working with Coventry University to establish a case management process. This is aimed at facilitating the reporting process by embedding a culture of safety with students while at the same time effectively enabling the university to capture data relating to hate crime incidents, including sexual misconduct in a secure and robust way. UUK is also working with Middlesex University to collate the learning from several institutions which have already incorporated the guidance into their student discipline processes. The objective of this work is to elicit some initial feedback on approaches, then to share practices and test the implementation of the guidance on student cases presenting during this academic year.

Among participants in the study, those higher education providers which are furthest advanced in implementing the new guidance are those that have undergone significant policy development and had this signed off by the governing body. Processes for convening and running disciplinary panels where incidents fall below the threshold for criminal prosecution are now live in these providers. Additionally, within one provider, those charged with coordinating the response to incidents of race related hate crime have access to guidance and oversight from a specialist panel.

However, there are evident differences in the extent and ways in which the new guidance has been implemented, with roughly one-third of the 20 providers at a much earlier stage than the others, and only beginning the process of drafting policy and process, which will have to



be developed and then go through the approval process through institutional decision-making structures, which takes time.

Nonetheless, most have begun reviewing disciplinary processes, and revisions have been made or are planned for many of the providers' student codes of conduct, outlining types of unacceptable behaviour and corresponding sanctions. Only one provider in the study reported similar changes having been made to the staff code of conduct. Procedures to provide both reporting students and responding students with support, advice and assistance seem to be in place and are on a case-by-case basis. Additionally, precautionary actions, support, advice and assistance in relation to the responding student are in place.

Record-keeping, centralised recording systems and processes, case management systems and approaches to note-taking are all highly variable across the providers in the sample (and from what is known at present this is the case across the sector). Many providers are making improvements to these areas where required and are aware of the need to comply with the new data protection requirements in terms of how long information should be retained for.<sup>24</sup> However, in many instances more needs to be done.

*'There is development of an online form at the moment – this is mainly intended for staff to use. This will be useful when students want to stay anonymous.'* – Senior Student Support Manager: large, research-intensive institution

*'Systems for recording data are not as formal as they could be. Records are kept by individual officers. There may be a new post to improve on data recording.'* – First responder: medium-sized institution.

*'There is an ongoing project to set up an online reporting system. A decision on which product to use has not made at this point. Processes to support in this area will come in once a product has been chosen'* – Student Support Manager: small teaching focused institution

*'This is a standard gripe in the sector... I would welcome a piece of software that would work to avoid handling this via spreadsheets'* – Senior Manager: large, research-intensive institution

In terms of record keeping, many providers use an online or print form for staff with categorical and referral information. Some are using a module of their student records system to record information while others are using specific products designed to manage support cases and are considering the purchase of such software. Many providers state that they need and want to improve their data management in this area.

Another key issue is concern about the capacity and experience of people to sit on disciplinary panels and whether and how they might make decisions correctly, and the

---

<sup>24</sup> This refers to the General Data Regulation Protection which will be enforced on 25 May 2018.

impact where the wrong decisions are reached or are challenged. There is still much ongoing work around the categorisation of offences and the nature of corresponding disciplinary sanctions. Some consistency in the categorisation of offences and appropriate sanctions would be beneficial across the sector. An understanding of the legal status of sanctions and the extent to which these can be enforced would also be helpful.

Moreover, robust training is needed for those who are to sit on disciplinary panels and make judgements based on the balance of probabilities. There is some concern that processes have only been tested in clear cases and where there is a lack of evidence this may be very difficult to make judgements. It has been suggested that there needs to be as much consistency as possible between providers in this area.

The impact of implementing new guidance and raising awareness of this has, for some providers, resulted in many more students coming forward to make reports. A minority of the providers are postponing publicising the new ways of working until they are certain they have adequate processes, procedures and resources in place, as there is an expectation that once known, there may be a sharp increase in reports of recent and historic incidents.

### **3.7 SHARING AND LEARNING FROM GOOD PRACTICE**

The Taskforce indicated that UUK should continue to collate and highlight the range of good practice in the UK and internationally. Specifically, this should involve:

*xvi. Universities UK should hold an annual national conference for the next three years to facilitate the sharing of good practice on matters related to the work of the Taskforce*

*xvii. Universities UK should publish a directory of case studies and templates based on what the sector is already doing (to include reference to international resources and activities)*

A great deal of good emerging practice is evident in tackling these areas and UUK has been active both in its own well-received thought leadership in this area, and in facilitating the sharing and dissemination of this emerging good practice across the sector through workshops and the publication of a directory of case studies.

UUK has held two successful annual conferences so far to facilitate the sharing of good practice, the latest in November 2017 which was oversubscribed. This was well received by delegates and received a lot of press and social media attention with specific attention achieved through the publication of Professor Dame Janet Beer's speech to delegates and various supporting blogs. The speech emphasised that not only must the sector address these issues, but also 'as educators the sector should be leading the way'. Leadership is key and UUK has been effective in working with other sector bodies and membership organisations. Other events and fora since the publication of the Taskforce's report have included roundtable discussions on staff-to-student misconduct implementing the UUK/Pinsent

Masons guidance and addressing faith-based harassment. UUK has also provided thought leadership to the sector through contributing to other sector conferences focusing on these issues, notably AMOSSHE, as well as promoting the sector's activities at conferences outside higher education. UUK has also published a first set of case studies (with further case studies planned for 2018) and various blogs and articles on these issues.

Feedback from the providers which took part in this study is that the work of UUK in this area is highly regarded and welcome. Some commented, however, that case studies have a risk of focusing on the positive and are not transparent about the challenges that have arisen. Networking and meetings with colleagues from other providers may give a richer and more comprehensive understanding of progress, as would sharing of strategies and policies.

*'Case studies have been welcomed from a wide range of experiences with the caveat that the context must be considered and there is not a one-size-fits-all model.'* –

Senior Sponsor: post-92 institution

*'One of the things we find quite useful as a small institution are sector-wide local seminars which cover good practice, and this is something which could be developed especially since small institutions don't have dedicated people who do this work.'* – Senior Sponsor: small specialist provider

*'It's better to have closed room sharing of tough experiences – to have richer conversations.'* – Student Support Manager: small specialist institution

Moreover, there were some suggestions that as well as case studies about what individual providers are doing in this area, it would be helpful if case studies and other materials for disseminating information and good practice could also be focussed thematically, at the sector level, to help develop a more common approach on particular aspects. This could include measuring impact, models for scaling up bystander training, resourcing models, standardised reporting systems, guidance on staff-student relationships, supporting international students, and handling hate incidents and crime.

One participant in the study suggested there could be a shared specialist legal advice centre for providers to support them. Another believed that an audit toolkit could be useful to support providers in their implementation of new prevention and response strategies.

#### **Recommendations – sharing and learning from good practice, new guidance and communications**

**10:** The study highlighted the need for more sharing and learning from good practice by UUK and/or other sector bodies to provide support in the development of common approaches where appropriate, and enable institutions to assess and benchmark their own progress against peers to develop effective practice.

To this end, UUK should consider supporting this work by expanding the directory of case studies to include more substantive thematic documents to share information on the ways in which multiple providers are implementing specific aspects of the recommendations and extracting the learning points at a sector level. Examples could include:

- advantages and disadvantages of different models and approaches to consent and bystander training
- an assessment of the benefits of online reporting and of anonymous/attribution data collection
- effective centralised recording systems
- case management software and integration with existing systems
- good practice to better protect students online

**11:** Further research, guidance and practical support for the sector may also be helpful from UUK as follows:

- to support some standardisation of the categorisation of misconduct offences and appropriate sanctions being used across the sector, and to investigate the legal status of sanctions and the extent to which these can be enforced
- to identify effective and inclusive practice where providers have drawn on the experiences of victims/survivors, and in what they (victims/survivors) find helpful or less helpful in their providers' responses to incidents and the provision of support
- to develop impact measures to enable a common and comparable approach and enable providers to assess and benchmark their own progress against that of peers
- to collate and monitor information anonymously from providers on experiences, judgements and outcomes of different types of cases considered by disciplinary panels for students to establish how well new disciplinary processes are working, and highlight where further areas of support are needed

**12:** UUK should continue to work with other sector organisations to consider how best to communicate at a national level the benefits of positive preventative and responsive safeguarding activities by higher education providers, with a view to alleviating any concerns that this may have a negative impact on recruitment and reputation.

### 3.8 STRATEGIES FOR ONLINE HARASSMENT

The Taskforce identified online harassment and hate crime as a significant problem for students. The Taskforce recommended that:

*xviii. Universities UK should work with relevant bodies such as the NUS, Jisc and Reclaim the Internet to assess what further support may be needed in relation to online harassment and hate crime*

Providers participating in this study have a range of approaches to addressing online harassment. Many do so through general student misconduct approaches, through other policies, such as acceptable use policies, or dignity and respect policies, or through a disciplinary code of conduct. Many also recognise that their policies may need to be updated. Specific preventative activity in this area includes:

- Online misconduct themes in preventative campaigns (many of these campaigns are themselves online).

- Clear policies on online misconduct and sanctions – although the title and scope of these policies varies hugely.
- Online misconduct appears to be dealt with in the same way as offline misconduct ie treated as equally serious.

*‘A social media policy is in place, any issues would be addressed by that but there’s nothing specific to sexual misconduct or hate crime; standard disciplinary route would be followed.’* – Senior Student Support Manager: large, post-92 institution

*‘Actions would be taken according to discrete policies eg IT; more needs to be done here.’* – Senior Student Support Manager: large, research-intensive institution

*‘Students on professional courses get much more education on this – what they should/shouldn’t be doing.’* – Students’ Union Officer: large, research-intensive institution

There was only one report of a policy for sexual misconduct which includes a specific online strand. It was noted that this can be a complex area, for example if there are multiple alleged perpetrators relating to the same incident. Furthermore, social media formats and the functionality of these can develop rapidly, and it can be challenging to keep policies in step with these changes.

Some providers reported that when online harassment does occur, there is usually written evidence of this which can make disciplinary intervention more straightforward. There were, however, exceptions to this, for instance, some social media apps delete content shortly after sharing. Some participants highlighted that those completing professional vocational degrees would receive fitness to practise education which could be very clear about what constitutes online misconduct. Providers with a high proportion of such courses may benefit from this.

The Open University is leading a Catalyst funded project looking at training for staff and students for online safeguarding. One provider cited a specific policy they developed to safeguard online and distance learning students and is starting to look at how international students across multiple jurisdictions can be supported. UUK is also working in this area with the [National Centre for Cyber Stalking Research](#) at the University of Bedfordshire to develop sector guidance and case-studies to support good practice and has also had discussions with Jisc and the NUS. Dissemination of emerging practice to better protect students online would be beneficial through UUK and also the evaluation of the Catalyst safeguarding work in this area.

### **3.9 CONCLUSION**

The Taskforce’s report, and surrounding publicity through numerous conferences, articles and discussions, has provided an impetus for the higher education sector and resulted in student-to-student sexual misconduct being afforded higher priority status than in the past,

and more so than other forms of harassment and hate crime. *Changing the culture's* 18 recommendations are broadly welcome and acceptable to those consulted for this study, and are considered helpful, sensible as an approach, and fit for purpose.

However, the recommendations are not mandatory and many of the providers are taking quite different approaches to implementation; hence the significant levels of variation in progress and practice. Some of the participating providers prefer to work with a looser customisable framework of what they ought to address but determine internally how they are going to implement the changes. Others, particularly smaller providers with fewer resources, as well as those at a far earlier stage in developing their approaches, felt they would benefit from more detailed information and guidance and the opportunity to learn lessons on what has worked for others to support implementation.

Additionally, some of the providers highlighted the benefits of a consistent approach being taken across the sector, particularly in aspects of implementing the new guidance for handling student misconduct which may constitute a criminal offence. Developing further guidance on implementation has been a continued focus for UUK, and further guidance on implementing the framework will be available later in 2018.

This study found elements of good practice in how providers are tackling sexual misconduct, hate crime and harassment, which others may find it helpful to know about and possibly learn from in developing their own approaches. Therefore, this report contains a set of recommendations for higher education providers based on this good practice. There are also suggestions from the study on how UUK and other sector bodies can further support the sector. This includes developing new guidance, sharing and disseminating good practice and continuing to promote this area, and these are also included as recommendations in the report.

## **APPENDIX ONE: UUK TASKFORCE'S RECOMMENDATIONS**

The UUK Taskforce recommendations were designed to support universities in adopting an institution-wide approach, embed effective preventative measures and maximise the support provided to students who experience incidents of sexual violence, harassment or hate crime.

### **Senior leadership**

i. The Taskforce recommends that all university leaders should afford tackling violence against women, harassment and hate crime priority status and dedicate appropriate resources to tackling it

### **Institution-wide approach**

The Taskforce recommends that universities should:

ii. take an institution-wide approach to tackling violence against women, harassment and hate crime. (One way of adopting this institution-wide approach to responding to incidents of sexual violence is to use the points set out in chapter 5 of [the Taskforce's] report as a guide)

iii. provide their governing bodies with regular progress reports summarising what progress has been made towards adopting a cross-institution approach. This should include reporting on the resource made available and used to support an effective cross-institution approach, including any recommendations for additional resource

iv. carry out a regular impact assessment of their approach

v. involve their students' union in developing, maintaining and reviewing all elements of a cross-institution response

### **Prevention**

The Taskforce recommends that universities should:

vi. adopt an evidence-based bystander intervention programme

vii. ensure that partnership agreements between the student and the university highlight up-front the behaviours that are expected from all students as part of the university community, set out disciplinary sanctions and state the university's commitment to ensuring the safety and wellbeing of students

viii. embed a zero-tolerance approach across all institutional activities including outreach activities with schools and further education colleges, engagement with local bars and

nightclubs, student inductions (including international student inductions), and student information

ix. take meaningful steps to embed into their human resources processes (such as contracts, training, inductions) measures to ensure staff understand the importance of fostering a zero-tolerance culture and are empowered to take responsibility for this

### **Response**

The Taskforce recommends that universities should:

x. develop a clear, accessible and representative disclosure response for incidents of sexual violence and rape, working with relevant external agencies where appropriate

xi. take reasonable and practicable steps to implement a centralised reporting system

xii. conduct a thorough assessment of which staff members need to be trained and what training needs to be provided. A clear, multi-tiered training strategy covering different types of incident can then be developed

xiii. build and maintain partnerships with local specialist services to ensure consistent referral pathways for students

xiv. establish and maintain strong links with the local police and NHS in order to develop and maintain a strategic partnership to prevent and respond to violence against women, harassment and hate crime affecting students

### **Managing situations where students have committed a disciplinary offence which may also constitute a criminal offence**

The Taskforce recommends that:

xv. Universities UK should conduct a thorough review of the 1994 Zelic guidelines and produce new guidance for the sector on how to handle disciplinary issues that may also constitute a criminal offence

### **Sharing good practice**

The Taskforce recommends that:

xvi. Universities UK should hold an annual national conference for the next three years to facilitate the sharing of good practice on matters related to the work of the Taskforce

xvii. Universities UK should publish a directory of case studies and templates based on what the sector is already doing (to include reference to international resources and activities)



## **Online harassment**

The Taskforce recommends that:

xviii. Universities UK should work with relevant bodies such as the NUS, Jisc and Reclaim the Internet to assess what further support may be needed in relation to online harassment and hate crime

This publication has been produced by Universities UK (UUK), the representative organisation for the UK's universities. Founded in 1918, its mission is to be the voice of universities in the UK, providing high quality leadership and support to its members to promote a successful and diverse higher education sector. With 136 members and offices in London, Cardiff (Universities Wales) and Edinburgh (Universities Scotland), it promotes the strength and success of UK universities nationally and internationally.

Woburn House, 20 Tavistock Square  
London WC1H 9HQ

Tel: +44 (0)20 7419 4111

Email: [info@universitiesuk.ac.uk](mailto:info@universitiesuk.ac.uk)

Website: [www.universitiesuk.ac.uk](http://www.universitiesuk.ac.uk)

Twitter: @UniversitiesUK

To download this publication, or for the full list of Universities UK publications, visit [www.universitiesuk.ac.uk](http://www.universitiesuk.ac.uk)

March 2018

ISBN: 978-1-84036-394-4



Universities UK

Inspiring  
Leadership

Leadership  
Foundation  
for Higher Education

HIGHER EDUCATION  
FUNDING COUNCIL  
FOR ENGLAND  
*hefce*