

Research Briefing

By Joe Lewis

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Sexual harassment and violence in further and higher education

Summary

- 1 The extent of sexual harassment and violence
- 2 Legal duties of further and higher education providers
- 3 Provider responses: policies and training
- 4 Initiatives to address sexual harassment and violence
- 5 Parliamentary material

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Summary

Warning: This briefing discusses sexual violence which may be distressing.

Student experiences

Data from the Office for National Statistics (ONS) shows that between March 2018 and March 2020, students in England and Wales were [over three times more likely than average to have experienced sexual assault](#).

Studies and reports by academics and campaign groups have revealed a significant number of post-18 students have experienced sexual harassment and violence during their time in further or higher education.

The types of behaviour cited by students range from inappropriate comments and catcalling to unwanted touching in a sexual manner, stalking, sexual coercion and assault, and rape. All behaviour is characterised by a lack of consent on the part of the person experiencing it.

Female students are the most likely to experience such behaviour, and male students the most likely to perpetrate it. Disabled students and LGBTQ+ students are also disproportionately affected by unwanted sexual behaviour.

There is also evidence of students experiencing [sexual harassment and violence perpetrated by university staff](#), and staff members experiencing similar behaviour from colleagues.

Legal duties of providers

The legal duties of colleges and universities in preventing sexual harassment and violence are mainly governed by provisions in the [Equality Act 2010](#). Providers must have due regard to, among other things, the need to eliminate discrimination and harassment of women and to foster good relations between different groups, including between men and women.

Further and higher education providers also have a well-established common law duty of care to maintain the safety and wellbeing of their students. Further education providers that admit students under the age of 18 must also comply with the same [statutory guidance on safeguarding](#) as schools

Provider responses: policies and training

Some further and higher education providers have specific sexual harassment policies in place, which define unacceptable behaviours and procedures for reporting cases and dealing with complaints. Other providers deal with the issue through policies on bullying, harassment, equality, diversity, student conduct, and staff-student relationships.

Many providers have started requiring their students to attend classes on sexual consent. But issues have arisen in recent years in relation to spiking and the use of non-disclosure agreements by some universities when settling complaints following incidents of sexual harassment and violence.

Initiatives to tackle sexual harassment and violence

Organisations such as [Universities UK](#), [the 1752 Group](#), and [Equally Safe in Higher Education](#) have produced guidance for how providers should work to prevent harassment and violence, respond to incidents effectively, and support their students better.

The Office for Students (OfS), which regulates higher education in England, has produced a revised [statement of expectations](#) covering staff and student training, and policies to facilitate the reporting and disclosing of harassment and sexual misconduct.

The OfS has also given financial support to universities for projects designed to tackle hate crime and sexual violence and harassment.

Further reading

This briefing considers the issue of sexual harassment and violence for post-18 students. For pupils and students in schools and colleges under the age of 18, see the Library briefing [Sexual harassment in schools](#).

1 The extent of sexual harassment and violence

In recent years there have been growing concerns about the welfare of students in further and higher education in the UK. Data from the Office for National Statistics (ONS) shows that between March 2018 and March 2020, students in England and Wales were [over three times more likely than average to have experienced sexual assault](#).¹

Studies and reports by academics and campaign groups have revealed a significant number of male, female, and non-binary students have experienced sexual harassment and violence during their time at college or university.²

The types of behaviour cited by students in these studies and reports range from inappropriate comments and catcalling to unwanted touching in a sexual manner, stalking, sexual assault, and rape. Studies use different terms to describe such behaviour, including sexual ‘harassment’, ‘violence’, ‘abuse’ or ‘misconduct’, but all behaviour is characterised by a lack of consent on the part of the person experiencing it.

Female students are the most likely to experience such behaviour, and male students the most likely to perpetrate it. Disabled students and LGBTQ+ students are also disproportionately affected by unwanted sexual behaviour. There is also evidence of students experiencing sexual harassment and violence perpetrated by university staff.³

¹ ONS, [Sexual offences prevalence and victim characteristics, England and Wales](#), 18 March 2021, Table 5.

² See, for example, National Union of Students (NUS), [Sexual violence in further education](#), June 2019; E. Tutchell and J. Edmonds, [Unsafe Spaces. Ending Sexual Abuse in Universities](#), 2020; S.T. Hales and T.A. Gannon, [Understanding Sexual Aggression in UK Male University Students: An Empirical Assessment of Prevalence and Psychological Risk Factors](#), 2021.

³ NUS and The 1752 Group, [Power in the academy: staff sexual misconduct in UK higher education](#), April 2018.

1.1

Student experiences

Between 2009 and 2010, the National Union of Students (NUS) surveyed female students on their experiences of sexual harassment and violence in further and higher education as part of the [NUS report Hidden Marks](#).⁴

The report found that for some female students, verbal and non-verbal harassment, which includes unwanted sexual comments, groping, and flashing, had become an almost routine occurrence. Meanwhile, 12% of respondents reported being stalked and 7% said they had been subject to a serious sexual assault during their time as a student.⁵

Most perpetrators were students in most categories of unwanted behaviour, including harassment and assault, and men were the main perpetrators of stalking (89%) and violence (73%).⁶ The majority of perpetrators of stalking, sexual assault, and physical violence were already known to the victim.⁷

Further education

A 2019 NUS report on the experiences of male and female students in further education revealed [75% of survey respondents had had an unwanted sexual experience at least once](#).⁸

One in three unwanted sexual experiences took place at a further education college, which was the third most cited location after on the streets and social media.

Higher education

A 2018 survey carried out by the campaign group Revolt Sexual Assault and the Student Room into sexual violence perpetrated against students found that [62% of students and recent graduates had experienced sexual violence](#), including 70% of female respondents and 26% of male respondents.⁹ This most commonly manifested as groping or unwanted touching in a sexual manner, but also included serious sexual assault and rape.

Incidents were split across halls of residence (28%), social events (24%) and university social spaces like bars, refectories, and shops (23%).

⁴ National Union of Students (NUS), [Hidden Marks. A study of women students' experiences of harassment, stalking, violence and sexual assault](#), 2010.

⁵ Ibid., p3.

⁶ Ibid., pp3-4.

⁷ Ibid.

⁸ NUS, [Sexual violence in further education](#), June 2019.

⁹ Revolt Sexual Assault, [Students' Experience of Sexual Violence](#), 2018.

“Only a quarter of students (25%) who were forced into having sex went on to report it. Nearly half of women (49%) said they were inappropriately touched but only 5% reported it.”

Brook and Dig-In, *Sexual violence and harassment in UK universities*, 2019

Research in 2019 by Brook, a sexual health, education, and wellbeing charity for young people, and Dig-In also found a similar prevalence of sexual harassment on campus, with [female students again more affected \(PDF\)](#).¹⁰

Brook’s survey of UK university students revealed that more than half have experienced inappropriate touching, explicit messages, catcalling, being followed and/or being forced into sex or sexual acts. Only 8% of students have reported these experiences to their university or the police.

“Lad culture” and misogyny

A 2020 report, [Unsafe Spaces. Ending Sexual Abuse in Universities](#), estimated that at least 50,000 students are sexually abused at universities in England and Wales every year.¹¹ The authors describe a misogynistic “lad culture”, which is common in student sports clubs and fuelled by large quantities of cheap alcohol. They argue this has created a “toxic atmosphere” that leads to sexual harassment and abuse in universities.¹²

These conclusions were reflected in a study of sexual aggression in UK male university students published in 2021, which found a [correlation between misogynistic views and proclivity for sexual violence against women](#).¹³ One in nine male students who participated in the University of Kent study admitted to committing at least one sexually aggressive act, such as sexual coercion or rape, in the previous two years.

1.2

Staff-to-student harassment

In addition to sexual harassment perpetrated by students, the 2020 Unsafe Spaces report highlighted [sexual harassment and abuse committed by staff](#) in universities.¹⁴ The report said only six out of 102 universities in England and Wales have policies to prevent academics from having sex with the students they teach, noting that the power imbalance inherent in such relationships makes them exploitative.¹⁵

In April 2018, the NUS and [The 1752 Group](#), a research and lobby organisation working to end sexual misconduct in higher education, published the report,

¹⁰ Brook and Dig-In, [Sexual violence and harassment in UK universities report \(PDF\)](#), 25 January 2019.

¹¹ E. Tutchell and J. Edmonds, [Unsafe Spaces. Ending Sexual Abuse in Universities](#), 2020, p12.

¹² “[‘Cheap drink and wealthy students make for a toxic cocktail’ – the public scandal of sexual abuse in universities](#)”, The Independent, 25 November 2020 (accessed 8 April 2021).

¹³ S.T. Hales and T.A. Gannon, [Understanding Sexual Aggression in UK Male University Students: An Empirical Assessment of Prevalence and Psychological Risk Factors](#), 2021.

¹⁴ Tutchell and Edmonds, [Unsafe Spaces](#), pp152-56.

¹⁵ *Ibid.*, pp213-14.

[Power in the academy: staff sexual misconduct in UK higher education](#), which examined the interactions of staff with higher education students.¹⁶

“Women respondents were more likely than men respondents to have experienced sexual misconduct from university staff, sometimes more than twice as likely.”

NUS and The 1752 Group, [Power in the academy](#), 2018.

The term ‘sexual misconduct’ was used in the report to capture the “power imbalance between staff and students in higher education”, and to draw attention to boundary-blurring behaviour by staff towards students that might sometimes be dismissed as innocuous.¹⁷

Through an online survey and four focus groups comprising current and former students in UK higher education, the report found nearly 40% of respondents had experienced sexual misconduct on campus.¹⁸ Postgraduate students were more likely to have experienced misconduct than undergraduate students. For example, 14.9% of postgraduates reported a staff member attempting to draw them into a discussion about sex compared to 6.4%.¹⁹

In a blog in February 2017, then-chief executive of Universities UK (UUK), an advocacy organisation for UK universities, Nicola Dandridge, said while universities have taken steps to address the problems of harassment and violence against female students perpetrated by their peers, “[staff-to-student harassment is a problem that also needs to be acknowledged and tackled](#).”²⁰

1.3

Workplace sexual harassment and violence

For many research students, universities are also a workplace, and along with other academic staff in further and higher education, they have experienced sexual harassment and violence perpetrated by colleagues.

In December 2021, the Universities and College Union (UCU) published a report, [Eradicating Sexual Violence In Tertiary Education](#), which suggested sexual violence was a widespread workplace issue in further and higher education.²¹

One in 10 university and college staff who responded to the UCU’s survey said they had experienced sexual harassment or violence in the workplace in the past five years, including 12% of women and 5% of men.²² 70% of those who

¹⁶ NUS and The 1752 Group, [Power in the academy: staff sexual misconduct in UK higher education](#), April 2018.

¹⁷ Ibid., p8.

¹⁸ Ibid.

¹⁹ Ibid., p9.

²⁰ UUK blog, “[Sexual abuse and harassment by university staff against students – further work to address the issue](#)”, 3 February 2017 (archived).

²¹ UCU, [Eradicating Sexual Violence In Tertiary Education](#), December 2021.

²² Ibid., p26.

had experienced sexual harassment or violence experienced it as an ongoing pattern of behaviour, rather than a one-off incident.²³

The report argued power dynamics and working conditions, including increased job precarity, made experiences of sexual harassment or violence more likely, with staff on temporary contracts 1.3 times more likely to experience such behaviours than staff on permanent contracts.²⁴

The report is discussed in the Wonkhe article [You don't get me, I'm part of the union](#), 22 December 2021.²⁵

1.4 Reporting allegations

In October 2019, the BBC published responses to Freedom of Information (FOI) requests from universities that showed [reports of rape, sexual assault, and harassment at UK universities had trebled in three years](#):

Universities told the BBC they recorded 1,436 allegations of sexual harassment or sexual violence against students in 2018-19 - up from 476 in 2016-17. The data, from 124 of 157 universities, shows not all have robust systems to prevent or respond to sexual violence.²⁶

A similar investigation in March 2021 found London universities had collectively received [more than 110 allegations of sexual misconduct in each of the past three academic years](#), compared to fewer than 75 in the previous three years.²⁷

It is possible these increases were the result of some universities making it easier for students to report allegations and to receive support. Dr Anna Bull of the 1752 Group, for example, has suggested a spike in reported allegations across London universities in 2017/18 is likely to be for two reasons, namely the MeToo movement and initiatives to tackle sexual harassment on campuses. She said:

The MeToo movement may have catalysed people to report things that they may not have previously. This would include incidents from previous years. Secondly, the Higher Education Funding Council for England, now restructured into the Office for Students, put several million pounds into a fund called 'Catalyst' which supported projects addressing sexual violence, harassment and hate crime at universities across England.²⁸

²³ Ibid., p29.

²⁴ Ibid., p3.

²⁵ "[You don't get me, I'm part of the union](#)", Wonkhe, 22 December 2021.

²⁶ "[Student rape survivor - 'It felt like I was being interrogated'](#)", BBC News, 3 October 2019 (accessed 8 April 2021).

²⁷ "[More work to do preventing sexual misconduct at London universities](#)", SW Londoner, 8 March 2021 (accessed 8 April 2021).

²⁸ Ibid.

In March 2017, the Guardian [published the results of an investigation into allegations of sexual misconduct](#) against academic and non-academic staff in universities. Responses to a series of FOI requests showed that students made at least 169 allegations of sexual misconduct against staff between the academic years 2011/12 and 2016/17. At least another 127 allegations about staff were made by colleagues.²⁹

The Guardian investigation also [suggested universities had opaque and complex procedures](#) for complaints, and inconsistent record-keeping. As a result, the total number of cases recorded by the investigation was likely to be conservative, with the scale of sexual misconduct across UK universities significantly underestimated.³⁰

The Office of the Independent Adjudicator

The Office of the Independent Adjudicator (OIA) is the independent body set up to review student complaints in higher education in England and Wales. In its [2014 Annual Report](#), the OIA identified sexual harassment and ‘lad culture’ as an emerging issue of concern.³¹

In its [2019 Annual Report](#), the OIA noted a gradual rise in complaints involving sexual harassment or sexual misconduct over the previous three years, although it said the numbers are “still very small, amounting to only 1.5% of the cases we closed in 2019.”³² The OIA received complaints from students who had reported sexual harassment or misconduct to their education body, and also from students who have been accused of such behaviour.³³

The 2019 report hoped that the increase in complaints “reflects a growing confidence among students who experience sexual harassment or misconduct to report these issues and make complaints.”³⁴

1.5 Who is most affected?

As highlighted throughout this section, female students are the most affected by sexual harassment and violence. This is in line with the experiences of the wider female population in England and Wales.³⁵

²⁹ The results of the survey are available on the Guardian website at, “[Sexual harassment allegations: find figures for UK universities](#)”, 5 March 2017.

³⁰ “[Why the true scale of university harassment is so hard to uncover](#)”, The Guardian, 5 March 2017 (accessed 8 April 2021).

³¹ OIA, [Annual Report](#), 2014, p20.

³² OIA, [Annual Report](#), 2019, p18.

³³ Ibid.

³⁴ Ibid.

³⁵ ONS, [Sexual offences prevalence and victim characteristics, England and Wales](#), 18 March 2021, Table 1.

Data from American universities suggests race, disability, sexuality, gender identity, and ethnicity can also intersect to increase the likelihood of some students experiencing sexual harassment and violence.³⁶ Similar data is often lacking for the UK, but where it exists it particularly highlights the experiences of disabled students and LGBTQ+ students.

For example, the [NUS report on the experiences of further education students](#) revealed disabled students were significantly more likely than non-disabled students to have experienced several forms of sexual harassment and violence.³⁷ LGBT+ respondents to the NUS survey were also disproportionately affected by unwanted sexual behaviour, particularly bisexual students.³⁸

The [Revolt Sexual Assault survey](#) showed that 61% of non-binary university students and recent graduates had experienced sexual violence (compared to 26% of male students/graduates and 70% of female students/graduates).³⁹ For students and recent graduates with a disability, the figure was 73%.⁴⁰

A [2020 survey on the incidence of sexual harassment in the UK](#) undertaken by the Government Equalities Office suggested transgender people experience sexual harassment at very high rates.⁴¹ The survey also showed people from Black, Asian, and especially Mixed ethnic groups were more likely than people from White ethnic groups to have experienced all types of sexual harassment and violence.⁴² However, there is little data relating to the specific experiences of transgender students, or how the ethnicity of students affects their experiences of sexual harassment.

³⁶ Association of American Universities, [AAU Climate Survey on Sexual Assault and Sexual Misconduct](#), 2015, pp102-109.

³⁷ NUS, [Sexual violence in further education](#), June 2019.

³⁸ Ibid.

³⁹ Revolt Sexual Assault, [Students' Experience of Sexual Violence](#), 2018.

⁴⁰ Ibid.

⁴¹ Government Equalities Office, [2020 Sexual Harassment Survey](#), 2020, p43.

⁴² Ibid., p41.

2

Legal duties of further and higher education providers

The legal duties of colleges and universities in relation to sexual harassment and violence are mainly governed by provisions in the [Equality Act 2010](#). Further and higher education providers also have a well-established common law duty of care towards their students.

Further education providers that admit students under the age of 18 must also comply with the same [statutory guidance on safeguarding](#) as schools.

2.1

Equality Act 2010

[Section 149 of the Equality Act 2010](#) contains the Public Sector Equality Duty (PSED). This duty requires public bodies to have regard to certain matters when exercising their functions. These include:

- the need to eliminate discrimination and harassment of women;
- the need to advance equality of opportunity for people with particular protected characteristics, including sex;
- the need to foster good relations between different groups, including between men and women.

The governing bodies of further and higher education providers are public authorities for the purposes of the PSED. Universities and colleges must have due regard to the above matters, therefore, when formulating policies and practices in areas such as sexual harassment, governance of student societies and sports teams, campus security, housing, bars, and social spaces.

The PSED also applies to students' unions and student societies if they carry out a 'public function' on behalf of a university. For example, if they are funded by the university to carry out pastoral care or other activities on the university's behalf.

The End Violence Against Women (EVAW) coalition produced a briefing in 2015 that set out in more detail the [obligations of education providers to their female students under the PSED and Human Rights Act 1998 \(PDF\)](#).⁴³

⁴³ Louise Whitfield and Holly Dustin for EVAW, [Spotted: Obligations to Protect Women Students' Safety & Equality](#), 2015.

2.2

Statutory guidance for schools and colleges

Further education and sixth-form colleges that admit students under the age of 18 must comply with the same safeguarding regulations as schools. Guidance on these requirements are set out in a Department for Education publication, [Keeping children safe in education. Statutory guidance for schools and colleges](#).⁴⁴

The guidance states colleges should have safeguarding or child protection policies in place, and staff should receive training to deal with these issues.

Ofsted review of sexual abuse in schools and colleges

On 7 April 2021, after a significant number of testimonials of sexual abuse in schools and colleges were published on the website '[Everyone's Invited](#)', Ofsted published plans for a review into safeguarding policies and practices.

A Department for Education (DfE) press release set out the scope of the review. It said:

[the review] will seek to find out whether schools and colleges have appropriate safeguarding processes in place. It will also consider whether current guidance is understood by schools and colleges, and whether it is sufficient to help them respond effectively to allegations.⁴⁵

The review included on-site visits to a “sample” of colleges where abuse and violence cases have been highlighted.⁴⁶ A report was published in June 2021. It [described the prevalence of sexual abuse](#), and recommended schools, colleges, and multi-agency partners “act as though sexual harassment and online sexual abuse are happening, even when there are no specific reports.”⁴⁷

The Ofsted report is discussed in the Library briefing [Sexual harassment in schools](#).

⁴⁴ Department for Education, [Keeping children safe in education. Statutory guidance for schools and colleges](#), September 2021.

⁴⁵ DfE Press Release, “[Ofsted’s review of sexual abuse in schools and colleges](#)”, 7 April 2021.

⁴⁶ “[Ofsted to visit ‘sample’ of colleges where sexual abuse has been reported](#)”, FE Week, 7 April 2021 (accessed 9 April 2021).

⁴⁷ Ofsted, [Review of sexual abuse in schools and colleges](#), 10 June 2021.

3 Provider responses: policies and training

There is a growing acknowledgement that further and higher education providers have a responsibility to prevent and respond to cases of sexual harassment and violence, and to maintain the safety and wellbeing of their students.

Some providers have specific sexual harassment policies in place, which define unacceptable behaviours and procedures for reporting cases and dealing with complaints. Other providers deal with the issue through policies on bullying, harassment, equality, diversity, student conduct, and staff-student relationships.

Further education providers have different issues to universities when formulating policies in this area, because many colleges admit students under the age of 18 as well as adults. As noted above, these providers must comply with the same safeguarding regulations as schools.

Many providers have started requiring their students to attend classes on sexual consent. But issues have arisen in recent years in relation to spiking and the use of non-disclosure agreements by some universities when settling complaints following incidents of sexual harassment and violence.

3.1 Processes for dealing with cases of sexual harassment and violence

Universities and colleges generally investigate allegations of sexual harassment and misconduct through their own internal complaints procedures. This may involve an academic interviewing an alleged victim and perpetrator, reviewing any evidence of misconduct, and writing a report. The complainant may be able to get support during this process from their student services.

Policies and procedures on sexual harassment and violence are often available on university websites, for example:

- [University of Edinburgh](#)
- [Queen's University Belfast](#)
- [University of the West of England](#)
- [Goldsmiths, University of London](#)

Complainants who are not happy with the outcome of a case can generally appeal their case through the provider's internal appeal process.

If they are still unsatisfied, there is a final route of appeal to the [Office of the Independent Adjudicator](#) for higher education cases, or to the [Education and Skills Funding Agency](#) for further education cases. This appeal process examines whether universities and colleges have properly followed their own procedures.

In October 2018, the OIA published [guidance for universities on dealing with complaints involving sexual misconduct and harassment](#).⁴⁸

The UUK Taskforce's [Changing the culture: Two years on](#) report said: "substantive effort is being made by individual institutions to develop a more comprehensive, systematic and joined-up approach."⁴⁹

The Reclaim Report

In June 2021, Reclaim the Campus, which is a student-run campaign against sexual harassment and assault in higher education, published a [report that examined the sexual misconduct policies of 41 universities](#).⁵⁰

The report argued that for some universities, the lack of a clear policy dealing exclusively with the issue of sexual harassment and violence may make it harder for students and staff to know how to make a complaint.⁵¹

The report made a series of recommendations around the prevention and reporting of sexual harassment and violence, and the need to ensure adequate support for students who have experienced such behaviour. These included:

- Having a specific policy on sexual misconduct with clear definitions.
- Collecting, analysing, and releasing data, and reviewing policies annually.
- Outlining in sexual misconduct policies the routes through which students can report incidents.
- Setting out a clear set of sanctions that perpetrators will face for different degrees of severity of offence.
- Employing Independent Sexual Violence Advisors to provide appropriate support to victims.

⁴⁸ [OIA briefing note: Complaints involving sexual misconduct and harassment](#), 31 October 2018.

⁴⁹ UUK, [Changing the Culture. Tackling gender-based violence, harassment and hate crime: two years on](#), October 2019, p65.

⁵⁰ Reclaim the Campus, [The Reclaim Report: An analysis of UK universities' sexual misconduct policies](#), June 2021.

⁵¹ *Ibid.*, p11.

‘Criminal justice drift’

University policies and processes for addressing cases of sexual harassment and violence sometimes mirror frameworks used in the criminal justice arena.

This is a phenomenon described as ‘criminal justice drift’ by an [article published in the Journal of Law and Society](#), which argued the use of criminal justice frameworks may “frustrate the possibility for more tailored, transformative, and trauma-informed processes” in higher education providers.⁵²

The article said replicating criminal-style investigative processes, borrowing notions of burden of proof from the justice system, and handling complaints with lawyers and disciplinary panels can be inappropriate in an educational context and does little to support victims of sexual violence.

The article concluded:

Where they are poorly operationalized, partially adopted, or unreflectively mimicked, [criminal justice processes] risk imposing insurmountable obstacles to justice for all parties, frustrating opportunities for voice, recognition, and redress, and offering little of the protection from exposure to liability that institutions may anticipate.

An over-reliance on adversarial modes of engagement across investigations and hearings also risks re-traumatizing survivors and generating remedies that focus only on punishing individual ‘bad apples’, rather than also on addressing the underlying issues of power and privilege in SSVM [student sexual violence and misconduct] that might be constructively challenged by educational interventions among future generations.⁵³

3.2

Sexual consent classes

The Reclaim Report argued the first step to dismantling rape culture was to have a “clear definition of sexual misconduct in university policies, and making these definitions well-known throughout the university community.”⁵⁴

The report recommended universities should offer consent classes to all students. These should set out what sexual violence is, how to seek and recognise consent before sexual encounters, how to identify situations in which consent cannot be given, and the sanctions for committing sexual misconduct.⁵⁵

⁵² S. Cowan and V.E. Munro, [Seeking campus justice: challenging the ‘criminal justice drift’ in United Kingdom university responses to student sexual violence and misconduct](#), *Journal of Law and Society*, September 2021, pp308-333.

⁵³ *Ibid.*, 331.

⁵⁴ Reclaim the Campus, [The Reclaim Report: An analysis of UK universities’ sexual misconduct policies](#), June 2021., p14.

⁵⁵ *Ibid.*, pp16-18.

Almost two thirds of universities have established consent classes for students.⁵⁶ Some have made these classes obligatory for new students, while others have introduced similar courses on an optional basis.

3.3 Non-disclosure agreements

Non-disclosure agreements (NDAs) are contracts that prevent the person who signed them from making certain information public, such as trade secrets. In recent years, universities have faced [allegations of misusing NDAs to protect their reputation](#) and the reputation of staff members accused of sexual misconduct.⁵⁷

Between 2017 and 2019, universities reportedly spent about [£87 million on 4,000 settlements with academic staff](#).⁵⁸ This included signing non-disclosure agreements to prevent staff making complaints about sexual misconduct public. In 2020, a BBC News investigation revealed [nearly one third of universities had used non-disclosure agreements to resolve student complaints](#), including in relation to cases of sexual harassment and violence.⁵⁹

An article in Elle magazine [described the effect NDAs can have on students](#) who have experienced sexual harassment or violence, including feelings of humiliation and emotional exhaustion, and an inability to seek support from family, friends, or tutors because of the often restrictive nature of the agreement.⁶⁰

Pledge on NDAs

On 18 January 2022, the Minister for Higher and Further Education, Michelle Donelan, [announced six universities had signed up to a pledge promising not to use non-disclosure agreements](#) when dealing with complaints of sexual misconduct, bullying, and other forms of harassment.⁶¹

⁵⁶ [“Universities teach consent classes to cut sexual assault”](#), The Times, 9 October 2019 (accessed 9 April 2021).

⁵⁷ [“NDAs: UK universities misusing 'gagging orders' described as 'outrage'”](#), BBC News, 5 May 2019 (accessed 1 February 2022).

⁵⁸ [“UK universities face 'gagging order' criticism”](#), BBC News, 17 April 2019 (accessed 1 February 2022).

⁵⁹ [“Sexual assault claims 'gagged' by UK universities”](#), BBC News, 12 February 2020 (accessed 1 February 2022).

⁶⁰ [“Fighting To End The Misuse Of NDAs To Silence Survivors Of Sexual Assault At UK Universities”](#), Elle, 2 February 2022 (accessed 3 February 2022).

⁶¹ DfE press release, [“Universities pledge to end use of non-disclosure agreements”](#), 18 January 2022. The issue of how to limit the use of non-disclosure agreements in cases of sexual harassment in higher education was included in the Government’s [Strategy for Tackling Violence against Women and Girls](#) (updated 18 November 2021).

The initial six were Cambridge, Exeter, Buckinghamshire New University, Goldsmiths, Keele, and University College London (UCL). The campaign group Can't Buy My Silence has a [list of all universities to sign the pledge](#) so far.

Commenting on his university's decision to no longer use non-disclosure agreements in instances of sexual misconduct, the President and Provost of UCL, Dr Michael Spence, said:

We are all too aware that sexual harassment, bullying and misconduct takes place in universities. When this occurs, it is crucial that victims feel supported and able to speak out about their experiences.

Confidentiality clauses are a barrier to this and that is why we took the decision in 2019 that we will no longer use NDAs in settlement agreements with individuals who have complained of sexual misconduct, harassment or bullying.⁶²

3.4

Spiking

During the Autumn 2021 term, there were media reports of a “wave” or “epidemic” of students being ‘spiked’ in bars and nightclubs both on and off campus.⁶³ This included an apparent increase in the spiking of drinks with drugs or alcohol, but also incidents of ‘needle spiking’, when victims described a sharp pinch or scratching sensation, before passing out shortly after and later finding a pinprick or bruising on their body.

The Alcohol Education Trust has said while drink spiking incidents are generally not linked to any additional crime, they can be followed by sexual assault.⁶⁴

At the University of St Andrews, the students’ union introduced random bag searches, safety patrols, and the testing of unattended drinks in response to concerns about spiking.⁶⁵

A spokesperson for Universities UK said student safety was “of the utmost importance”, and [universities were working with the police and venues to address reports of spiking](#). They said:

[U]niversities are working together with local police forces, clubs and bars, and student unions to ensure they are fully aware of all risks to student safety.

⁶² Ibid.

⁶³ “[Forces across UK receive hundreds of spiking reports over past two months](#)”, Evening Standard, 22 October 2021 (accessed 1 February 2022); “[“Drinks, needles... what next?” Inside the terrifying spiking scandal on UK campuses](#)”, 28 October 2021 (accessed 1 February 2022).

⁶⁴ Alcohol Education Trust, [Drink Spiking Fact Sheet](#), July 2016.

⁶⁵ “[St Andrews University: safety measures introduced over drink-spiking concerns](#)”, The Guardian, 21 October 2021 (accessed 1 February 2022)

Universities will not tolerate any form of sexual assault or harassment and are dedicated to ensuring that students have the safe and enjoyable university experience they deserve.⁶⁶

However, there have been calls for universities to do more on this issue, including not telling women how they should behave to protect themselves, but instead focussing on the perpetrators:

What is more difficult, but equally necessary, is for universities to accept that people in our community – staff, students and/or their guests – are most likely committing these offences. While it is possible that some incidents are “copycat crimes”, there is also the real potential that this is a form of organised crime.

The conversation urgently needs to be had to connect not only the experiences of victims but the methods of perpetrators so we can improve surveillance and evidence-gathering.⁶⁷

⁶⁶ [“Universities ‘working with bars and police’ on student safety amid fears over spiking with injections”](#), The Independent, 20 October 2021 (accessed 1 February 2022)

⁶⁷ [“UK universities must do more to combat spiking”](#), THE, 5 November 2021 (accessed 1 February 2022).

4 Initiatives to address sexual harassment and violence

Organisations such as Universities UK, the 1752 Group, and Equally Safe in Higher Education (ESHE), have produced guidance for how providers should prevent sexual harassment and violence, respond to incidents effectively, and support their students better.

The Office for Students (OfS), which regulates higher education in England, has produced a revised [statement of expectations](#).⁶⁸ It covers effective staff and student training, and policies to facilitate the reporting and disclosing of incidents of harassment and sexual misconduct.

The OfS has also provided financial support to universities for projects designed to tackle hate crime and sexual violence and harassment.

4.1 Universities UK

In September 2015, then-Business Secretary Sajid Javid and Universities Minister Jo Johnson asked Universities UK (UUK), to set up a taskforce to investigate issues of harassment, hate crime, and sexual violence on campuses.⁶⁹

The Taskforce published its first report in October 2016, [Changing the culture](#).⁷⁰ The report included a framework to support universities in how to tackle all forms of harassment. The framework was based on five pillars:

- The central role of the senior leadership team
- The criticality of a holistic institution-wide approach
- Development of effective preventative strategies
- Development of effective responsive strategies
- Sharing good practice within institutions and the sector at large

⁶⁸ OfS, [Statement of expectations for preventing and addressing harassment and sexual misconduct affecting students in higher education](#).

⁶⁹ Department for Business, Innovation and Skills Press Release, "[Business Secretary calls on universities to tackle violence against women](#)", 6 September 2015.

⁷⁰ UUK, [Changing the culture: Report of the Universities UK Taskforce examining violence against women, harassment and hate crime affecting university students](#), October 2016

The report made several recommendations for how institutions should work to prevent harassment and respond to incidents effectively.⁷¹

Prevention

The Taskforce recommended universities should:

- Adopt an evidence-based **bystander intervention** programme.
- Ensure that partnership agreements between the student and the university highlight the **behaviours expected** from all students, set out **disciplinary sanctions**, and state the university's commitment to ensuring the safety and wellbeing of students.
- Embed a **zero-tolerance approach** across all activities, including outreach activities with schools and further education colleges, engagement with local bars and nightclubs, student inductions, and student information.
- 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 recommended universities should:

- Develop a clear, accessible, and representative **disclosure response** for incidents of sexual violence and rape, working with relevant external agencies where appropriate.
- Take reasonable and practicable steps to implement a centralised **reporting system**.
- Conduct a thorough assessment of which staff members need to be trained and what **training** needs to be provided.
- Build and maintain partnerships with local specialist services to ensure consistent **referral pathways** for students.
- Establish and maintain strong links with the **local police and NHS** to develop and maintain a strategic partnership to prevent and respond to harassment, violence, and hate crime.

Two years on

In October 2019, the most recent report on the Taskforce's work was published: [Changing the culture. Tackling gender-based violence, harassment and hate crime: Two years on](#).⁷² One of its key findings was that progress is most apparent in prevention. This had largely been driven by increased training for staff and students to raise awareness of what

⁷¹ Ibid., pp58-59.

⁷² UUK, [Changing the culture. Tackling gender-based violence, harassment and hate crime: two years on](#), October 2019.

constitutes harassment and hate incidents, the behaviours expected on campus, and potential sanctions when these are breached.⁷³

One ongoing issue identified by the report, however, was a lack of resources and funding to ensure institutions were able to address harassment effectively. The report said:

Survey responses indicate that sector-wide challenges remain in terms of resourcing and funding. This appears to have impacted the ability of some universities to deliver improvements in responding to all forms of harassment. Where resources and funding were secured, the impact on progress was evident.⁷⁴

Guidance for potentially criminal conduct

In 1994, a committee comprising members from the Committee of Vice Chancellors and Principals (CVCP), now UUK, headed by Graham Zellick, produced non-statutory guidelines for universities dealing with student misconduct that potentially constituted a criminal offence.⁷⁵

The ‘Zellick guidelines’ generally advocated a ‘hands-off’ approach, and universities were recommended not to involve themselves in cases where a criminal investigation was underway, or in cases in which students had declined to make a police complaint.

These guidelines were used by universities for over two decades until 2016, when UUK, in conjunction with the law firm Pinsent Masons, published [Guidance for Higher Education Institutions, how to handle alleged student misconduct which may also constitute a criminal offence](#).⁷⁶ This guidance reflected UUK’s Changing the culture recommendations, as well as the passage of the Human Rights Act 1998, Equality Act 2010, and important developments in the higher education sector.

The guidance concerns all types of student misconduct that may constitute a criminal offence, but provides specific recommendations in relation to sexual misconduct.⁷⁷

In April 2018, UUK published a report on how the updated guidance was being used and said universities were all at different stages in implementation.⁷⁸

⁷³ Ibid., p7.

⁷⁴ Ibid., p8.

⁷⁵ Committee of Vice-Chancellors and Principals, Final Report of the Taskforce on Student Disciplinary Procedures, 1994. The guidelines were discussed in a NUS briefing: [How to Respond to Complaints of Sexual Violence: The Zellick report](#), November 2015.

⁷⁶ UUK, [Guidance for Higher Education Institutions, how to handle alleged student misconduct which may also constitute a criminal offence](#), October 2016.

⁷⁷ Ibid., pp6-8, 10, 14, 17.

⁷⁸ UUK, [Guidance for allegations of student misconduct: implementation of the Universities UK/Pinsent Masons guidance](#), April 2018.

4.2 The 1752 Group

The 1752 Group is a research and lobby organisation [working to end sexual misconduct](#) in higher education.⁷⁹

The Group has suggested there's a lack of guidance and expertise available for institutions on how to address student complaints about sexual misconduct perpetrated by staff.⁸⁰

In March 2020, the group partnered with law firm [McAllister Olivarius](#) to [publish guidance to help higher education providers](#) dealing with such complaints. The guidance intended to:

- provide a framework that engenders trust in higher education providers to respond effectively to student complaints;
- meet regulatory requirements;
- provide fair and equitable outcomes for both students and staff.⁸¹

The guidance provided detailed recommendations for higher education providers processing student complaints and made recommendations for all steps of the process. These steps are:

- Initial submission of complaint and risk assessment
- The Investigation
- The decision-making procedure
- The review process
- Confidentiality of outcomes and protection of the complainant
- Data recording and management

The guidance is accompanied by a series of [briefing notes](#) published on the 1752 Group's website.⁸²

4.3 Equally Safe in Higher Education

[Equally Safe in Higher Education \(ESHE\)](#) is an organisation based at the University of Strathclyde that aims to eradicate gender-based violence in Scottish higher education.

⁷⁹ 1752 Group, [About Us](#), 2022 (accessed 4 February 2022).

⁸⁰ "[Universities must stop making it up as they go along on staff-student complaints](#)", Wonkhe, 12 March 2020 (accessed 31 January 2022).

⁸¹ 1752 Group and McAllister Olivarius, [Sector Guidance to Address Staff Sexual Misconduct in UK HE](#), March 2020, p1.

⁸² 1752 Group, [Briefing notes](#), 2022 (accessed 7 February 2022).

In 2018, ESHE developed a [Toolkit](#) with funding from the Scottish Government that could be used by universities wanting to develop or improve processes for addressing sexual harassment and violence on campus.⁸³

The Toolkit comprises materials and resources that can be used as they are or adapted to suit individual providers. It includes:

- resources for implementing prevention programmes and campaigns;
- resources to help universities respond effectively to gender-based violence;
- guidance on incorporating a trauma-informed approach to support.

Guidance produced alongside the Toolkit provides a [framework for developing a collaborative approach](#) to preventing sexual harassment based on the “twin priorities of prevention and intervention”.⁸⁴

The guidance reflects priorities set out by the Scottish Government in [Equally Safe: Scotland's strategy to eradicate violence against women](#).⁸⁵

4.4 The Office for Students

The Office for Students (OfS) regulates higher education in England.

Consultation on harassment and sexual misconduct

On 9 January 2020, the OfS launched a consultation on [harassment and sexual misconduct in higher education](#). The consultation document acknowledged:

There exists a substantial body of evidence across the UK regarding the extent and scale of harassment and sexual misconduct in the higher education sector, as well as evidence of inadequate practice within some higher education providers.⁸⁶

The consultation included a proposed statement of expectations relating to providers' processes, policies, and systems to prevent and respond to harassment and sexual misconduct.

The consultation was paused in March 2020 due to the Covid-19 pandemic, but, on 9 February 2021, the OfS [stated its intention to re-launch its work](#). This included engaging with stakeholders to understand additional challenges faced by students in this area during the pandemic, publishing a revised

⁸³ Equally Safe in Higher Education, [ESHE Toolkit](#) (accessed 8 February 2022).

⁸⁴ Equally Safe in Higher Education, [Equally Safe in Higher Education Toolkit: Guidance and Checklist for Implementing a Strategic Approach to Gender-based Violence Prevention in Scottish Higher Education Institutions](#), 2018, pp15.

⁸⁵ Scottish Government, [Equally Safe: Scotland's strategy to eradicate violence against women](#), 2016.

⁸⁶ OfS, [OfS consultation on harassment and sexual misconduct in higher education](#), 2020, p7.

statement of expectations in spring 2021, and reviewing its regulatory requirements. An OfS press release said enforcement powers could be used:

As part of our wider work to review and reset our regulatory requirements [we will] consider, later this year, whether – and if so how – to update our regulatory requirements that relate to consumer protection law, including how we set requirements relating to complaints-handling arrangements and options for connecting the statement of expectations to the requirements expressed in conditions of registration.

This would mean that we could use our enforcement powers where universities and colleges do not have robust, fair and effective complaints procedures in relation to harassment and sexual misconduct.⁸⁷

Statement of expectations

On 19 April 2021, the OfS published a revised [statement of expectations](#) after discussions with students, universities and colleges, and third sector organisations.⁸⁸ The statement comprises seven expectations covering effective staff and student training, and adequate policies and processes for reporting and disclosing incidents sexual misconduct, and responding effectively to allegations.

In a blog also published on 19 April 2021, the chief executive of the OfS, Nicola Dandridge, [urged universities to review their sexual misconduct and harassment policies](#) by summer 2021:

Publishing this statement of expectations represents a major step in ensuring that all students feel safe during their time in higher education. It is a real opportunity for universities and colleges to make a difference and I would strongly urge them to grasp it.⁸⁹

Nicola Dandridge also said the OfS would consider whether to connect the statement expectations to the conditions of registration that universities must meet in order to qualify for funding.⁹⁰

Catalyst Fund

In 2016, the Office for Students (OfS) established the Catalyst Fund to financially support projects that address hate crime and sexual violence and harassment. Between 2016 and 2019, 119 projects were awarded a total of £4.7 million.⁹¹ The funding for projects was matched by providers, which meant a total investment of almost £10 million.

⁸⁷ OfS, "[Clearer expectations on harassment for universities and colleges](#)", 9 February 2021.

⁸⁸ OfS, [Statement of expectations for preventing and addressing harassment and sexual misconduct affecting students in higher education](#).

⁸⁹ OfS blog, "[How we expect universities and colleges to tackle harassment and sexual misconduct](#)", 19 April 2021.

⁹⁰ Ibid.

⁹¹ OfS, [Catalyst for change: Protecting students from hate crime, sexual violence and online harassment in higher education](#), 12 June 2019.

The projects cover a range of activity, including training and awareness raising, digital innovation, and new approaches to prevention and reporting of sexual harassment. A list of the projects is available on the OfS website at [Student safety and wellbeing, What are the projects?](#)

The benefits of the Catalyst programme were noted in the UUK Taskforce's [Changing the culture: Two years on](#) report, which said the Fund had helped support universities to:

- develop interventions and new initiatives;
- produce academic research;
- employ permanent specialist staff;
- scale up training for staff and students.⁹²

External evaluations of the three rounds of funding awarded by the Catalyst programme have been [published on the OfS website](#).

Intersection of violence and alcohol briefing

In July 2021, the [UK Healthy Universities Network](#), which supports its members to develop and implement 'whole university' approaches to health, wellbeing, and sustainability, hosted a seminar with Universities UK and the Office for Students, to explore the intersection of sexual violence, alcohol, and drugs at universities and colleges.

Following the seminar, a [briefing note was published \(PDF\)](#) by the OfS. It considered the available data on student alcohol and drug use, and how it relates to sexual misconduct. It also included case studies with practical steps universities and colleges are taking to address these issues.⁹³

⁹² UUK, [Changing the Culture. Tackling gender-based violence, harassment and hate crime: two years on](#), October 2019, p8.

⁹³ OfS, [The intersection of sexual violence, alcohol and drugs at universities and colleges. A briefing note following UK Healthy Universities Network meeting in collaboration with Universities UK and the Office for Students, 22 July 2021](#), September 2021.

5 Parliamentary material

5.1 Debates

The Government's [Strategy for Tackling Violence against Women and Girls](#) was debated in both the [House of Commons](#) and the [House of Lords](#) in July 2021. Some MPs and peers made reference to the situation in colleges and universities.

A [debate on nightclub safety in the House of Commons](#) on 8 November 2021 made several references to the role of universities.

5.2 Parliamentary Questions

The Government's approach to sexual harassment in further and higher education has been explained in responses to Parliamentary Questions, some examples are included below.

The first response sets out what the Government is doing to address the issue on university campuses. The Minister for Higher and Further Education, Michelle Donelan, described the work of the OfS, the Government's view of the use of non-disclosure agreements, and her meetings with Universities UK.

[Universities: Sexual Harassment. PQ 44464.](#)

Feryal Clark on 7 September 2021

To ask the Secretary of State for Education, what steps he is taking to tackle sexual harassment and violence on university campuses.

Michelle Donelan 14 September 2021

Any form of harassment, violence or sexual assault is abhorrent and unacceptable anywhere in society, including in our universities. Sexual harassment is in no way tolerable on our campuses and online environments. The government urges university leaders to ensure a zero-tolerance approach to all harassment and sexual misconduct and to ensure they have robust systems in place for reporting incidents where they do occur.

The Office for Students (OfS) statement of expectations on harassment and sexual misconduct was published on 19 April and is a useful tool for providers. As part of its next steps on harassment and hate crime, the OfS will now be considering options for connecting the statement of expectations to its conditions of registration. The OfS wrote to providers on 10 June, asking them

to review and update their systems, policies and procedures in line with the statement of expectations on harassment and sexual misconduct by the beginning of the next academic year. I have made it clear that government sees the OfS statement as the minimum that providers should be doing to keep students safe from sexual harassment and misconduct, and to handle reported incidents appropriately when they do occur.

I also wrote to the sector on 2 July reasserting the government's firm expectations for providers in this space. This includes giving urgent consideration to the OfS request to update their systems. I detailed the way in which the government will legislatively tackle the use of non-disclosure agreements (NDAs) in relation to workers and employers. I also outlined that I have asked officials to explore options for going further in this area in higher education (HE). The use of NDAs in relation to sexual violence, harassment and misconduct is wholly inappropriate.

I am extremely concerned that many of the deeply disturbing testimonies that continue to be posted on the 'Everyone's Invited' website reference experiences within HE settings. I met with the founder of Everyone's Invited in June, to discuss tackling sexual harassment in HE. I also met with Universities UK (UUK) to discuss this issue, including their existing guidance for providers in this area. I understand they are preparing guidance on staff to student sexual misconduct, which will be published soon.

I know that sexual harassment and misconduct is an area that for several years HE providers, the OfS, the government and sector bodies have been working together on. In 2015, UUK set up a taskforce on harassment at the request of the government. Since 2016, a total investment of £4.7 million, match funded by HE providers, has been invested by the OfS and its predecessor, funding 119 safeguarding projects. £2.45 million of this was given to 63 projects specifically focused on tackling sexual and gender-based violence in HE. In my recent letter to the sector, I highlighted that it may also be timely to revisit the resources produced by these OfS-funded projects relating to this area, available via the following link: <https://www.officeforstudents.org.uk/advice-and-guidance/student-wellbeing-and-protection/student-safeguarding-evaluation-and-resources/>.

In addition to preventative policies and procedures, we expect providers to ensure that students continue to have access to support services, and complaints processes, during the COVID-19 outbreak, to ensure they are able to report any issues. I will continue to work across government to ensure that sexual harassment is stamped out of our world leading HE sector.⁹⁴

The second response set out how the Government is ensuring universities handle cases of sexual harassment and violence properly. Michelle Donelan detailed the Government's work with Universities UK, its expectations for providers in this area, and the role of the Office of the Independent Adjudicator.

[Universities: Sexual Harassment: PQ 134441](#)

Sarah Champion on 8 January 2021

⁹⁴ [PQ 44464 \[Universities: Sexual Harassment\] 7 September 2021](#).

To ask the Secretary of State for Education, what steps he is taking to improve the external oversight of universities in the handling of cases of sexual misconduct.

Michelle Donelan on 21 January 2021

Departmental officials are working closely with departments across government to tackle sexual misconduct in universities. The government continues to work closely with Universities UK (UUK) on implementing its Changing the Culture framework.

Underreporting of sexual harassment and sexual violence is common within society and it is important that providers break down barriers to reporting and that students feel safe and able to report incidents of sexual harassment and sexual violence. The most recent UUK progress report, published in October 2019, showed that progress is being made, with 72% of responding institutions having developed or improved the recording of data on harassment and discrimination incidents with a more centralised approach.

The government expects providers to take their responsibilities to students seriously and to have in place appropriate policies and procedures to tackle sexual misconduct, report incidents and make complaints. The government also expects the provider to support the student in making a decision about the way forward, including whether to make a report to the police. Any student who feels that their complaint has not been dealt with appropriately or satisfactorily can escalate their complaint to the Office of the Independent Adjudicator (OIA).

The Office of Students (OfS) has an extremely important role to play in ensuring there are appropriate mechanisms in place to safeguard students and it is clearly important that the OfS has the appropriate powers to address these issues effectively. The OfS has provided £4.7 million for safeguarding schemes.

The OfS has committed to going further to tackle harassment and sexual misconduct, announcing consultation proposals setting out expectations for all HE providers to prevent and address hate crime, harassment and sexual misconduct. [...]

The government will continue to urge university leaders to prioritise a zero-tolerance culture to all harassment and sexual misconduct and improve the systems for reporting incidents.⁹⁵

⁹⁵ [PQ 134441 \[Universities: Sexual Harassment\] 8 January 2021.](#)

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