# Power, hierarchies and higher education: Rape on campus in India and the UK

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**Abstract**

This chapter examines rape, sexual violence and harassment, and other forms of gender-based violence within higher education (HE) by comparing students’ experiences and institutional responses across two countries: India and the UK. It suggests that the distinctiveness of higher education as a context for rape and sexual violence to occur can be analysed on two levels: first, through the ways in which wider social inequalities may be reproduced or compounded within the HE context; and second, through the ways in which hierarchies of power within HE institutions create a ‘conducive context’ for some kinds of sexual and gender-based violence and harassment to occur. Despite the different histories of activism around rape and sexual violence in each context, as well as different policy contexts this chapter describes similarities between the experiences of survivors and complainants in both countries. This appears to be due, at least in part, to the international nature of academic culture which is characterised by the gendered power hierarchies that historically and today shape HE institutions.

# Introduction

Universities are often seen as an oasis from the rest of society - a space of liberation away from paternalistic protectionism or a rite of passage symbolising the journey to adulthood and independence. Cultural representations of university life have painted a picture of higher education as a space of experimentation, nurturing and learning where young people can grow into the adults they want to become. Such narratives imagine higher education spaces as free from the violence and inequalities in wider society, even while for working-class students, going to university can signify entry into the middle classes.

However, over recent years accounts of rape, sexual violence and harassment have been shattering this utopian vision, as gender-based violence on campus becomes increasingly the subject of media, policy, and public scrutiny across a variety of national contexts. To detail just a few: new activist groups have sprung up in countries as diverse as New Zealand and Nepal; the Nigerian parliament has debated banning sexual relationships between lecturers and students; and in Ireland, a new national regulatory regime for addressing sexual violence in HE is being implemented. This work has been fuelled by decades of activism by students, lecturers, and other staff members in universities. It is also part of a seismic shift after #MeToo in which institutions – including universities – across society are being required to do much more to address sexual violence.

Despite the high level of public scrutiny and attention around this issue, in most countries the extent of sexual and gender-based violence on campus remains unknown, allowing the utopian vision of higher education to remain intact. Only in the US and Australia have large scale surveys to determine the extent of sexual violence and harassment have been carried out (Australian Human Rights Commission, 2017; Cantor et al., 2019). Both studies show that sexual and gender-based violence and harassment is common between students. In the US, 13% of students in the sample of 150,000 had been subjected to ‘nonconsensual sexual contact by physical force or inability to consent’ from other students (Cantor et al. 2019: ix), and 41.8% reported experiencing at least one sexually harassing behaviour since enrolling as a student (2019: xiii), with higher rates among trans, genderqueer/nonbinary and gender-questioning students (to use the terminology from the report). Sexual harassment or violence from academic staff also affects a large minority of students, particularly postgraduate women and queer students. Across both studies, around 10% of women postgraduate students had been subject to sexual harassment from staff (Australian Human Rights Commission, 2017; Cantor et al., 2019). Students are more likely to be subjected to sexual violence or rape than the wider population (Office for National Statistics, 2021). Not only that, but these findings point to the existence of what has been labelled ‘rape culture’ in universities. This is a term coined by feminist activists in the 1970s which can be defined as a culture ‘in which an aggressive male sexuality is eroticized and seen as a ‘healthy,’ ‘normal’ and ‘desired’ part of sexual relations…. one in which sexual assault is not only seen as inevitable in some contexts, but desirable and excusable as well’ (Keller et al., 2018, p.23). Overall, it is clear that higher education settings are a crucial site for prevention and response programmes to address sexual and gender-based violence.

In this chapter we therefore examine the ways in which the higher education context can create a ‘conducive context’ (Kelly, 2013) for rape, sexual violence and harassment, as well as discussing institutional responses when students and staff disclose or report these experiences and how these responses are shaped by wider regulatory regimes. We explore these points within two national contexts: India and the UK. In both countries, rape on campus has been the subject of media, activist, and government scrutiny and action. However, India and the UK provide contrasting examples due to the different regulatory regimes in place for their HE sectors more widely as well as around sexual and gender-based violence on campus.

In order to discuss these examples, we draw on empirical material from our own research in these two contexts. Bull’s study analyses the experiences of 16 students and early career researchers in UK HE who attempted to report staff sexual misconduct to their institution (Bull 2021; Bull & Page, 2021a; 2021b; Bull & Rye, 2018;). Dey’s research, entitled Sexual and Gender Based Violence (SGBV) in Indian Universities, documents the experiences of students, members of staff and survivors within Indian HE, as well as exploring institutional responses, and student activism in Indian campuses. The interviews mentioned in this paper were conducted between July and September 2018. The names of all participants have been changed to maintain anonymity and confidentiality.

In both our research, we found that students and staff experienced a range of types of gender-based and sexual violence and harassment, but they rarely labelled these experiences as rape, even when they fit a legal definition of rape within their jurisdiction. This difficulty of naming and labelling rape constitutes one of the challenges of doing activism and trying to make social change in this context – but it is crucial for us as activist-researchers to respect the terminology that participants in our research used. We explore this issue further as we introduce some of the experiences of our participants below.

We suggest that the distinctiveness of higher education as a context for rape and sexual violence to occur can be analysed on two levels: first, through the ways in which wider social inequalities may be reproduced or compounded within the HE context; and second, through the ways in which hierarchies of power within HEIs create a ‘conducive context’ for some kinds of sexual violence and harassment to occur. Below, we explore how social hierarchies such as class, caste, religion and patriarchy in India shape the context for sexual violence to occur; then turning to the UK, we examine hierarchies of power *within* HEIs. Through examining the contrasting regulatory regimes for HE in India and the UK, as well as regulatory conditions in place around how HEIs respond to sexual and gender-based violence, we compare these two case studies to reveal how structural differences do not in fact make major differences to the experiences of students and staff.

### Social inequalities and sexual violence in Indian universities

In India societies and social structures are characterised by rigid gender segregation, specific forms of family and kinship and powerful ideology linking family honour to female virtue. Men are considered to be the primary breadwinners and are largely entrusted with protecting the family honour through their control over women within the family (Kabeer, 1988; Moghadam, 2004). Due to women’s inferior status within the household, girls often have less access to food, education and freedom compared to their brothers (Dey, 2019b). However, they are simultaneously seen as ‘repositories of household honour and prestige; often their every act and utterance are closely scrutinised for inappropriate behaviour by a family’s womenfolk that threatens the whole family’s honour and, thus, their marriage prospects’ (Rew et al., 2013, p.151). Further Brahmanism constructs ‘the ideal woman as sexless, or one whose sexuality is confined within marriage. Within this context, non-marital sex, whether coercive or voluntary, is considered problematic for women and is seen as potentially shameful for the community or family’ (Gangoli, 2011, p.113). Hence, the burden of being identified as a being raped or being a rape survivor is immense- it can not only lead to job loss, social isolation but also being disowned by one’s own family in the name of ‘honour’ (Patel, 2014).

Further, marital rape is still not illegal in India. While feminist groups have lobbied against this, the government has refused to make it illegal on the basis that it would go against Indian family values. Pre-marital sex is considered a taboo and sex after marriage considered an obligation or duty for women (and the right of men), coupled with the non-recognition of marital rape by Indian law, denies women all agency of consent. Such patriarchal power relations and negligible discourse around ideas of consent very much shape the politics of universities and of students’ lives. Hence, many students have complained about being coerced into saying ‘yes’ or not having the vocabulary to say ‘no’. As Deepa states in her interview – ‘men don’t know how to ask for consent and women do not know how to give consent’.

Because of the above-mentioned social structures, students are often also in denial of rape. Rohini, while speaking about her case of harassment in the university, said that the first time she ever had alcohol was with a male friend. She did not want to drink but he insisted, and she soon felt sick and passed out. When she woke up she found her friend on top of her. She said they had sex but she remembers very little and they still remain friends. Rohini does not term this experience to be specifically rape even though it was case a of non-consensual sex.

As well as patriarchal structures, it is also important to take into consideration social and cultural privileges as class, caste, religion and sexuality. (Chadha, 2017, n.p.), on talking about the experiences of Dalit women in university states,

In our academic institutions, the atmosphere is a casteist one. In such a situation, to think that a female Dalit student has equal and fair recourse to “due process” is misplaced optimism. A Dalit female student is often trapped by and within her sense of loyalty to her caste group as she is excluded from the groups not of her own caste. Due process is fraught with difficulties for all women who choose to access it, but it is more so for those nearer to the bottom of caste hierarchies.

Here it is important to also consider the question of perpetrator sanctions as these are also directly linked to social inequalities such as class, caste and religion. In most cases the response to cases of sexual violence is considered to be stringent punishment. In India, the main public demand of the movement following the Nirbhaya rape case (outlined below) in 2012 was around the death penalty although indeed a large section of the feminist community stood strongly in opposition to this demand (Talwar, 2013). There is a common misconception that the rise in the expected probability and intensity of punishment should result in the decrease of sexual harassment. However, it appears that the introduction of more stringent punishment has deterred many survivors from filing complaints (Amaral et al., 2019; Himabindu et al., 2014; Hjalmarsson, 2009). Many survivors interviewed state that they are seeking justice and healing and do not necessarily want ‘punishment’ for perpetrators (Dey & Mendes, 2021). As Tina states,

I don’t feel very good about that because what I also know about this person is that was doing these jobs because he had a lot of debt and I know his parents’ financial situation is not good. I know if he no longer has a job it would affect people other than him. So, I don’t feel good about that either.

Tina in her interview also mentions that once her complaint became public, the perpetrator’s mother and sister were targeted as well and this was a big deterrent for her to file a formal complaint.

Hence, is important to recognise the deep-seated misogyny and patriarchy that exist in Indian HE campuses which, on the one hand, propagate a culture of silence around cases of gendered violence through mechanisms such as victim blaming and shaming, and on the other, practises securitisation like the use of CCTV cameras and other surveillance mechanisms and patriarchal protectionism which completely undermine the agency of adult women.

### Power relations within HE and sexual violence in UK universities

In the UK, similarly, the conditions in which students and staff are subject to sexual violence, and the social and institutional responses to it, are shaped by the wider social inequalities, most notably class, race, gender, and disability. But HE as a conductive context for rape and sexual violence is also shaped by the specific structures of higher education, to which we now turn. One manifestation of sexual violence and harassment on campus that is particularly difficult to make visible - whether under pre-neoliberal regimes within UK HE (Carter & Jeffs, 1995) as well as more recently – is sexual violence perpetrated by academic staff (Page et al., 2019). A focus on academic staff as perpetrators can, however, reveal the ways in which rape and other forms of sexual violence and harassment are entrenched in, and enabled by, the specific structures of power and hierarchy within academic institutions. These power hierarchies can uphold and intersect with gendered hierarchies of value – for example with men more likely to be in positions of power (AdvanceHE, 2020). They also reflect the patriarchal history of higher education whereby women students have long had to fight for access to education, and may be subject to discrimination, marginalisation and abuse when they do gain access, patterns that are still evident today (Dyhouse, 2005; National Union of Students, 2018).

One of these forms of gendered discrimination and abuse has been theorised by Bull and Page (2021a) as ‘grooming’. They describe grooming as ‘a pattern of boundary-blurring behaviours over time’ – i.e. behaviours that ‘transgress (often tacit) professional boundaries’ – ‘between people in positions of unequal power that may lead to an abuse of power’ (Bull & Page, 2021a, 12). Gender is one of the structures of power that enable grooming to take place; gender norms can mean that grooming and boundary-blurring behaviours are invisibilised or normalised. As well as gender, other structural and institutional inequalities can enable grooming to occur. For example, Donovan and Hester (2015, 101) in a study of abuse in young people’s heterosexual and same-sex relationships found that age, lower income, and lower educational statuswere the main inequalities that enabled abuse to take place. Academic teaching and learning relationships are often also inequalities of age, and as many researchers have documented, class inequalities are powerful in shaping students’ experiences of higher education. These factors, alongside race, sexuality, disability, and inequalities specific to the condition of being a student (Whitley & Page, 2015) all mean that students are vulnerable to sexual violence, exploitation, and ‘grooming’ behaviours from academic staff.

In Bull and Rye (2018), all the accounts of rape (more often described as non-consensual sex) occurred following a period of several months or even years of grooming or boundary-blurring behaviours by a staff member. For some women, this ‘grooming’ led to the formation of an intimate relationship with the staff member. For others, they were subjected to persistent targeting from a staff member while they were vulnerable. For example, Ally described how, during a period of mental illness, her ability to fend off her supervisor’s boundary-blurring behaviours disappeared. He would provoke her to be upset and then comfort her, increasing her dependency on him. Eventually she had no energy left to fight him; she didn’t want to have any sexual contact with him but she felt she had no choice in it after months of psychological manipulation. As she describes:

That happened over about four months. So, very quick, compared to the [other women he targeted], and, by the end of it, yes, he’d taken pretty much everything, and forced me to the point of being unfaithful in my marriage, though I didn’t want to, but, because I felt I had absolutely no choice in the matter, it felt like a survival effort. […] I was isolated. Isolated from everybody by him, to the point where I thought he was my only escape.

The persistent boundary-blurring behaviours by her supervisor over a period of months made it difficult for Ally to label her experience as rape. However, sometime later when she was recovered from her mental illness, Ally decided to report her supervisor, although coming to this decision was not straightforward. As outlined by Bull (2021), students and staff reporting staff sexual misconduct described both catalysts and rationales for reporting. Catalysts were the immediate triggers to reporting, such as in Ally’s case recovering her health. Another catalyst was being asked directly by a senior staff member if she had ever experienced any inappropriate behaviour from this lecturer. Rationales describe the deeper motivations for taking this step, the most common being in order to stop the perpetrator targeting others. Unfortunately, despite calls for increased reporting of sexual violence to HEIs, evidence suggests that many HEIs are not adequately prepared to deal with such reports, or even willing to hear them. In Bull and Rye (2018), six out of 16 interviewees were unable to get their disclosure formally addressed by the institution, and Fernando and Prasad, in a study of 31 early- and mid-career female academics employed at business schools at nine different research-intensive universities in the UK, found that 'when women started to voice, they were silenced by third-party actors such as colleagues, managers and HR representatives' (Fernando & Prasad, 2018: 1574).

## Frameworks for reporting

In the UK context, even when reports did get taken up formally, justice was difficult to achieve (Bull & Page, 2021b), and complaints processes were protracted, emotionally exhausting, and sometimes involved further harassment by the institution (Bull & Rye, 2018). Indeed, as Bull et al. (2020) have argued, complaints processes in HE for dealing with sexual misconduct, in treating complainants as ‘witnesses’ to an institutional disciplinary process against the alleged perpetrator, risk breaching the Equality Act, legislation that protects people from discrimination in the workplace and in wider society. This is because vastly more sexual misconduct complaints are made by women against men than vice versa, therefore ‘a process for investigating sexual misconduct complaints which gives those responding [i.e. the accused] more rights than those complaining might well be thought to place women as a group at a particular disadvantage and so to amount to indirect discrimination’ (The 1752 Group and McAllister Olivarius, 2020, 4-5). This is because under both staff and student procedures (such as Office of the Independent Adjudicator, 2018), when a complaint moves into the disciplinary process against the accused party, the complainant is relegated to being a witness to the institution’s case against the complainant and does not have any right to see the accused party’s evidence or even to know the outcome of the disciplinary action. Indeed, when Ally’s complaint went through a formal process at her institution, many of these issues arose, and despite a number of other women also making complaints, their complaints were not successful. The impacts on Ally’s life, career, health, and finances career were complex and long-standing, and nearly led to her quitting her academic career.

Dey’s research shows that similar experiences of reporting occurred in India. During interviews some students explained how they had been advised by academic staff or members of complaint/investigation committees not to file complaints. Some others had been blamed for their own harassment or in some cases told blatantly that what they faced could not be termed as harassment. In some other cases, parents have been informed by universities when women have tried to file formal complaints. In a particularly harrowing experience of reporting, a survivor called Priya explained how her complaint was mishandled by the investigation committee who was protecting the university and the perpetrator rather than the survivor. She was also not informed about the proceedings or the results of the investigation by the university. She came to know about it through the media which caused her immense anxiety and stress. She said-

This is what the administration does – they stay quiet and tell the media that we haven’t received a complaint. You have never offered us any psychological support, have never approached us…I can guarantee you that all women who have gone to ICC [the Internal Complaints Committee] have been depressed at some point or victims of mental health issues. Nobody has been offered psychological or legal support. The university lawyer neutralizes the complaints in a way that will benefit the university.

Priya’s experience is not an exception. Though we have limited data on experiences of reporting, Dey’s research shows that most people who filed formal complaints were further traumatised and triggered and left completely dissatisfied and broken by the outcomes. The only participants I spoke to who had satisfactory experiences had filed their complaints with the pioneering Gender Sensitisation Committee against Sexual Harassment (GSCASH) at Jawaharlal Nehru University (as introduced below).

These experiences turn our attention towards the specific regulatory regimes governing how higher education institutions address rape and sexual violence on campus. Indeed, the UK and India are very different on a regulatory level in how they address these issues – but perhaps surprisingly, these differences in governance structures do not seem to make a great deal of difference to the experiences of those who report.

## The HE context

In India, higher education is primarily a public funded activity and carried out through Central Universities (universities that are established by Acts of Parliament are funded by the Central Government), State Universities (Universities set up or recognised by an act of the state legislature), Deemed Universities (status conferred by the Central Government, on the advice of the University Grants Commission for work of high quality in specialized academic fields) (Ravi, 2015). Apart from that, there are also private universities in India and since the early 1990s India has witnessed a push towards marketisation and privatisation of the education sector. This push has become extremely aggressive under the Bharatiya Janata Party (BJP) led Indian government since 2014, leading to cutting of state funds towards the education sector, hiking of fees, and cancellation of studentships especially for minority students. The National Education Policy launched in India 2020 continued to be in line with the neo-liberal, anti-democratic, and centralising tendencies that have been prevailing in higher education since the early 1990s, advocating for a multidisciplinary liberal education that meets the demands of the job market rather than cultivating critical thinking and ideas of secularism, equality and social justice (Priya, 2020).

Private universities in India can be extremely elite spaces with exponentially higher fees as compared to public universities. Most private universities also do not have political student unions and there is an active effort of depoliticising these spaces. However, even in public universities there has been a continuous effort of shutting down critical thinking and student dissent. Both the government and large sections of mainstream media have portrayed dissenting students as ‘wasting taxpayer’s money’ based on the education and food subsidies they receive (Farooqi, 2018). However, the government continues to demand this accountability from public university students as a test of their love for the nation and its people. Thus, universities have become spaces to produce unchallenging, uncritical and obedient workers for the market rather than responsible and critical citizens.

Unlike India, where universities remain predominantly under state control, despite ongoing changes noted above, UK HE has become increasingly marketized over the last 25 years. Alongside the expansion of student numbers over recent decades, the cost of tuition has gradually been privatised by being transferred from the state to the individual student as part of the introduction of marketized competition between institutions (McCaig, 2018). During this time, competition between HEIs has been encouraged by policies such as lifting a statutory cap on levels of student recruitment, amidst a wider range of policies that have created a distinctive form of neoliberalism, whereby ‘market incentives [are used] by governments within a regulated system in an effort to change behaviours, be they institutional, academic or student behaviours’ (McCaig, 2018, 17).

India and the UK are therefore at different stages of shifts to neoliberalisation, with the UK much further along this route. These conditions are important in understanding how each HE sector responds to, and challenges, sexual violence and rape, not least due to substantial differences in the regulatory regimes in the two countries. While in the UK, there are no specific statutory obligations on universities in this area, in India there is a more well-developed regulatory infrastructure, a discussion to which we now turn.

### The regulatory framework for addressing sexual violence in Indian universities

In 1997, following the brutal gang rape of a poor Dalit woman called Bhanwari Devi by five upper caste men, the Supreme Court of India passed the first authoritative judgement on sexual harassment in the workplace. This led to the formation of the Vishakha Guidelines which made it mandatory for institutions (including higher educational institutions) across the country to put in place measures to prevent and redress sexual harassment in the workplace including setting up of the ICC to investigated complaints. Following this guideline, the University Grants Commission (UGC), a statutory body instituted by the Government of India responsible for coordination and maintenance of standards of higher education, advised all universities to establish permanent gender committees to develop guidelines to combat SGBV within their institutions.

An excellent example of one such committee set up to deal with sexual harassment in universities is the Gender Sensitisation Committee against Sexual Harassment (GSCASH), at Jawaharlal Nehru University (JNU), a public university and a premier centre of learning in Delhi. This committee was brought into being by feminist activists calling for better processes after the Vishakha judgement. It is an independent, elected (anti-)sexual harassment committee with both student and teacher representatives. People from across campus communities - students, administrative and academic staff and workers - can file complaints to GSCASH if they face any form of sexual violence on campus. Following the ICC guidelines to maintain autonomy from the institution, the committee also consisted of an external expert to oversee the enquiry process. Once the enquiry was completed the recommendations were passed on to the university administration. If a student wished to register a complaint to the police or follow the route of using the criminal justice system to get justice, GSCASH provided them with advice and help which included accompanying them to the police station and court proceedings, connecting them to suitable lawyers and helping with filing paperwork. Apart from this, the committee also carried out consciousness raising activities throughout the year. The GSCASH model has been called exemplary and has become the basis for complaints committees in other institutions as well (Dey, 2020; Nair, 2017; Priyadarshini, 2018).

Further activism and institutional change were fuelled by the Nirbhaya case, when on December 16, 2012, a young female student was gang-raped in a moving bus in Delhi. This was followed by huge country-wide protests which led to the start of a new phase of feminist activism in India (Dey, 2019b). These protests also fuelled widespread discussions around sexual violence and prevalent misogyny in Indian society, including on campus, leading to several cases of sexual harassment being reported in universities across India, both urban and rural. Against this backdrop, the UGC set up a task force to explore the current state of women’s safety on university campuses across India and provide recommendations. This report, which came to be known as the Saksham report, was exemplary as it examined the safety of students and members of staff from the perspective of guaranteeing their freedom, autonomy, and privacy and it spoke out strongly against what it calls ‘the problem of protectionism’ and securitisation. (University Grants Commission, 2013).

The Nirbhaya case also led to one of the most comprehensive overhauls of the criminal justice system (Dey, 2019b). Following this, and using the Vishakha guidelines as a foundation, the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act was passed in 2013. This mandated every university across India to have an Internal Complaints Committee (ICC) with elected student representatives for the prevention, prohibition and redressal of SGBV within campus. It also strongly advocated for all HE institutions to put in place support structures, infrastructural development (e.g. better lighting, transportation, toilets) and sensitisation mechanisms to ensure safety and accessibility for all students on campus. The UGC *(Prevention, Prohibition and Redressal of Sexual Harassment of Women Employees and Students in Higher Educational Institutions) Regulations* was brought into force on 2 May 2016. Under regulation 12 of the *(Prevention, Prohibition and Redressal of Sexual Harassment of Women Employees and Students in Higher Educational Institutions) Regulations*, the consequences of non-compliance could include withdrawal of declaration of fitness to receive funds, withholding grants and withdrawal of affiliation.

However, in this instance, guidelines such Vishakha and Saksham and committees such as GSCASH were not products of institutional accountability but of feminist movements holding institutions accountable and different stakeholders from within the feminist community such as students, activists, lawyers, academics coming together to build these systems to make institutions safer.

### The legal and policy context for addressing sexual violence in UK universities

Similarly in the UK context, feminist activism has been integral to creating change. Activists and student organisations such as the National Union of Students have been drawing attention to the issue of student-student sexual violence and harassment since the early 2010s, while the specific issue of staff-student sexual exploitation was documented in the mid-1990s by researchers and activists (Carter & Jeffs, 1995) and more recently revisited (Bull & Rye, 2018; National Union of Students, 2018). In recent years, more and more activist groups have formed as survivors grapple with the failures of HEIs to protect themselves and others.

However, unlike in India, despite this history of activism, at the time of writing, there are no specific statutory obligations on higher education institutions (as distinct from other educational institutions and workplaces) to prevent or respond to sexual harassment and violence. The wider legal framework that shapes institutions’ obligations in this area includes the Equality Act (2010), and the Human Rights Act (1998). Higher education institutions in the UK have varying and sometimes complex legal structures, but under the Equality Act, most are subject to the Public Sector Equality Duty. This requires them, in decision-making, to have ‘due regard to’ the need to eliminate discrimination and harassment of women and the need to advance equality of opportunity for people with particular protected characteristics (Whitfield & Dustin, 2015, 6). More widely, the Human Rights Act (1998) enshrines in law The European Convention on Human Rights which includes a right to education (including higher education).

In contrast with India where, as noted above, there are specific statutory regulations for how higher education institutions address this issue, HEIs in the UK rely on non-statutory guidance from two sector organisations. Universities UK, a lobby group representing the HE sector, introduced guidance in 2016 on student-student sexual violence, and in 2021 the Office for Students, a new regulatory body for England only, outlined a ‘statement of expectations’ that HEIs are expected to comply with, indicating that if the sector does not respond adequately then these expectations may become regulatory requirements in future. Despite these interventions, Universities UK’s own evaluations of the implementation of its guidance shows that its take-up is patchy across the sector, with many HEIs failing to implement adequate mechanisms to prevent or respond to sexual violence (Chantler et al., 2019; Universities UK 2019). This slow, patchy, and ultimately inadequate response from the HEI sector is all the more worrying given the fact that women students in the UK are *three times* more likely than women in other occupational groups to be subject to sexual assault. Among full-time students, in 2020 11.6% of women had experienced sexual assault in the last year, compared with 4.2% of men (ONS, 2021). Indeed, similarly to higher education in India, as described above, student-student sexual violence and harassment – including rape – is common, normalised, and invisibilised (Jackson & Sundaram, 2020).

# Comparing responses to rape on campus in the UK and India

A comparison of responses to rape and sexual violence on campus in the UK and India reveals some perhaps surprising points of similarity as well as differences that are illuminating for wider discussions of this issue. Firstly, while this chapter has not been able to describe in detail existing literature in both India and the UK, across both contexts inequalities and status and power hierarchies shape both the experience of sexual violence, as well as institutional responses to it. Second, these institutional responses have, despite a strong centralised state response in India and despite sustained levels of feminist activist in both countries, remained relatively poor, failing to keep survivors and other students and staff safe on campus. Perhaps linked with these poor institutional responses, in both contexts there is a long history of silencing and secrecy around rape on campus because of shame, stigma and, particularly in the marketized university context, institutional reputation. Finally, across both contexts, survivors are uncomfortable naming their experiences as rape.

There are, however, also important differences between experiences and responses to rape on campus in the UK and India. While wider social structural inequalities of society shape and sometimes compound experiences within higher education, these inequalities take somewhat different forms in the UK and India due to the different structures of society. In addition, there are contrasting histories of feminist activism across these two case studies. Most notably, there is a longer history of feminist activism on this issue in India that activists in the UK can learn from, in particular around due process rights within institutions, an issue to which UK feminists have only recently turned their attention (Bull et al., 2020). Finally, the two case study examples contrasting contexts of marketised versus state-centric context. In the UK, marketisation, alongside the fiercely-defended autonomy of HEIs from state control, has shaped institutional responses to sexual violence, although not always in predictable ways. While neoliberal market imperatives incentivise institutions to cover up the existence of discrimination issues such as sexual violence on campus for fear of reputational damage (Ahmed, 2012; Phipps, 2018), conversely, the increasing consumerism of the HE sector requires HEIs to have complaints processes in place, as well as an adjudication organisation for overseeing complaints (even if sexual violence and harassment complaints only very rarely make it to the adjudicator; see Bull & Page (2021). Overall, we suggest that marketisation does not predict HEI responses to sexual violence deterministically as has been suggested (Phipps, 2018).

While marketization may help create an environment that fosters exploitation, sexual violence and predatory behaviour (Phipps & Young, 2015), we need to supplement this analysis with an historically-informed one that takes into account the specific nature of higher education institutions. As noted above, wider inequalities in society such as those of class, gender, caste, sexuality and religion are reflected or even compounded within higher education spaces, but alongside this there are specific power dynamics that shape higher education contexts. It is only when we consider these dynamics that we can find the ways in which universities are distinct from many other modern workplaces. According to Professor Mary E. John (2020: 150)

Paradoxically, in an effort to capture the ties that bind students to their teachers, commentators have described universities across the world as more feudal than capitalist, and I believe this would be even truer in India. In such situations, the sexual politics of teacher student relations become all the more difficult to address, especially when hierarchies are masked by liberal claims.

As this quote describes, the distinct hierarchies – and the patriarchal legacies – of higher education need to be taken into account when addressing rape and sexual violence on campus. However, in India, similarly to the UK, these power relations are rarely considered when regulations and guidelines are created. Indeed, this was one the main debates underlying the #MeToo movement in India when several women took to social media to voice their complaints of sexual harassment in university campuses rather than filing formal complaints. Despite having good policies on paper, systematic failures of due process left survivors with nowhere else to turn to find justice, closure or healing (Dey & Mendes, 2021). During interviews in India many students spoke of victim blaming, slut shaming, threats and social stigma propagated by institutional authorities such as wardens, security staff, academic staff and management when it came to reporting and investigating cases of SGBV (Dey, 2020). These issues will sound very familiar to activists in the UK, even while in recent years some UK HEIs have instigated programmes to educate staff to receive disclosures and to improve reporting experiences (Universities UK, 2019).

An illuminating example is the different ways in which complaints and reporting processes within HEIs have come into being and been used to address rape and sexual violence across the UK and India. In India, as noted above, complaints processes were established within HEIs as a result of feminist activism following a particular case of sexual violence, but more recently they have been criticised for becoming depoliticised and in case of GSCASH, have been shut down by right wing forces. In the UK these complaints structures were implemented as part of wider neoliberal reforms that repositioned students as consumers of higher education (Bull & Page, 2021b) but demands to adapt them to become appropriate for addressing sexual misconduct have come from activists. This means that feminist activists are uncomfortably complicit with neoliberalism in demanding more regulation (Bumiller, 2008; Kim, 2021). As Alison Phipps reminds us, state intervention – such as in the form of regulation – may not serve feminist ends (Phipps, 2020). Indeed, in India, state regulation in the formation of ICCs has not generally led to effective processes within institutions. Despite this, we suggest that the state can be a useful actor in pushing forward change, but it needs to be seen as a tool for activists to use, rather than the source of solutions. One way forward is to lobby the state to regulate for increased transparency from institutions, in order to give activists the information they need to hold their institutions to account. In addition, feminist activists in the UK can learn from the experience of activists in India where intra-feminist debates over institutional change versus wider social change have been fierce, allowing for a more nuanced debate over the risks of complicity with the state.

# Conclusion and ways forward

Across the UK and India, despite the different histories of feminist activism; the different structures of HE; and the different regulatory requirements for institutional responses to SGBV, our research shows that there are clear similarities across both contexts in the experiences of survivors in trying to report, and the institutional responses to such reports. These are created in part by the social hierarchies in wider society that are reproduced within universities, but equally influential in shaping these responses is the specific (shared) culture of higher education. We therefore suggest that these similarities are due in a large part to the shared power hierarchies – not least gender hierarchies – and culture of international academia that create a context that enables abuse to occur, and marginalise and isolate those who try to tackle it.

This conclusion – that both a marketized and a state-centric context do not, in these case study examples, lead to radically different outcomes for sexual violence on campus – opens up important implications for ways forward on tackling this issue. First, it reminds us that we need to understand the histories of universities as patriarchal and male-dominated institutions (Chadha, 2017; Dyhouse, 2005; John, 2020; Lynch, 2007). Women’s experiences of HE and the institutional structures themselves that are struggling to respond to SGBV, are shaped by these histories. Universities were never intended as spaces for women, and so women and queer and trans people remain intruders in these spaces as is evidenced by the ways in which SGBV occurs and the institutional responses to it. Neoliberal reforms are indeed impacting on these structures but not in fully predictable ways. Neoliberalism fits comfortably with patriarchal and other hierarchies and inequalities, but many of these inequalities have longer histories and deeper roots that long pre-date neoliberal market reforms, and it is important not to obscure these longer and more entrenched histories.

It is also important to note that, across both contexts, we have found that survivors are very unlikely to label their experiences as rape. Instead, rape is often experienced as a ‘grey’ area (Gavey, 2018) and/or ‘grooming’ behaviours conceal rape (Bull & Page, 2021a). This terminology is not used by survivors for many different reasons, but one of the main reasons is the way in which power dynamics of these encounters obscure what is happening. We suggest that, in keeping with a survivor-centred approach, it is important to use the language that survivors use to make sense of their experience. This means that ‘rape’ is not adequate as terminology to explain the wider range of experiences of SGBV and harassment that impact on students and staff in HE. Therefore, we should no longer be talking about ‘rape’ as a standalone phenomenon, but instead about the wider continuum (Kelly, 1988) of sexual and gender-based violence that impacts on people’s lives; in short, about ‘rape culture’.

In terms of ways forward for addressing SGBV on campus, it is clear that the very status of being a student within an HE context not only makes someone more likely to be subjected to sexual and gender-based violence, but for students, women, queer and trans people, the institutional response to these experiences is also shaped by this relative powerlessness. For staff – academic or administrative – who are subjected to sexual violence, this is also enabled by the wider context of institutional and structural inequalities. To move forward from this situation, we look to times when students have radically shaken up their universities through activism, demanding equal rights and a voice in decision-making. For example, in the 1960s-70s, (male-dominated) student movements in the UK were demanding more voice in institutional decision-making (Barker, 2008), and more recently student activists are becoming stronger in their demands for safety on campus, one recent example being a three-month student occupation at Warwick University over the university’s failure to implement adequate measures for campus safety (see also Lewis & Marine, 2020). In India feminist student-led campaigns such as Pinjra Tod have been radically challenging ideas of patriarchal protectionism on campus and demanding better infrastructure and mechanisms to deal with SGBV. They have forged crucial links between students and workers and have been in direct confrontation with the state challenging patriarchal and Brahmanical ideologies (Dey, 2019a; Roy, 2016, 2019). Activists of Pinjra Tod in India have been charged with colonial era anti-terror laws for demanding and relentlessly fighting for a HE system that is fair, safe and equal for all. Hence, radical shakeups of international hierarchies and norms of academia and the experience of being a student are urgently needed. The above examples show that, while institutional leadership can and should push forward reforms, they cannot be relied on to act in the interests of student and staff survivors. This means that ongoing pressure is needed from the ground up to hold institutional leaders accountable and push for more radical change than might be implemented without such pressures. Indeed, for many survivors among our research participants, engaging in activism was part of their process of working with their trauma as they attempted to bring about models of ‘transformative justice’ (Fileborn & Vera-Grey, 2017) within their university or disciplinary communities. In sum, while policy and regulatory changes are part of what is needed, these alone are not enough, Instead, it is radical challenges from students, staff and workers, alongside collective action and solidarity across different groups that will drive change.

Finally, from what we know about rape on campus in other national HE contexts, there are similar problems in many countries internationally. This raises the question of whether the hierarchical culture of HE is so strong that it shapes institutional responses and survivors’ experiences everywhere. Hence, despite regional and cultural differences, it appears that wider structures of violence act in both visible and invisible ways to shape HEIs across the world. Far from being the space of independence, freedom, and growth that higher education symbolises, for many students and staff, especially women and queer and trans people, it is a space of violence and trauma. Nevertheless, the shared challenge across HE internationally provides us an opportunity to connect our research and activism with fellow academics and activists across the world to understand, challenge and reshape HE globally to make it a safer and more inclusive space.

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