## What would a survivor-centred higher education sector look like? - Anna Bull, Jayne Bullough, Tiffany Page

Violence against women and girls (VAWG), and sexual violence as one aspect of this, is recognised as a violation of women’s human rights and is understood to be both a cause and consequence of gender inequality[[1]](#endnote-1). The United Nations Declaration on the elimination of violence against women, which the UK government has adopted, defines VAWG as:

Any act of gender-based violence that results in, or is likely to result in, physical, sexual, or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life.

Sexual violence is recognised as a form of VAWG in that it ‘disproportionately affects women and girls and/or is targeted at women and girls, because they are women and girls’[[2]](#endnote-2). A VAWG framework recognises that men/boys can and do experience sexual violence and other forms of abuse, yet also acknowledges the disproportionately gendered way in which this violence is being both experienced and perpetrated. It also acknowledges that that sexual violence is not experienced by everyone in exactly the same ways – experiences of violence and abuse intersect with multiple inequalities around ethnicity, sexuality, age, disability, religion and class. While it is not possible to give robust prevalence data on sexual violence in UK HE as studies have not been carried out, research from the US and Australia has found that the majority of female undergraduates experience sexual harassment while in higher education (HE), and between 7% and 11% of female students have experienced non-consensual sexual contact or sexual assault during a given year[[3]](#endnote-3) . These figures are even higher for students identifying as trans, queer, or non-binary. For some of these students, particularly postgraduates, this sexual harassment or misconduct comes from higher education staff, with 22% of female postgraduate students in a large-scale study from the US reporting having experienced sexual harassment from academic staff. Male students are impacted by staff sexual misconduct in higher education, with the US figures reporting 16% postgraduate and 5% undergraduate[[4]](#endnote-4).

In this article we focus on one aspect of VAWG: how the higher education sector can prevent and respond to sexual violence that takes place within HE institutions. This article asks, therefore, how could HE institutions in the UK lead the way in transforming societal attitudes to sexual violence? What would a survivor-centred higher education institution look like? And what policy mechanisms and levers can we use to get there? We write as activists, experts and academics who are trying to make change within the sector. Jayne Bullough is a frontline practitioner within a Rape Crisis Centre (RCC) specialising in development and delivery of sexual violence training and prevention.In working directly with survivors of sexual violence, RCCs have developed decades of accumulative ‘practice-based’ evidence, which constitute an ‘epistemic community’ and informs our expertise and ethos in responding, supporting and preventing all forms of sexual violence.Anna Bull and Tiffany Page are academic sociologists and directors of The 1752 Group, a research and lobby organisation addressing staff-student sexual misconduct in higher education. The 1752 Group is working at a national level with organisations such as the National Union of Students and Universities UK to develop a robust sector-wide response to this issue.

In this article, we outline a set of principles that can underpin a whole-institution approach to addressing sexual violence, and that can also inform government policy, sector-wide change and the ongoing development of a regulatory framework around this issue. We use the term regulatory framework to refer to the set of institutions that act in a pseudo-regulatory way, by gathering data, producing guidelines, recommending and enacting cultural change, or in the case of the Office for Students, registering and monitoring institutions (although it is important to note that there is no equivalent regulator in Wales, Scotland or Northern Ireland). Higher education institutions in the UK pride themselves on their autonomy, and therefore changes are usually led by the sector and individual institutions, rather than being implemented in a top-down way. While this autonomy has advantages, to date it has led to inconsistent change in responding to sexual violence (see Universities UK’s report *Changing the Culture: One Year On[[5]](#endnote-5)*). It also means that bringing about reforms in order to ensure students’ safety in higher education is not straightforward. Proposals for change need to be balanced between supporting the sector to lead on proactive steps towards change while also recognising that market forces incentivise institutions to avoid reputational damage, reduce legal liability and save money by keeping sexual violence under the radar, hidden, or silenced.

### Transforming higher education

Responses to sexual violence in HE must start from the perspective of understanding the power imbalances and inequalities that enable it to take place. A VAWG framework, as described above, offers a gendered perspective in which universities can develop awareness of intersecting inequalities and power dynamics to develop best practice responses. As the End Violence Against Women Coalition have outlined (2014), this perspective must be fundamental to all policies in addressing violence against women and girls. In higher education, this perspective has to address the various power imbalances and inequalities existing in HE, which include inequalities relating to gender, race, class, sexuality, religion and disability, as well as the power imbalances between staff and students and between staff at different levels of the institutional hierarchy. The principles for addressing sexual violence that we outline below are grounded in working against the dynamic of abuse, following the principles laid out by Rape Crisis South London[[6]](#endnote-6). These state that:

Sexual violence is about power and entitlement. Survivors of sexual violence have experienced someone having absolute power over them, someone restricting and ignoring their agency and right to make choices and for these to be respected. When someone perpetrates an act or often acts of sexual violence, they are telling the survivor that they are not important and that their wants and needs don’t matter.

Within higher education institutions, which tend to reproduce themselves as white, male, middle-class, able-bodied, and heterosexual, this dynamic of power and entitlement is mediated through the institution’s structures of dominance and hierarchy. The structures of power and entitlement that are part of the very fabric of the institution therefore create a ‘conducive context’ for sexual violence[[7]](#endnote-7). By contrast, a survivor-centred approach takes a starting point that is the opposite of these dynamics, by respecting survivors’ choices, and prioritising belief, visibility, transparency, accountability and empowerment. These five principles should therefore form the basis of institutional responses to sexual violence, as well as informing policy approaches to addressing this issue.

### Principle One: Belief

The first principle is believing survivors. This is because we live in a society where myths about sexual violence – what is possible or likely, or how a ‘normal’ victim acts – are prevalent, and these affect responses to disclosures and reports of sexual violence. For example, myths about false accusations of sexual violence may affect how an individual or an institution responds to a report or disclosure. False accusations – only 4% of cases reported to the UK police are found or suspected to be false[[8]](#endnote-8) – are much rarer than the proportion of survivors who don’t feel able to come forward to report their experience. Believing survivors is therefore an integral part of due process; a neutral investigation can and should still take place within this framework of belief.

The principle of belief should affect both institution-level and national policy-level responses to SV. For example, while policy recommendations often focus on the importance of increasing reporting, it is crucial to understand the barriers to reporting for survivors and how existing reporting procedures, often result in experiences of re-victimization and re-traumatization. Therefore, the principle of believing survivors also means bringing in survivor voices – through partnerships with survivor-led organisations, and through drawing on the expertise of survivors who have reported within their institutions – to the centre of institutional responses to sexual violence. Universities should draw on survivor voices to implement appropriate processes and test their effectiveness *before* encouraging people to report to the institution. Campaigns or policies that encourage increased reporting before appropriate institutional processes are in place are, in effect, using survivors and their experiences as expendable tools in bringing to light problems with existing systems.

### Principle Two: Visibility

A second principle is visibility. Too often, sexual violence is hidden in plain sight, and this can be one reason why survivors feel unable to report or disclose their experiences, as they feel that people around them knew what was going on but no-one reported it. This lack of response of bystanders to react or respond can also be used by perpetrators to normalise and legitimise their actions. Therefore, a crucial step for a whole-institution response is making sexual violence and harassment visible *as contravening accepted standards of behaviour.* Those whose perspective is least visible, such as students of colour, disabled students or LGBTQ+ students, should be centred in such processes. In recent years, there have been many successful awareness-raising campaigns within HE institutions and by the National Union of Students. However, as well as student-facing campaigns, sexual violence needs to be made visible at all levels of the institution. This might include highlighting where sexual violence exists within the curriculum; within staff experiences; and within data produced by the institution (as outlined below). Making sexual violence visible continues the powerful work of the #MeToo movement by ensuring survivors realise they are not alone, giving a name to experiences that may not be easily labelled, and holding institutions accountable for both responding to reports and enacting disciplinary procedures that deliver just outcomes, and preventing behaviour from continuing.

On the level of national policy or sector-wide action, visibility is an area where a lot of progress has already been made, through Scotland’s Equally Safe in Higher Education toolkit, and the HEFCE-funded Catalyst projects addressing sexual violence, hate crime, and online harassment[[9]](#endnote-9). These have generated good practice that is being shared, but this work needs ongoing resources, including national and regional networks to share and monitor activities across different institutions, and to make sure that *all* institutions are supported to embed this work. This is one area where the current autonomy of HE institutions can be supported and drawn on, by providing funding and incentives to support actions within individual institutions. An annual, national campaign on prevention could be developed, as well as by incentivising and supporting existing and new partnerships between HE institutions and local violence against women organisations, as discussed below. The key is that these campaigns and networks need to be ongoing, and have resources committed to expanding their scope of activities and building on what has been learned from previous years. A further tool to increase visibility is regular climate surveys on campus, to measure the effectiveness of campaigns, students’ and staff’s perceptions and attitudes, and to understand ongoing barriers to reporting, prevention, and culture change (as outlined below).

### Principle Three: Transparency

The third key principle in addressing sexual violence in higher education is transparency. Transparency works against the silence and secrecy that perpetrators, harassers and institutions may expect or demand. For example, perpetrators may insist that their behaviour is normal or has been misconstrued, or alternatively (and sometimes concurrently) may threaten survivors with retaliation if they do speak up. Such threats of retaliation mirror uncomfortably the tactics that can be used by higher education institutions in silencing students who attempt to make complaints[[10]](#endnote-10). While during investigations within institutions there are stages where confidentiality is necessary to ensure due process, the wider confidentiality processes used by universities in cases of sexual misconduct work to isolate and silence complainants – whether staff or students. Prioritizing transparency, while balancing legal requirements around the right to privacy and data protection, would allow trust to build in the institution’s disciplinary and investigative processes and its commitment to upholding expected standards of behaviour and professional ethics.

Transparency should also be a principle that informs policy mechanisms and approaches. The key way in which this can take place is through data gathering. Currently, HE institutions have no duty to report any data relating to sexual violence, although the Office for the Independent Adjudicator for Higher Education (OIAHE) does report on data on complaints to the Office for Students. However, as The 1752 Group have demonstrated in their report *Silencing Students[[11]](#endnote-11)*, there are significant barriers to students making formal complaints to the OIAHE due to the time and effort required to engage with internal institutional complaints processes. This means that current OIAHE data is highly misleading in understanding this issue. Despite the recommendation in Universities UK’s 2016 report *Changing the Culture* that HE institutions should gather data on numbers of complaints and the outcomes of complaints, it appears that little progress has been made towards this goal.

The Higher Education Statistics Agency should therefore gather and publish annual data on the number of formal complaints against staff and students within each institution, and the outcomes of these complaints (aggregated for anonymity). The climate is shifting towards seeing very low numbers of complaints as evidence of institutional failure, rather than high numbers, therefore institutions with very low numbers of reports will be subject to critical scrutiny. The rest of the UK should also follow Scotland’s groundbreaking work, whereby the Equally Safe in Higher Education toolkit provides institutions with a climate survey that they can use to gather regular data. Transparency is also needed around complaints that have been upheld in order to mitigate against staff perpetrators moving between institutions, which they can currently do with impunity. Advance HE, as the body that oversees teaching in higher education, could be an appropriate institution to monitor those who are fit to teach in UK HE.

### Principle Four: Accountability

A fourth principle that should underpin institutional and policy approaches to sexual violence in HE is accountability, where a key priority is the accountability of institutions. In relation to the dynamics of abuse, this refers to the absence or presence of a community that holds people accountable for their actions – whether this community is a family, an institution, or a society. On the level of an institutional approach to addressing sexual violence, this means developing explicit and clear standards of behavior and holding people accountable when they violate these standards. Higher education institutions generally lack both a clear set of standards of behaviour in relation to professional boundaries, and robust systems for holding members of their communities accountable. While formal mechanisms exist for holding perpetrators accountable, there is evidence that internal institutional complaints processes can be ineffectual as well as traumatising for complainants (Bull and Rye, 2018). While a few institutions are making progressive change in this area, there is further work to be done to agree sector-wide standards that adequately address the experiences of students who make complaints of SV to HE institutions. In addition, high levels of gender inequality at senior levels can contribute to the failure to challenge inappropriate behaviours among staff. This accountability at the level of the institution must be visible to other members of the community, for example by making public the outcomes of complaints where possible in order to increase trust in those considering reporting. In addition, accountability through professional ethics should take place at the level of professional or disciplinary associations and funding bodies.

Accountability also needs to take place at a supra-institutional level, and this is where it becomes a principle for national policy. This level of accountability encompasses institutions’ alignment with legal frameworks and also with professional ethical standards within particular disciplines. There is evidence that institutions are not upholding their legal obligations under the Equality Act, and there is an urgent need to clarify a shared understanding of institutions’ legal ‘duty of care’ towards students. Existing infrastructure for oversight therefore needs to be strengthened. Currently, if survivors who make a formal complaint are failed by their institution the only effective mechanism for redress is taking independent legal action against their institution. The high costs of this route – both financial and personal - mean that it is unavailable to most, leading to students and staff leaving their jobs, careers or degrees. The Office for the Independent Adjudicator for Higher Education (OIA) is supposed to provide such redress, but in reality has very limited powers. Therefore, the OIA should be strengthened to enable it to require HE institutions to demonstrate they are upholding current legal frameworks in their policies and practice. In addition, legal aid to support students who need to take legal action against their institutions urgently needs to be put in place. Primary legislation is also needed, as recommended by the Equality and Human Rights Commission[[12]](#endnote-12) to extend the time limit for sexual harassment cases being taken to tribunal.

### Principle Five: Empowerment

The final principle is empowerment, which should underpin institutional work on prevention and support for survivors. Central to this is developing partnerships with local specialist sexual violence organisations who can provide expertise, including counselling, outreach and Independent Sexual Violence Advisors. In supporting survivors, this model of empowerment is different to ‘postfeminist’ ideals of empowerment, as it recognizes the destructive impacts of sexual violence, and also acknowledges the strength of women who keep living through these destructive impacts. Universities need to provide control and choice for survivors who come forward. Engaging choice at every stage of disclosure and reporting for survivors is crucial, as this facilitates someone connecting to and accessing their own sense of power and control, which has been taken away from them through the experience of sexual violence or harassment. This model also requires support for survivors through long-term, funded partnerships with local specialist sexual violence organisations, and Independent Sexual Violence Advisors that partner with HE institutions, yet are located within RCCs to maintain independence. Too often, sexual violence organisations’ work with HE institutions has to draw from their existing budgets, despite their precarious and inadequate funding. Instead, funding arrangements must properly recognise and resource the expertise that specialist front-line organisations bring to this work.

**Conclusion: momentum for change?**

These five principles are designed to foreground the experience of the survivor/complainant, and to orient institutional and sector-wide change. Through **belief** in the survivor, trust in institutions will be built and due process will become more possible. By increasing the **visibility** of sexual violence within institutions and across the sector, the reality that HE institutions are full of SV survivors will be revealed and this will mean that students and staff will be more likely to speak up about their experiences. Such a climate of openness will also be achieved by gathering and making public data on this issue in order to more towards greater **transparency**. Through strengthening mechanisms for **accountability** and clarifying and upholding institutions’ legal obligations, there will be a clear message towards anyone perpetrating sexual violence that it is unacceptable, which will help to create a wider culture where sexual violence is not tolerated. And finally, by organising support and accountability mechanisms around the principle of **empowerment** for survivors by providing control and choice at every step of the way, institutions will become safer and more just places for everyone.

Implementing these principles for a survivor-centred approach to higher education requires ongoing transformation of relationships of power within higher education and sector reform. These conversations and changes are already underway but they are not happening evenly across the sector, nor are they are sufficiently embedded in existing policy and governance mechanisms. Nevertheless, momentum for change has been building, and as a result, the current moment presents a powerful opportunity to enact and embed positive transformation to address sexual violence within higher education, and to draw on survivors’ voices to make HE a place where social change can happen.

1. Committee on the Elimination of Discrimination against Women (CEDAW) (1992). Convention on the elimination of All Forms of Discrimination against Women. Retrieved from United Nations: <http://www.un.org/womenwatch/daw/cedaw/recommendations/recomm.htm> [↑](#endnote-ref-1)
2. Committee on the Elimination of Discrimination against Women (1992). [↑](#endnote-ref-2)
3. Cantor, D., Fisher, B., Chibnall, S., Townsend, R., Lee, H., Bruce, C., Thomas, G., 2015. *Report on the AAU campus Climate Survey on Sexual Assault and Sexual Misconduct.* Association of American Universities. <https://www.aau.edu/uploadedFiles/AAU_Publications/AAU_Reports/Sexual_Assault_Campus_Survey/AAU_Campus_Climate_Survey_12_14_15.pdf> (accessed 26 June 2018); Australian Human Rights Commission, 2017. *Change The Course: National Report on Sexual Assault and Sexual Harassment at Australian Universities*. Australian Human Rights Commission, Sydney. <https://www.humanrights.gov.au/our-work/sex-discrimination/publications/change-course-national-report-sexual-assault-and-sexual> (accessed 9 June 2018). [↑](#endnote-ref-3)
4. Cantor et al., 2015 [↑](#endnote-ref-4)
5. Universities UK, 2018. *Changing the Culture: One Year On: An Assessment of Strategies to Tackle Sexual Misconduct, Hate Crime and Harassment Affecting University Students.* <https://www.universitiesuk.ac.uk/policy-and-analysis/reports/Documents/2018/changing-the-culture-one-year-on.pdf> (accessed 14 February 2019). [↑](#endnote-ref-5)
6. Rape Crisis South London, 2013. *Shining a spotlight on the National Rape Crisis Helpline.* <http://www.rasasc.org.uk/shining-a-spotlight-on-the-national-rape-crisis-helpline/> (accessed 14 February 2019). [↑](#endnote-ref-6)
7. Kelly, L., 2013. A conducive context: Trafficking of persons in Central Asia, in: Lee, M. (Ed.), Human Trafficking. Willan Publishing, London. <https://doi.org/10.4324/9781843924555-9> [↑](#endnote-ref-7)
8. Kelly, L., Lovett, J., Regan, L., 2005. *A Gap or A Chasm?: Attrition in Reported Rape Cases*. Home Office Research Study 293 <https://doi.org/10.1037/e669452007-001> (accessed 14 February 2019). [↑](#endnote-ref-8)
9. The Higher Education Funding Council for England HEFCE's Catalyst Fund allocated £4.4 million in two rounds during 2017-18 to help higher education providers improve and enhance student safeguarding, funding a total of 108 different projects. For further information see <https://www.officeforstudents.org.uk/advice-and-guidance/student-wellbeing-and-protection/student-safety-and-wellbeing/what-are-we-doing/> [↑](#endnote-ref-9)
10. Bull, A., Rye, R., 2018. *Silencing students: institutional responses to staff sexual misconduct in higher education.* The 1752 Group/University of Portsmouth; National Union of Students, 2018. *Power in the academy: staff sexual misconduct in UK higher education.* <https://www.nusconnect.org.uk/resources/nus-staff-student-sexual-misconduct-report> (accessed 19 April 2018). [↑](#endnote-ref-10)
11. Bull and Rye, 2018. [↑](#endnote-ref-11)
12. Equality and Human Rights Commission, 2018. *Turning the tables: Ending sexual harassment at work.* <https://www.equalityhumanrights.com/sites/default/files/ending-sexual-harassment-at-work.pdf> (accessed 11 February 2019), p.8. [↑](#endnote-ref-12)