

# Insight

Insight 15 November 2022

## Tackling sexual misconduct in universities and colleges

This Insight brief discusses issues of sexual misconduct. If you are affected by any of the issues raised, here are some organisations that can offer information and support:

- Women's Aid Live Chat (and other support for domestic abuse victim-survivors): <https://www.womensaid.org.uk/information-support>.
- Rape Crisis England and Wales: <https://rapecrisis.org.uk/get-help>, 0808 802 9999.
- NSPCC Abuse in Education Helpline: <https://www.nspcc.org.uk/about-us/news-opinion/2021/sexual-abuse-victims-schools-helpline/>, 0800 136 663 or [help@nspcc.org.uk](mailto:help@nspcc.org.uk).
- National Domestic Abuse Helpline: <https://www.nationaldahelpline.org.uk>, 0808 2000 247.
- Men's Advice Line (the helpline for male victim-survivors of domestic abuse): <https://mensadvice.org.uk>, 0808 8010327.

### Introduction

Students should be able to participate in all activities connected with universities and colleges, whether for learning, residential, leisure or social purposes, without fear of being subjected to sexual harassment, violence or abuse.<sup>1</sup> The Office for Students (OfS) works with universities and colleges towards this end and in collaboration with other key stakeholders, including organisations representing and working with victim-survivors. Our strategy for 2022 to 2025 includes the goal that universities and colleges 'act

to prevent harassment and sexual misconduct and respond effectively if incidents do occur.'<sup>2</sup>

As part of our wider work on harassment and sexual misconduct, we published a statement of expectations in April 2021, now accompanied by a student guide.<sup>3</sup> This sets out recommendations for preventing and addressing harassment and sexual misconduct affecting students in higher education. We have commissioned an independent evaluation of the impact of the statement of expectations, which is published alongside this Insight brief.<sup>4</sup> We

### Summary

**Students are more likely than others to be subjected to sexual assault. Encountering this and other forms of sexual misconduct can have a devastating effect on their experiences of higher education. This brief looks at the role of universities in protecting students, and summarises data on the prevalence and effects of sexual misconduct. It looks at what the Office for Students, universities and colleges have done in this area and what more needs to be done. The brief does not constitute regulatory or legal advice, but summarises the issue and the actions related to it.**

have recently announced plans to consult on introducing a condition of registration in this area, which would enable us to intervene where universities do not comply. We will also develop our own prevalence survey to establish the scale of the problem of sexual misconduct in higher education.

This brief has a more specific remit than the statement of expectations; here we are presenting a discussion of the evidence on sexual misconduct in higher education. We explore what constitutes sexual

The Office for Students is the independent regulator of higher education in England. We aim to ensure that every student, whatever their background, has a fulfilling experience of higher education that enriches their lives and careers. We regulate to promote quality, choice, competition and value for money in higher education, with a particular remit to ensure access, success and progression for underrepresented and disadvantaged groups of students.

misconduct, including the legal background; its prevalence and impact in universities and colleges; and work to achieve comprehensive change across the higher education sector's systems, processes and culture.

## What is sexual misconduct?

The OfS defines sexual misconduct as all unwanted conduct of a sexual nature. Students can be subjected to sexual misconduct from other students, staff, or visitors (authorised or otherwise) to university or college settings. The perpetrator may be a stranger, or someone they are acquainted with or know

(including another student, a member of university or college staff, or a former or current intimate partner). The misconduct can occur through any medium (including online) and in any setting relating to the student experience (including learning, social, leisure, and residential spaces).

Sexual harassment, violence and abuse are wider social issues, not unique to students' experience at university or college. They often have at their core the manipulation of a power imbalance, such as the asymmetry of relationships between students and academic staff.<sup>5</sup>

Several pieces of legislation make sexual misconduct unlawful. These include the following:

- **Protection from Harassment Act 1997** (amended by the Protection of Freedoms Act 2012, section 111), which criminalises stalking.<sup>6</sup>
- **Sexual Offences Act 2003**, which criminalises sexual assault and rape.<sup>7</sup>
- **Equality Act 2010**, which prohibits sexual harassment, and also makes it unlawful to treat someone less favourably because they submit to or reject sexual harassment.<sup>8</sup>

## Terms used in this brief

- **Catcalling:** A form of sexual harassment where someone shouts, whistles or makes loud sexual remarks towards another person in a public area.
- **Domestic abuse:** Abuse or violence perpetrated by a current or former intimate partner or family member. The Domestic Abuse Act 2021 defines behaviour as abusive if it consists of: physical or sexual abuse; violent or threatening behaviour; controlling or coercive behaviour; economic abuse; or psychological, emotional or other abuse.<sup>9</sup>
- **Protected characteristics:** The nine characteristics on the basis of which the Equality Act 2010 makes it unlawful to discriminate against someone. These are age, disability, gender reassignment, race, religion or belief, sex, sexual orientation, marriage and civil partnership, and pregnancy and maternity. Harassment legislation (under the Equality Act 2010) relates to the first seven of these.
- **Sexual harassment:** The Equality and Human Rights Commission defines sexual harassment in this context as unwanted behaviour of a sexual nature which has the purpose or effect of violating a student's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for the student.<sup>10</sup>
- **Sexual misconduct** This relates to all unwanted conduct of a sexual nature. It includes:
  - sexual harassment (as defined by Section 26 (2) of the Equality Act 2010)
  - unwanted conduct which creates an intimidating, hostile, degrading, humiliating or offensive environment (as defined by the Equality Act 2010)
  - sexual assault (as defined by the Sexual Offences Act 2003)
  - rape (as defined by the Sexual Offences Act 2003)
  - physical unwanted sexual advances (as set out by the Equality and Human Rights Commission, 'Sexual harassment and the law', 2017)
  - intimidation, or promising resources or benefits in return for sexual favours (as set out by the Equality and Human Rights Commission, 'Sexual harassment and harassment at work: Technical guidance', 2020)
  - distributing private and personal explicit images or video footage of an individual without their consent (as defined by the Criminal Justice and Courts Act 2015).<sup>11</sup>
- **Stalking:** As defined by the Crown Prosecution Service, 'a pattern of unwanted, fixated and obsessive behaviour which is intrusive. It can include harassment that amounts to stalking or stalking that causes fear of violence or serious alarm or distress in the victim.'<sup>12</sup>
- **Victim-survivor:** Someone subjected to sexual misconduct, stalking or domestic abuse.

- **Criminal Justice and Courts Act 2015**, which prohibits distributing private and personal explicit images or video footage of an individual without their consent.<sup>13</sup>

In addition, most universities and colleges are public bodies, and as such need to comply with the public sector equality duty. A public body must have due regard to the need to eliminate discrimination, harassment, victimisation and other conduct prohibited by the Equality Act 2010, and to advance equality of opportunity and foster good relations between people who share a protected characteristic and those who do not.<sup>14</sup>

### What the OfS has done

The £4.7 million provided by our Catalyst Student Safeguarding programme has funded 119 projects to address safeguarding issues affecting higher education students, including sexual misconduct. The resulting resources and case studies are freely available on our website to assist universities and colleges in their own work to prevent and address sexual misconduct.<sup>15</sup>

In 2021, we published the Office for Students' statement of expectations for preventing and addressing harassment and sexual misconduct affecting students in higher education. This sets out, under seven main headings, recommendations for preventing and addressing harassment and sexual misconduct affecting students in higher education.<sup>16</sup> It aims to support universities and colleges to develop and implement effective systems, policies and processes in this area.

SUMS Consulting has independently evaluated the initial impact of the statement of expectations. The report and learning digests are published alongside this Insight brief. The report shows that improvements have been made, but that this progress is uneven and slow. It also suggests that students themselves are not feeling the impact of these changes.<sup>17</sup> It seems likely that self-regulation has not delivered the change students need.

We therefore plan to consult on introducing a new condition of registration that would require universities and college to take steps to prevent harassment

and sexual misconduct, and to address incidents effectively where they occur.<sup>18</sup>

### Prevalence and reporting

The prevalence of sexual misconduct is difficult to calculate accurately. These are often hidden crimes or incidents: victim-survivors frequently face barriers to disclosing their experiences to any third party, or reporting them to the police or other authority. In higher education contexts, social and institutional pressures may discourage students from making incidents known and seeking to have them addressed. Many still lack information about what to do if an incident occurs, fear that they won't be taken seriously, or find reporting it a stressful experience with an unsatisfactory outcome.

The best data currently available on prevalence comes from statistics and estimates from representative, national surveys that do not rely on police reports for their findings. These include the Crime Survey for England and Wales, a household survey run by the Office for National Statistics. This includes a self-

### OfS statement of expectations

1. Higher education providers should clearly communicate, and embed across the whole organisation, their approach to preventing and responding to all forms of harassment and sexual misconduct affecting students. They should set out clearly the expectations that they have of students, staff and visitors.
2. Governing bodies should ensure that the provider's approach to harassment and sexual misconduct is adequate and effective. They should ensure that risks relating to these issues are identified and effectively mitigated.
3. Higher education providers should appropriately engage with students to develop and evaluate systems, policies and processes to address harassment and sexual misconduct.
4. Higher education providers should implement adequate and effective staff and student training with the purpose of raising awareness of, and preventing, harassment and sexual misconduct.
5. Higher education providers should have adequate and effective policies and processes in place for all students to report and disclose incidents of harassment and sexual misconduct.
6. Higher education providers should have a fair, clear and accessible approach to taking action in response to reports and disclosures.
7. Higher education providers should ensure that students involved in an investigatory process have access to appropriate and effective support.<sup>19</sup>

completion module (not involving talking to an interviewer) for sensitive topics, to encourage disclosure. While this survey offers the best available data on prevalence for sexual offences and domestic abuse, it does not focus specifically on students. Indeed, the fact that it does not cover people living in group residences, including student halls of residence, is a limitation when examining the experiences of students.

Data from the crime survey reveals the extent of underreporting to the police:

- Fewer than one in six victim-survivors have reported sexual assault to the police. Among those who had told someone but did not report it to the police, the most common reasons given were embarrassment, not thinking that the police could help, thinking that it would be humiliating, and thinking the police would not believe them.<sup>20</sup>
- Only 17.3 per cent of victim-survivors of partner abuse had told the police about the abuse.<sup>21</sup>

Results from some studies with self-selecting participants also suggest that many students do not report or disclose sexual misconduct to their university or college.<sup>22</sup> One study found that most of the current or former students responding to a survey had either told no-one about experiencing sexual misconduct, or had disclosed it only to people outside their university (70 per cent of respondents, or 61 students).

Common reasons for not disclosing were believing that no action would be taken, perceiving the issue as not sufficiently serious, not knowing who to tell, or fearing they would themselves be blamed.<sup>23</sup> Another study found that fewer than one in ten respondents who experienced sexual misconduct from staff had reported this to their university or college. The most common reason for not reporting was uncertainty over whether the behaviour was sufficiently serious to warrant reporting.<sup>24</sup>

Crime survey statistics show that full-time students are more likely to have experienced sexual assault in the previous year than people in any other occupation type (8.0 per cent of students, based on combined data from

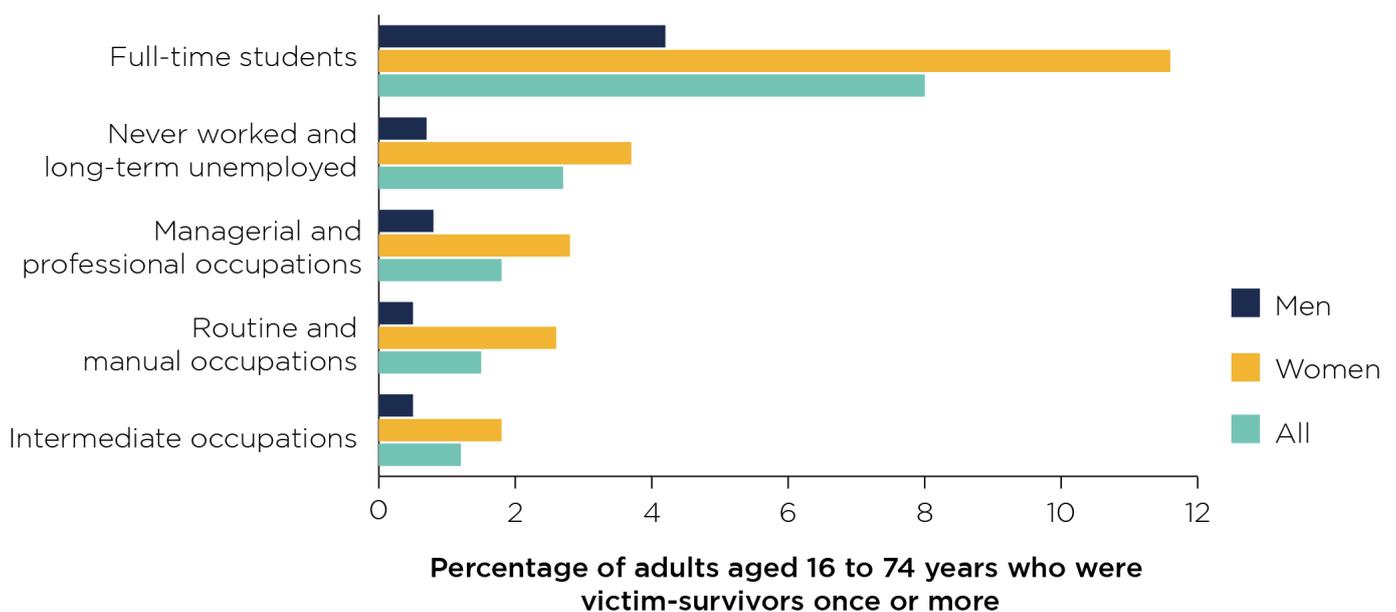
the three years to March 2020).

The differences in prevalence by occupation type are also likely to be linked to the age of the victim-survivor. Men and women in the 16 to 18 and 20 to 24 age groups were significantly more likely to have experienced sexual assault in the last year than those in any other.<sup>25</sup> Although students can be any age, the majority are younger people: 70.3 per cent of full-time undergraduate entrants in 2020-21 were under 21 and 18.4 per cent were aged from 21 to 30.<sup>26</sup>

Women in all occupation types are more likely to have experienced sexual assault in the previous year than men, but the difference was greatest among full-time students (11.6 per cent of female students, compared with 4.2 per cent of male students).<sup>27</sup> There is no published data from the crime survey on the sex of perpetrators, so we must rely on evidence from the criminal justice system (which will not show the whole picture, because incidents are underreported). This shows that men make up 97.9 per cent of defendants in rape prosecutions and 97.2 per cent of defendants in prosecutions for other sexual offences.<sup>28</sup>

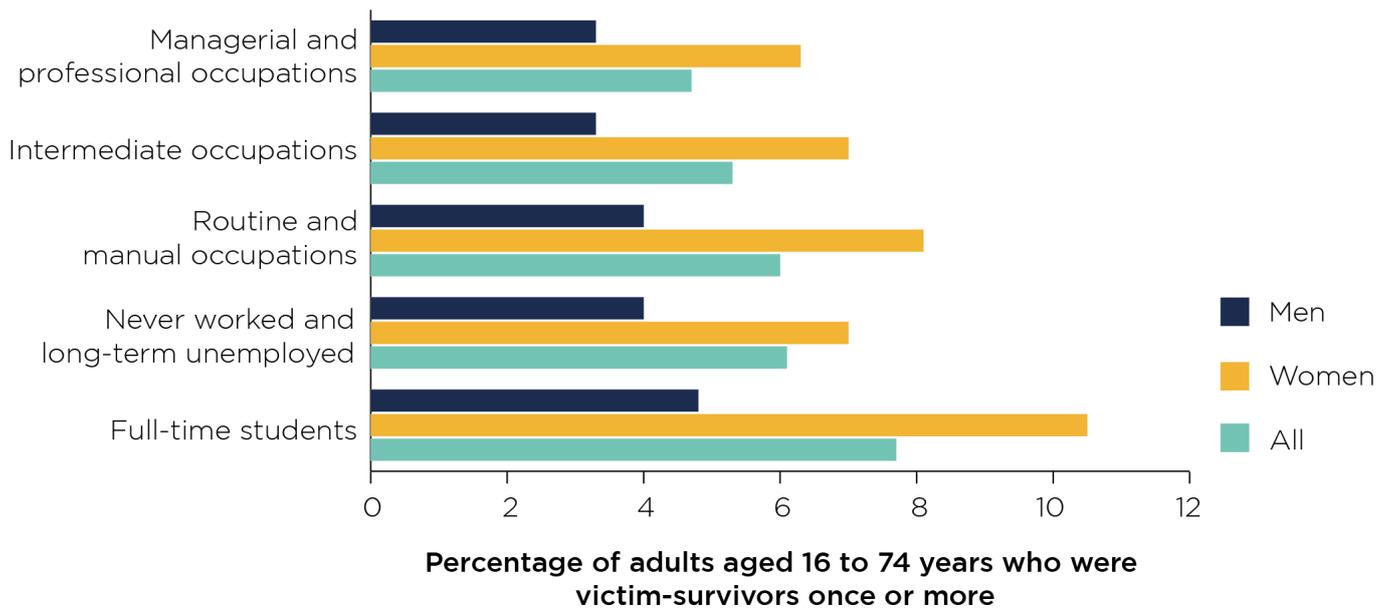
According to crime survey data, 7.7 per cent of full-time

Figure 1: Prevalence of sexual assault by occupational group



Source: Office for National Statistics, Crime Survey for England and Wales, years ending March 2018 to March 2020 combined. Population: 16 to 74-year-olds in England and Wales. Respondents were asked about experiences of sexual assault in the last year.<sup>41</sup>

Figure 2: Prevalence of domestic abuse by occupational group



Source: Office for National Statistics, Crime Survey for England and Wales, year ending March 2020. Population: 16 to 74-year-olds in England and Wales. Respondents were asked about experiences of domestic abuse in the last year.<sup>42</sup>

students experienced domestic abuse in the previous year. As with sexual assault findings, the difference between male and female experiences is marked: 10.5 per cent of female full-time students had experienced domestic abuse in the last year, compared with 4.8 per cent of their male counterparts.<sup>29</sup>

The Office for National Statistics does not publish specific data on disabled students' experiences of sexual violence and domestic abuse or the experiences of students from different ethnic backgrounds. However, we know from crime survey data that in the population as a whole, disabled women were more likely to have experienced sexual assault in the last year (5.0 per cent) than women without a disability (2.8 per cent). There was no significant difference in the likelihood of men experiencing sexual assault based on whether or not they were disabled.<sup>30</sup>

Crime survey findings also show that disabled people are more likely to have experienced domestic abuse than people without a disability (7.5 per cent of disabled men and 14.7 per cent of disabled women in the previous year, compared with

3.2 per cent of men and 6.0 per cent of women who were not disabled).<sup>31</sup> Some disabled people are subjected to abuse by people who assume the role of their 'carer' and who they rely on for support in everyday activities.<sup>32</sup>

According to the crime survey, in the population as a whole, people in the black or black British and mixed ethnic groups were significantly more likely than those in the white, Asian or other ethnic groups to have experienced sexual assault within the last year.<sup>33</sup> The mixed ethnic group appeared significantly more likely to have experienced domestic abuse than those in the black or Asian groups (though this is based on a relatively small number of respondents).<sup>34</sup> People from minority ethnic groups may face additional barriers when seeking support or trying to escape violence and abuse.<sup>35</sup>

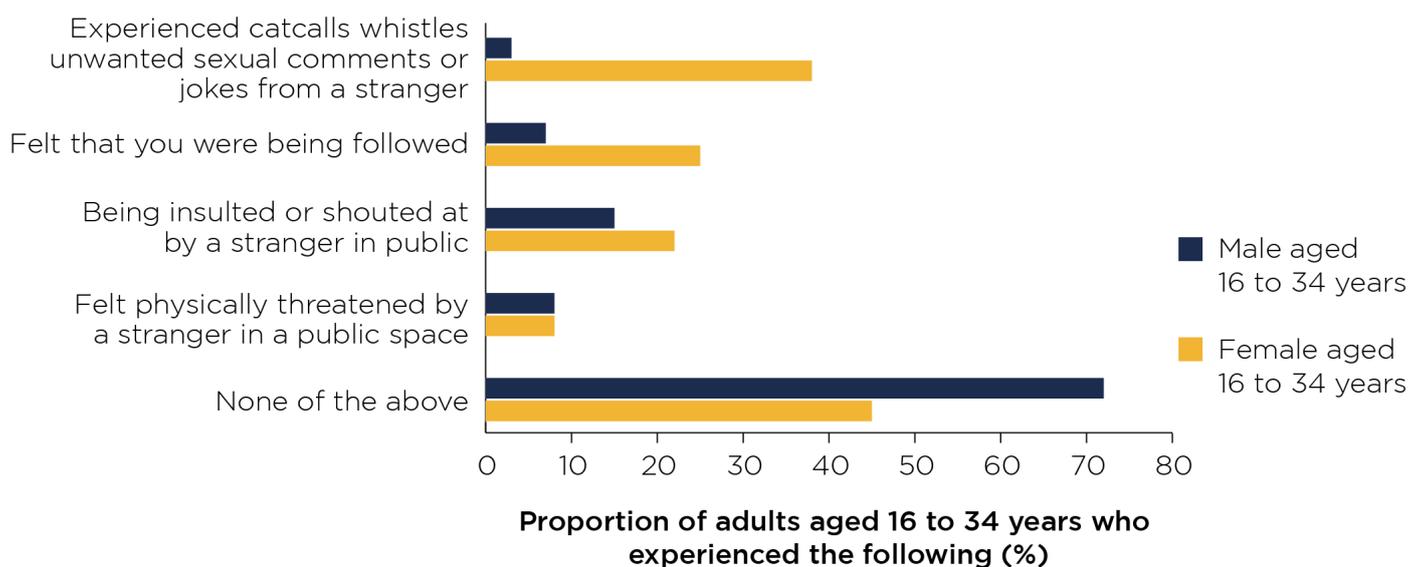
A recent Opinions and Lifestyle Survey (run by the Office for National Statistics) asked questions about perceptions of personal safety and experiences of harassment. Although its findings do not provide specific data on students, it contains important information on the extent of

sexual harassment in society and, in particular, young women's experiences of this:

- Women were more likely than men to report having experienced at least one form of harassment in the previous 12 months (27 per cent, compared with 16 per cent). (Figure 3 shows the types of harassment considered by the survey.)
- Experiences of catcalls, whistles, unwanted sexual comments or jokes were the most common form of harassment for women aged 16 to 34 years.
- 38 per cent of women aged 16 to 34 years had experienced catcalling in the last 12 months (this was the highest proportion of all age groups).<sup>36</sup>

In an online survey conducted by the National Union of Students (NUS) and the 1752 Group, with self-selecting respondents who were current or former students, 41 per cent of survey respondents had had at least one experience of sexualised behaviour from staff, and a further 5 per cent knew of

Figure 3: Proportion of adults aged 16 to 34 years who experienced types of harassment



Source: Office for National Statistics, Opinions and Lifestyle Survey, 16 February to 13 March 2022. Respondents were asked about experiences of harassment in the last year.<sup>43</sup>

someone else experiencing this. 60.1 per cent of respondents who reported experiencing staff-student sexual misconduct stated that the perpetrator was male, and 13.5 per cent of respondents reported a female perpetrator. The report on the findings concluded that students with some characteristics (for instance relating to sex, sexual orientation or level of study) are disproportionately likely to experience sexual misconduct in higher education.<sup>37</sup> Another research report suggests that most staff members who engage in sexual misconduct may target more than one student.<sup>38</sup>

Research studies with self-selecting respondents give useful views of the types of misconduct that occur and their effects, and national surveys are useful in comparing the incidence among full-time students, or individuals of typical student age, with those in other groups. However there is at present no national representative survey focused solely on higher education students' experiences of sexual misconduct. The OfS intends to change this.

National prevalence surveys of students in this area are already in use in the USA, Australia and the Republic of Ireland.<sup>39</sup> The OfS has begun work to develop such a survey for use in England,

to understand the scale and nature of sexual misconduct affecting higher education students at both national and institutional level. The survey will be anonymous and will ask about students' experiences of sexual misconduct, including incidents that have never been reported to the university or college or to the police. As well as establishing and monitoring its scale, the existence of the survey can help raise awareness of the problem and how individuals can be supported. We anticipate that a pilot survey will be run in 2022-23.

### The impact of the COVID-19 pandemic

Sexual and domestic abuse support organisations have reported increased demand for their services during the coronavirus pandemic. However, for some services this increased demand has fluctuated over time (for example, increases in calls during a lockdown or spikes in numbers of victim-survivors asking for help when lockdown measures were eased). Support organisations have also highlighted how perpetrators have exploited the pandemic and associated restrictions, and the more isolated circumstances of victim-survivors, to continue or increase their abusive behaviours.<sup>40</sup>

### The impact on students

Being subjected to sexual misconduct can have a significant detrimental effect on a student's health, including their mental wellbeing, and on their sense of belonging at university or college. Some victim-survivors, because of the abuse, change their behaviours and lifestyles in ways that lead to hypervigilance, restricted freedom, and isolation. One study found that some students who had experienced harassment or sexual misconduct avoided certain places or routes and going outside at night. The study also found that many of these students avoided leaving their homes, where possible. This experience was particularly common among international students and female students.<sup>44</sup>

The negative and sometimes long-lasting mental health effects of being subjected to domestic or sexual violence and abuse are well documented.<sup>45</sup> NUS's 'Hidden marks' research adds to this body of evidence. It found that that mental ill health was a common consequence of female students' experiences of violence, stalking and sexual assault, with students commonly reporting living in fear and with reduced levels of confidence.<sup>46</sup>

Experiences of sexual misconduct can hinder academic progress and lead

to disengagement from higher education activities (both educational and extracurricular). Some students consider leaving, or actually do leave, higher education altogether. NUS research has found that one in four victim-survivors of serious sexual assault reported that their studies had been affected by the experience.<sup>47</sup>

## The background to change

Several reports published in the 2010s and early 2020s have presented evidence about students' experiences of sexual misconduct. These reports have highlighted the need for cultural change in higher education and accelerated progress in this area. This has occurred against a backdrop of high-profile national and international social movements such as #MeToo, Time's Up, and the Everyday Sexism project.<sup>48</sup>

The 'Hidden marks' report was the first nationwide report in the UK into female students' experience of harassment, stalking, violence and sexual assault. In this and in subsequent reports and resources, NUS has drawn attention to the normalisation of a culture of sexism and sexual harassment on campus (so-called 'lad culture') and its negative effect on the safety of female students.<sup>49</sup>

The 1752 Group developed from what is thought to be the first UK university conference on staff-to-student sexual harassment, held in 2015. The group campaigns and produces research on sexual harassment in higher education and calls for an evidence-based approach to addressing sexual misconduct.<sup>50</sup>

The website Everyone's Invited, founded in 2020, has also played a significant role in drawing attention to sexual misconduct in educational establishments at all levels. It offers a space for sharing accounts of sexual violence and abuse. Victim-survivors can submit testimonies of experiences in schools and

universities, as well as other organisations.<sup>51</sup>

Universities UK established a taskforce in 2015 to examine evidence about violence against women, harassment and hate crime in general, and to make recommendations. The resulting report, 'Changing the culture', was published in 2016 and Universities UK subsequently published two follow-up reports on progress in this area.<sup>52</sup> The reports called on universities to 'lead the way' in the work to prevent and address misconduct. The 'Changing the culture strategic framework' contains the following 'strategic pillars' to underpin cultural change in the higher education sector:

- a key role to be taken by the university's senior leadership team
- the importance of a holistic institution-wide approach
- development of effective preventative strategies
- development of effective responsive strategies
- sharing good practice within institutions and with the sector at large.<sup>53</sup>

## Non-disclosure agreements

The use of non-disclosure agreements (NDAs) in cases of sexual misconduct, or confidentiality clauses in settlement agreements, has long been a cause of controversy. Campaigning groups have argued that they prevent victim-survivors from speaking out about their experiences of abuse, including how their university or college has dealt with their report of sexual misconduct.<sup>56</sup> They may also serve to protect the reputations of perpetrators and allow them to continue their inappropriate behaviour at the same or a different university.

In January 2022, the then Minister for Higher and Further Education encouraged universities and colleges to sign up to a new NDA pledge developed with the campaign group Can't Buy My Silence.<sup>57</sup> In the pledge universities commit not to use NDAs in cases of sexual misconduct and harassment. At the time of writing 73 universities in England have signed the pledge.<sup>58</sup>

## Case study: University of Suffolk, Higher Education Online Safeguarding Self-Review Tool

The Higher Education Online Safeguarding Self-Review Tool was created by the University of Suffolk, with OfS funding, in 2019. It is a downloadable resource that any university or college can use to review its online safeguarding practices, with a specific focus on sexual violence, hate crime and harassment.

The tool was revised in response to the media coverage of the Everyone's Invited website, the greater use of online learning since the start of the COVID-19 pandemic and the publication of the OfS statement of expectations. An updated version published in 2022 includes two new areas of focus: online delivery of higher education, and assessing and supporting students' mental health.

The tool invites universities and colleges to assess 25 features of online safeguarding policy and practice. Each feature can be self-assessed at four levels, graded from 0 (reactive) to 3 (holistic).<sup>60</sup>

The taskforce worked with Pinsent Masons LLP to produce new guidance for universities and colleges on how to handle student disciplinary issues where alleged misconduct may also constitute a criminal offence. This guidance includes specific recommendations in relation to sexual misconduct and gives examples of unacceptable behaviour and sanctions.<sup>54</sup>

Universities UK has also worked with Against Violence and Abuse (AVA) and NUS on the 'Combat Misconduct' project, which included the production of a toolkit for vice-chancellors and principals with nine practical steps to take to tackle sexual misconduct in their universities and colleges.<sup>55</sup>

## How universities and colleges are taking action

In recent years, universities and colleges have been acting in response to the published research findings and online content on the problem of sexual misconduct in higher education. The initiatives taken by universities and colleges have included:

- improving or creating new reporting processes and support pathways for students
- providing training for staff, students and student leaders (for example, training on handling disclosure, on sexual consent, on bystander or third-party interventions)

- awareness-raising activities, such as running a sexual violence awareness week, producing posters, videos, website and mobile app content
- making links with local specialist support services.<sup>59</sup>

## Conclusion

There has recently been a greater focus on the prevalence and impact of sexual misconduct in higher education, with the publication of relevant research and personal testimonies shared online. Sexual misconduct should never be part of students' higher education experience, but many are still being subjected to it during their time at university or college. Full-time students are more likely to have experienced sexual assault than people in any other occupation grouping. The impact of this can be devastating, including mental ill health, disrupted study and some students leaving higher education altogether.

The OfS continues to work with universities and colleges and other key stakeholders to address the issue, as part of a wider programme of work on preventing and addressing harassment. Work on improving equality of opportunity for students is a focus of our strategy for 2022 to 2025, and work to prevent sexual misconduct and respond effectively to any incidents is a key part of this.

The OfS's vision is of a higher education sector where preventing and addressing sexual misconduct are consistent priorities. Our planned consultation on a new condition of registration will refocus all universities and colleges on these important issues. Our work on a prevalence survey of sexual misconduct in higher education in England, the first in the UK, will allow the OfS, students, universities and colleges to understand the impact of the action that is taken.

## Case study: University of Bath, Be the Change

Be the Change is an initiative at the University of Bath that aims to tackle all forms of harassment on campus, including racism, homophobia, disability discrimination and sexual harassment. The university has worked closely with its students' union and involves students in the creation of elements of the initiative where possible.

All incoming students complete Be the Change training as part of their induction. This training includes:

- information on the university's expectations of appropriate behaviour
- how to take action as a bystander (someone who observes but is not directly targeted in harassment)
- encouraging students to seek support (if they need it)
- empowering students to make a report (if they want to)
- information on sexual consent.

Further training is also available to students throughout the academic year. The university also runs campaigns to raise awareness about issues of harassment.

Be the Change is underpinned by two structures within the university:

- A professional and comprehensive support provision for students who have experienced harassment.
- A trauma-informed student misconduct process (including work by in-house investigators and trained panels of decision makers).<sup>61</sup>

Students can access support and report via the 'Support and Report' online tool, as well as directly through the university's support services. Receiving support is not dependent on a report being made; it is entirely a student's decision whether to report harassment.<sup>62</sup>

# Notes

<sup>1</sup> In this brief, for the sake of readability, we have used 'universities and colleges', or sometimes simply 'universities', to refer to what our regulatory framework and other more formal documents call 'higher education providers'.

<sup>2</sup> Office for Students (OfS), 'Our strategy' ([www.officeforstudents.org.uk/about/our-strategy/](http://www.officeforstudents.org.uk/about/our-strategy/)).

<sup>3</sup> OfS, 'Prevent and address harassment and sexual misconduct: Statement of expectations' ([www.officeforstudents.org.uk/advice-and-guidance/student-wellbeing-and-protection/prevent-and-address-harassment-and-sexual-misconduct/statement-of-expectations/](http://www.officeforstudents.org.uk/advice-and-guidance/student-wellbeing-and-protection/prevent-and-address-harassment-and-sexual-misconduct/statement-of-expectations/)); OfS, 'Student guide to tackling harassment, hate and sexual misconduct' ([www.officeforstudents.org.uk/for-students/student-rights-and-welfare/student-guide-to-harassment-hate-and-sexual-misconduct/](http://www.officeforstudents.org.uk/for-students/student-rights-and-welfare/student-guide-to-harassment-hate-and-sexual-misconduct/)).

<sup>4</sup> See [www.officeforstudents.org.uk/publications/tackling-sexual-misconduct-in-universities-and-colleges/](http://www.officeforstudents.org.uk/publications/tackling-sexual-misconduct-in-universities-and-colleges/).

<sup>5</sup> Bull, A, and Page, T, 2021, 'Students' accounts of grooming and boundary-blurring behaviours by academic staff in UK higher education', *Gender and Education*, 33, 8, pp1057-1072; Humphreys, C, and Towl, G, 'Addressing student sexual violence in higher education: A good practice guide', 2020, pp6, 185; the National Union of Students (NUS), 'Power in the academy: Staff sexual misconduct in UK higher education', 2018 (available at <https://1752group.com/power-in-the-academy-report/>).

<sup>6</sup> Protection from Harassment Act 1997, Section 2A, Section 4A (<https://www.legislation.gov.uk/ukpga/1997/40/contents>); Protection of Freedoms Act 2012, Section 111 (<https://www.legislation.gov.uk/ukpga/2012/9/section/111>). See also <https://www.cps.gov.uk/legal-guidance/stalking-and-harassment>.

<sup>7</sup> Sexual Offences Act 2003 (<https://www.legislation.gov.uk/ukpga/2003/42/contents>).

<sup>8</sup> Equality Act 2010 (Section 26) (<https://www.legislation.gov.uk/ukpga/2010/15/section/26?view=plain>).

<sup>9</sup> See the Domestic Abuse Act 2021 (<https://www.legislation.gov.uk/ukpga/2021/17/section/1/enacted>).

<sup>10</sup> See <https://www.equalityhumanrights.com/en/advice-and-guidance/what-harassment> for further detail, including what is covered by behaviour 'of a sexual nature'.

<sup>11</sup> OfS, 'Prevent and address harassment and sexual misconduct: Statement of expectations' ([www.officeforstudents.org.uk/advice-and-guidance/student-wellbeing-and-protection/prevent-and-address-harassment-and-sexual-misconduct/statement-of-expectations/](http://www.officeforstudents.org.uk/advice-and-guidance/student-wellbeing-and-protection/prevent-and-address-harassment-and-sexual-misconduct/statement-of-expectations/)). For the Equality and Human Rights Commission, 'Sexual harassment and the law', 2017, see <https://www.equalityhumanrights.com/sites/default/files/sexual-harassment-and-the-law-guidance-for-employers.pdf> [PDF]. For the Equality and Human Rights Commission, 'Sexual harassment and harassment at work: Technical guidance', 2020, see <https://www.equalityhumanrights.com/en/publication-download/sexual-harassment-and-harassment-work-technical-guidance>.

<sup>12</sup> Home Office, 'Stalking protection orders: Statutory guidance for the police', January 2021 (available at <https://www.gov.uk/government/publications/stalking-protection-act-statutory-guidance-for-the-police>).

<sup>13</sup> Criminal Justice and Courts Act 2015 (<https://www.legislation.gov.uk/ukpga/2015/2/section/33/enacted>).

<sup>14</sup> The Equality Act 2010 (Section 149) (<https://www.legislation.gov.uk/ukpga/2010/15/part/11/chapter/1>).

<sup>15</sup> See [www.officeforstudents.org.uk/advice-and-guidance/student-wellbeing-and-protection/prevent-and-address-harassment-and-sexual-misconduct/resources-for-higher-education-providers/](http://www.officeforstudents.org.uk/advice-and-guidance/student-wellbeing-and-protection/prevent-and-address-harassment-and-sexual-misconduct/resources-for-higher-education-providers/) and [www.officeforstudents.org.uk/advice-and-guidance/student-wellbeing-and-protection/resources-for-student-safety-and-wellbeing/](http://www.officeforstudents.org.uk/advice-and-guidance/student-wellbeing-and-protection/resources-for-student-safety-and-wellbeing/).

<sup>16</sup> OfS, 'Prevent and address harassment and sexual misconduct: Statement of expectations' ([www.officeforstudents.org.uk/advice-and-guidance/student-wellbeing-and-protection/prevent-and-address-harassment-and-sexual-misconduct/statement-of-expectations/](http://www.officeforstudents.org.uk/advice-and-guidance/student-wellbeing-and-protection/prevent-and-address-harassment-and-sexual-misconduct/statement-of-expectations/)). Since issuing the statement of expectations, we have published (with Universities UK and the UK Healthy Universities Network) 'The intersection of sexual violence, alcohol and drugs at universities and colleges' (available at [www.officeforstudents.org.uk/advice-and-guidance/student-wellbeing-and-protection/prevent-and-address-harassment-and-sexual-misconduct/resources-for-higher-education-providers/](http://www.officeforstudents.org.uk/advice-and-guidance/student-wellbeing-and-protection/prevent-and-address-harassment-and-sexual-misconduct/resources-for-higher-education-providers/)), and joined a ministerial roundtable on stopping the use of non-disclosure agreements in sexual harassment cases.

<sup>17</sup> See [www.officeforstudents.org.uk/publications/tackling-sexual-misconduct-in-universities-and-colleges/](http://www.officeforstudents.org.uk/publications/tackling-sexual-misconduct-in-universities-and-colleges/).

<sup>18</sup> OfS, 'OfS plans consultation on new condition of registration to tackle harassment and sexual misconduct in higher education' (<https://www.officeforstudents.org.uk/news-blog-and-events/press-and-media/ofs-plans-consultation-on-new-condition-of-registration-to-tackle-harassment-and-sexual-misconduct-in-higher-education/>).

<sup>19</sup> OfS, 'Prevent and address harassment and sexual misconduct' (<https://www.officeforstudents.org.uk/advice-and-guidance/student-wellbeing-and-protection/prevent-and-address-harassment-and-sexual-misconduct/statement-of-expectations/>). Each of these points is accompanied by a non-exhaustive list of the sorts of systems, behaviours and approaches we would expect universities to have in place to achieve it.

<sup>20</sup> Office for National Statistics (ONS), 'Nature of sexual assault by rape or penetration, England and Wales: Year ending March 2020', 18 March 2021 (<https://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/articles/natureofsexualassaultbyrapeorpenetrationenglandandwales/yearendingmarch2020>). Taken from data for the years ending March 2017 and March 2020 combined.

<sup>21</sup> ONS, 'Partner abuse in detail: Appendix tables', Tables 12 and 13, November 2019 (<https://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/datasets/partnerabuseindetailappendixtables>). Year ending 2018 edition of this dataset (latest available).

<sup>22</sup> Against Violence and Abuse (AVA) and NUS, 'Combat misconduct: Student experiences of sexual misconduct at UK universities', 2022 (available at <https://avaproject.org.uk/resources/>); NUS, 'Hidden marks. A study of women students' experiences of harassment, stalking, violence and sexual assault', 2011 (<https://www.nusconnect.org.uk/resources/hidden-marks-2011>); NUS, 'Power in the academy: Staff sexual misconduct in UK higher education', 2018 (available at <https://1752group.com/power-in-the-academy-report/>); The Tab, 'We asked 4,000 students about sexual assault on campus. These are the shocking results', 2021 (<https://thetab.com/uk/2021/05/04/we-asked-4000-students-about-sexual-assault-on-campus-these-are-the-shocking-results-202971>).

- 23 AVA and NUS, 'Combat misconduct: Student experiences of sexual misconduct at UK universities', 2022 (available at <https://avaproject.org.uk/resources/>). There were 342 responses, including 205 responses from current or recently graduated students. 62 per cent of respondents (87 students) had experienced sexual misconduct at their current or most recent university.
- 24 NUS, 'Power in the academy: Staff sexual misconduct in UK higher education', 2018 (available at <https://1752group.com/power-in-the-academy-report/>). Of 1,839 respondents to the survey, 846 reported experiencing staff-to-student sexual misconduct.
- 25 ONS, 'Sexual offences victim characteristics, England and Wales: Year ending March 2020', 18 March 2021 (<https://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/articles/sexualoffencesvictimcharacteristicsenglandandwales/march2020>). The survey asks whether respondents have experienced sexual assault in the previous year. This is the latest release on this topic from the ONS.
- 26 OfS, 'Size and shape of provision data dashboard' ([www.officeforstudents.org.uk/data-and-analysis/size-and-shape-of-provision-data-dashboard/data-dashboard/](http://www.officeforstudents.org.uk/data-and-analysis/size-and-shape-of-provision-data-dashboard/data-dashboard/)).
- 27 ONS, 'Sexual offences victim characteristics, England and Wales: Year ending March 2020', 18 March 2021 (<https://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/articles/sexualoffencesvictimcharacteristicsenglandandwales/march2020>).
- 28 ONS, 'Dataset. Sexual offending: Crown Prosecution Service appendix tables', 13 December 2018 (<https://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/datasets/Sexualoffendingcrownprosecutionserviceappendixtables>), Tables 1 and 6. Data is from the year ending April 2018.
- 29 ONS, 'Domestic abuse victim characteristics, England and Wales: Year ending March 2020', 25 November 2020 (<https://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/articles/domesticabusevictimcharacteristicsenglandandwales/yearendingmarch2020>). This is the latest release to contain crime survey data on domestic abuse, as the crime survey was suspended in March 2020 at the onset of the COVID-19 pandemic. The survey asks whether respondents have experienced domestic abuse in the previous year. There is ongoing work to improve the way the crime survey collects data on domestic abuse, including developing a measure of coercive or controlling behaviour (<https://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/articles/redevelopmentofdomesticabusestatistics/researchupdatenovember2021>).
- 30 ONS, 'Sexual offences victim characteristics, England and Wales: Year ending March 2020', 18 March 2021 (<https://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/articles/sexualoffencesvictimcharacteristicsenglandandwales/march2020>). Data is for the year ending March 2018 to year ending March 2020 combined.
- 31 ONS, 'Domestic abuse victim characteristics, England and Wales: Year ending March 2020', 25 November 2020 (<https://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/articles/domesticabusevictimcharacteristicsenglandandwales/yearendingmarch2020>). This is the latest crime survey data available.
- 32 Stay Safe East, 'Response to Ministry of Justice consultation on the Code of Practice for Victims of Crime', February 2022 (available at <https://www.staysafe-east.org.uk/policy-statements-responses/victims-code-consultation-28th-may-2020>); Hague, G, Thiara, RK, Magowan, P, and Mullender, A, 'Making the links: Disabled women and domestic violence – final report', 2008 (available at <https://www.womensaid.org.uk/evidence-hub/research-and-publications/>).
- 33 ONS, 'Sexual offences victim characteristics, England and Wales: Year ending March 2020', 18 March 2021 (<https://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/articles/sexualoffencesvictimcharacteristicsenglandandwales/march2020>). Data is for the year ending March 2018 to year ending March 2020 combined.
- 34 ONS, 'Domestic abuse victim characteristics, England and Wales: Year ending March 2020', 25 November 2020 (<https://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/articles/domesticabusevictimcharacteristicsenglandandwales/yearendingmarch2020>). This is the latest crime survey data available.
- 35 See Thiara, R and Roy, S, 'Reclaiming voice: Minoritised women and sexual violence key findings', 2020, (available at <https://www.imkaan.org.uk/resources/>); Banga, B and Roy, S, 'The impact of the dual pandemics: Violence against women & girls and COVID-19 on black and minoritised women and girls', 2020 (available at <https://www.imkaan.org.uk/resources/>); Thiara, RK and Harrison, C, 'Reframing the links: Black and minoritised women, domestic violence and abuse, and mental health – A review of the literature', 2021 (available at <https://www.womensaid.org.uk/evidence-hub/research-and-publications/>).
- 36 ONS, 'Perceptions of personal safety and experiences of harassment, Great Britain: 16 February to 13 March 2022', 25 May 2022 (<https://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/bulletins/personalsafetyandexperiencesofharassmentgreatbritain/16februaryto13march2022>). Respondents were asked about experiences of harassment in the last year. The survey uses sampling and weighting strategies to limit the impact of bias. As previously noted, young people make up the majority of the higher education student population.
- 37 NUS, 'Power in the academy: Staff sexual misconduct in UK higher education', 2018 (available at <https://1752group.com/power-in-the-academy-report/>). Of 1,839 respondents, 846 reported experiencing staff-to-student sexual misconduct.
- 38 Bull, A and Rye, R, 'Silencing students: institutional responses to staff sexual misconduct in UK higher education', September 2018 (available at <https://1752group.com/sexual-misconduct-research-silencing-students/>). This is a study based on interviews with 16 students and career academics in 14 UK higher education institutions.
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