

Harassment and Sexual Misconduct in HE: a Trauma-informed approach

2021



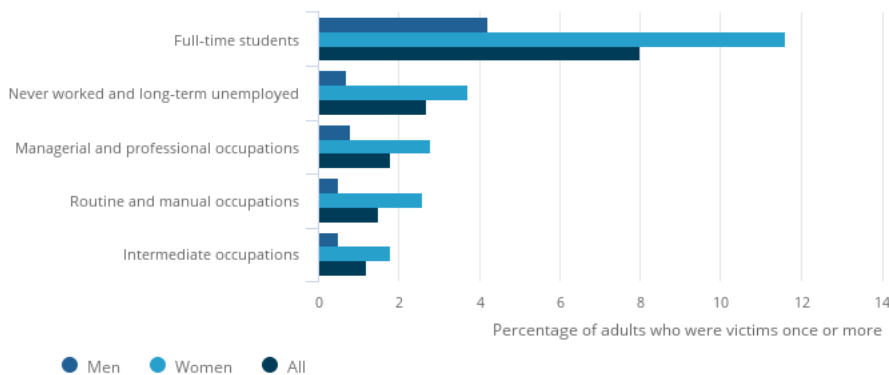
- The statistics around sexual misconduct in HE
- Defining ‘Sexual misconduct and harassment’
- Harassment vs. Misconduct
- University Regulations and Procedures
- Understanding Consent
- Rape myths
- How trauma affects us
- Trauma-informed investigation and adjudication



Higher education

Figure 9: Full-time students were more likely to experience sexual assault than those in any other occupational group

Prevalence of sexual assault in the last year for adults aged 16 to 74 years, by occupational group and sex, England and Wales, year ending March 2018 to year ending March 2020 combined

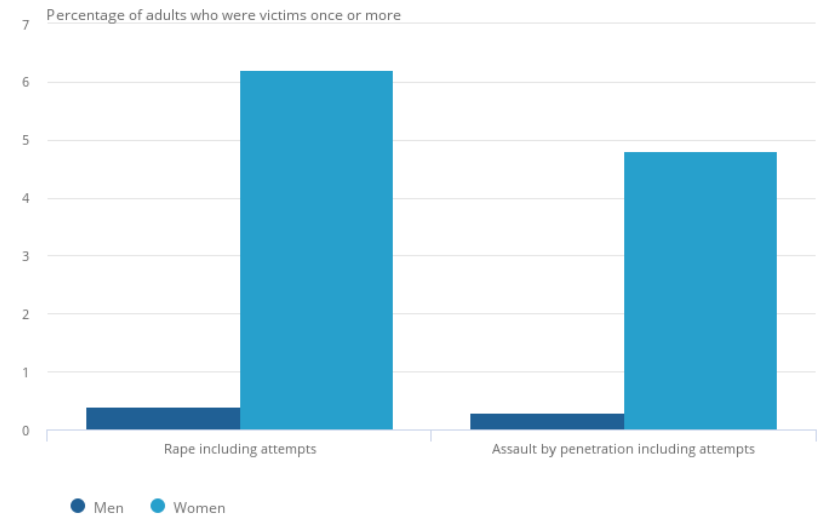


Source: Office for National Statistics – Crime Survey for England and Wales

General population

Figure 1: Women were more likely than men to experience rape or assault by penetration (including attempts)

Prevalence of sexual assault since the age of 16 years among adults aged 16 to 74 years, by type of sexual assault and sex, England and Wales, year ending March 2020



Source: Office for National Statistics – Crime Survey for England and Wales



- Any unwanted or non-consensual conduct of a sexual nature
- Can be perpetrated by a stranger, or by someone known and even trusted, like a friend, colleague, family member, partner or ex-partner
- Can happen to anyone. No-one ever deserves or asks for it to happen.
- 100% of the responsibility lies with its perpetrator(s)
- There is no excuse for sexual misconduct; it can never be justified or explained away



Harassment

- Harassment is misconduct
- Reasonable person would find the behaviour harassing
- Intent is not the focus
- Impact on the person subjected to the harassment is key

Misconduct

- Not all misconduct is harassment
- Code of Conduct indicates examples
- Policy breach regardless of impact





Any report of student-student or student-staff harassment or sexual misconduct will be investigated under the Student Disciplinary Regulations:

- [Postgraduate researchers](#)
- [Students on taught courses](#)

A report of staff-student harassment would be investigated through the HR policy for staff:

- [Disciplinary procedure](#)



Boundaries between University and police investigations:

- If you receive a first disclosure, refer the student to Wellbeing
- Contact Registry to liaise with the police
- If a police investigation is underway, we will not instigate our procedures
- [UUK guidance](#)

Be aware: a first disclosure can be used as evidence in legal proceedings:

- Make some notes immediately to help you remember



What is it?



An individual consents only if they agree by choice and they have the freedom and capacity to make that choice.

- May be given to one sexual activity but not another.
- Agreeing to sexual activity once does not mean consenting to sexual activity in the future even in an intimate relationship.
- Can be withdrawn at any time before or during sexual activity and each time activity occurs.
- Cannot be assumed.



Yes



No



Maybe

Find out more [here](#)



Rape myths



Rape myths: some examples

Myth: Women are most likely to be raped outside, after dark and by a stranger, so women shouldn't go out alone at night.

Fact: Only one in 10 of rapes are committed by 'strangers'. The rest are committed by someone the survivor knows – such as a friend, neighbour, colleague, partner, or family member. People are raped in their homes, their workplaces and other settings where they previously felt safe. The risk of rape by a stranger shouldn't be used as an excuse to restrict what women can do.

Myth: Only young, 'attractive' women and girls, who are flirtatious and wear tight clothes, are raped.

Fact: It doesn't matter what a woman is wearing, or how she is behaving – if she doesn't consent to sex, that is rape. Only the rapist is ever responsible for rape.

Myth: When it comes to sex, women and girls sometimes 'play hard to get' and say 'no' when they really mean 'yes'.

Fact: Everyone has the legal right to say 'no' to sex and to change their mind at any point of sexual contact. If the other person doesn't stop, they are committing sexual assault or rape. When it comes to sex, we must check in with our partners, respect their wishes, and believe what they tell us about what they do and don't want.



Rape myths: some more examples

Myth: If two people have had sex with each other before, or are in a relationship/marriage, it's always OK to have sex again

Fact: Everyone has the right to say 'no' to any type of sexual activity at any time – including with their partner. Consent must be given and received freely every time. Rape and sexual violence in a relationship is illegal.

Myth: If someone has willingly drunk lots of alcohol or taken drugs, they are at least partly to blame

Fact: People have the right to drink alcohol without getting assaulted. Having sex with someone who is very drunk, drugged or unconscious is rape – and it is always the rapist's fault.

Myth: People often lie about being raped because they regret having sex with someone or out of spite or for attention

Fact: Stories in the media can give the impression that women often lie about sexual violence. In fact, false allegations of rape are very rare. Most people who have been raped or experienced sexual violence or abuse never tell the police.



Revisit the myths



What is Trauma?

Trauma is an experience that overwhelms a person's ability to cope



When we feel stressed or threatened, our bodies release hormones called cortisol and adrenaline.

This is the body's automatic way of preparing to respond to danger, and we have no control over it.



Causes a range of effects:

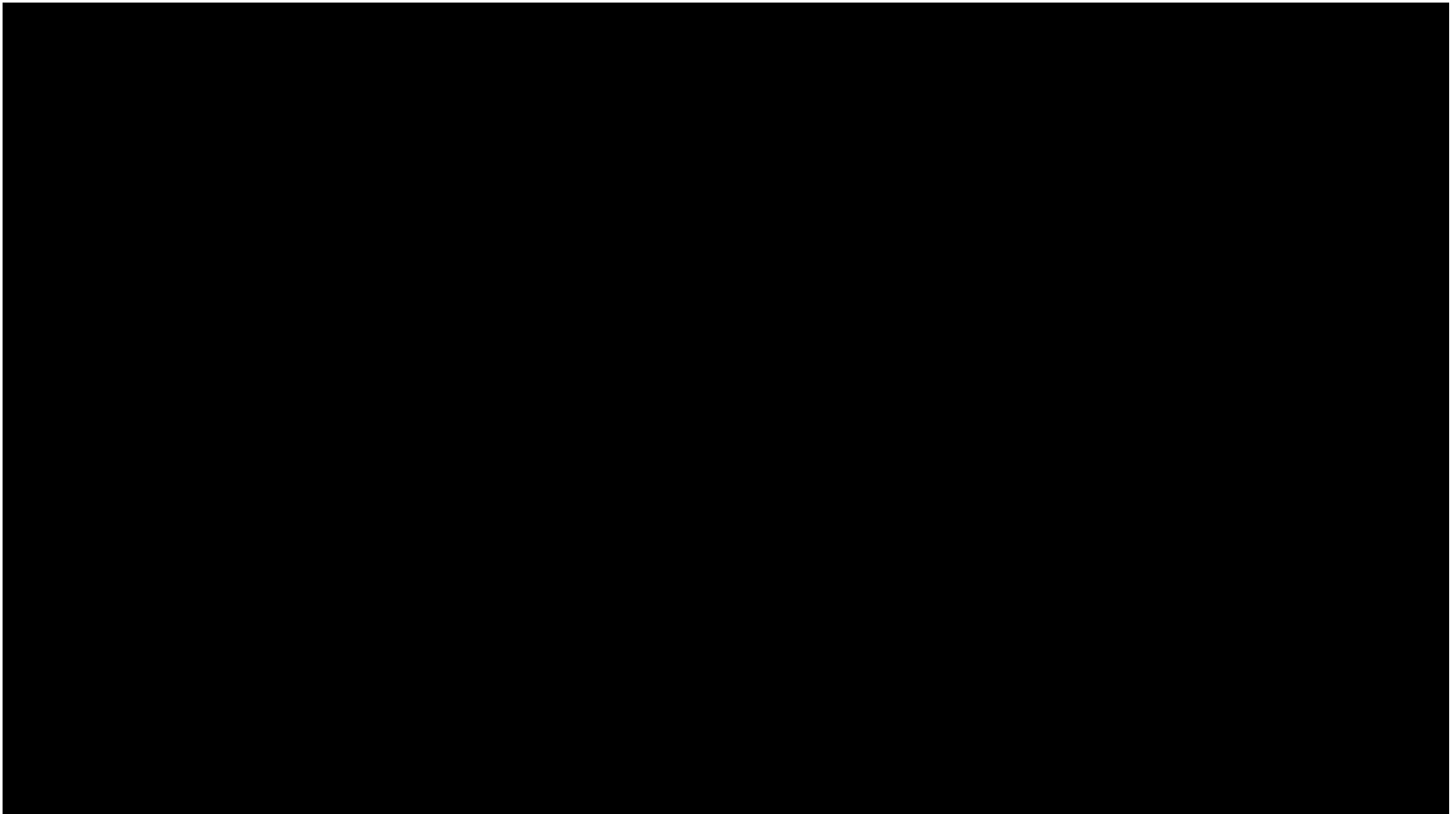
- Freeze – feeling paralysed or unable to move.
- Flop – doing what you're told without being able to protest.
- Fight – fighting, struggling or protesting.
- Flight – hiding or moving away.
- Friend – trying to please someone who harms you or to avoid harm.

Studies have shown that stress signals can continue long after the trauma is over. This might affect your mind and body, including how you think, feel and behave.

Everyone is different



Trauma video resource



Traits of an Effective Investigator

Source: Humphreys & Towl, 2020;
Sokolow, Swinton, Morris, Price, & Issadore, 2015



- Active Listener
- Approachable
- Boundaried
- Evidence-led
- Neutral
- Open
- Patient
- Recognises (un)conscious bias
- Thorough
- Trained
- Trauma-informed
- Trusted



Consider:

- Burden of proof
- Civil standard of proof
- Evidence-based
- Facts
- Allegation

This means:

- Review all evidence
- University must prove
- List all verifiable facts
- What must be found true to support it?
- Balance of probabilities
51%



- Clear processes
- Record and document all actions and reasons for decisions
- Language should be clear, accurate and appropriate
- Provide appropriate and relevant information to students
- Signpost all students to [support](#)
- Precautionary measures and risk assessments



Reaching a judgement

- University Panels need to be trained
- Investigator needs to be trained
- Breach of discipline, not a criminal offence
- Assess the evidence presented through a trauma-informed lens
 - Expect imperfect detail
 - Look for the 5 F's
 - Challenge your own bias
 - Focus on facts



Source: Wikimedia Commons



- Consider mitigating factors e.g.
 - Genuine contrition/try to make amends
 - Accepting culpability
- Consider aggravating factors e.g.
 - Use of drink/drugs
 - Actual or threat of violence
- Consider compounding factors e.g.
 - Previous history of similar misconduct recorded
 - Cumulative breaches



- Serious allegation
- Stage 2 of the procedure in the first instance
- Stage 3 Panel likely

Appropriate outcomes under the University's Regulations:

- Formal written warning
- Conditions to study imposed
- Restrictions to freedom on campus
- Mandatory interruption to studies
- Permanent exclusion from the University

A combination of the above may be applied

Right to appeal



office of the
independent
adjudicator

'for students in higher education'





- If you receive a disclosure or investigate a case: please look after yourself
- Beware you may experience secondary or [vicarious trauma](#)
- University [support](#) for staff



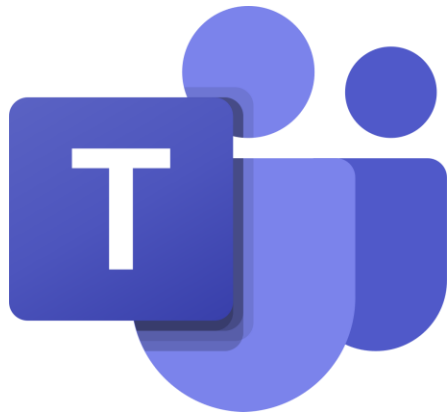
Confidential support
when you need it most.
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REGISTRY: studentdisciplinary@hud.ac.uk

STUDENT SERVICES: studentwellbeing@hud.ac.uk

STUDENTS' UNION: advice-centre@hud.ac.uk



THANKS FOR LISTENING

