

# Who is the Practitioner in Faculty-Staff Sexual Misconduct Work?: Views from the UK and US

## Abstract

This article maps and compares four universities' policies and procedures for addressing faculty and staff sexual misconduct in higher education (FASSM) in the UK and US. While universities have engaged in significant work to grapple with student-student sexual misconduct, attention to misconduct perpetrated, and experienced, by higher education employees is relatively nascent. In this paper, we explore the maze of institutional processes and actors that victim-survivors of FASSM might encounter. We describe what is known about prevalence of FASSM in the US and UK and offer an overview of the policy landscape in both settings. Inspired by Patricia Yancey Martin (2005), we analyze publicly available policy documents on FASSM from two US and two UK universities and map out visually the range of investigative, reporting, and sanctioning processes. We introduce an analytic distinction between an *actor* and a *practitioner* within the FASSM context, whereby actors are those tasked with administrative duties in handling sexual misconduct reports, while practitioners are those with specialized knowledge and training that enables them to prioritize victim-survivor needs. These illustrative diagrams suggest that while university employees are tasked to act on reports and disclosures of sexual misconduct, it is difficult to identify specialist practitioners with expertise to support victim-survivors of FASSM. Ultimately, this work provides a deeper understanding of what practice looks like in relation to higher education FASSM, and we outline implications for future research directions.

## Introduction

This paper focuses on policies for institutional responses to sexual misconduct perpetrated and experienced by faculty and staff (FASSM) in higher education settings<sup>1</sup>. This includes two distinct groups: first, staff and faculty who are *subject to* sexual misconduct in the workplace (whether from other staff/faculty or from students); and second, staff and faculty who *perpetrate* sexual misconduct (towards other staff/faculty or towards students). Despite legal frameworks in the U.S. to prevent and respond to sexual harassment and violence in education settings (Title IX), and recent efforts in the U.K. to address this issue, this work has paid relatively little attention paid to faculty and staff as perpetrators or as victim-survivors.<sup>2</sup>

Student-student sexual misconduct constitutes the majority of sexual harassment and violence on campuses (MacKinnon, 2016). However, sexual assault and harassment are underpinned by patriarchal dynamics and abuses of power that are exacerbated in academia by institutional structures built on hierarchies of gender, race and class, and increasing job precarity (Whitley & Page, 2015; Whitley, 2020). Responses based on processes for handling student-student sexual misconduct cannot adequately address the power dynamics involved when faculty and staff sexually harass or abuse either students or other faculty/staff, or are sexually harassed/abused. There are also important differences in investigating and sanctioning behavior

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<sup>1</sup> We use the term ‘faculty and staff’ throughout to indicate that we are discussing both academic and non-academic employees of higher education institutions. In the US, the term ‘faculty’ refers to academic employees, and ‘staff’ to non-academic employees, while in the UK, the term ‘staff’ covers both. In this article we use the term ‘faculty and staff’ to cover both groups; evidence shows that academic faculty as well as non-academic staff (eg sports staff, residential support staff) perpetrate sexual misconduct towards students (National Union of Students, 2018, 30) and towards other staff/faculty (National Academies, 2018). We do not have the space to discuss how the distinct employment status of academic faculty affects handling of sexual misconduct reports, even though this is relevant to our discussion. Instead we discuss both faculty and staff as victims and as perpetrators in order to explore the institutional mechanisms in place to address this issue for all higher education employees.

<sup>2</sup> We use the term ‘victim-survivor’ to recognize the impacts of victimization and the agency of those who are targeted (Kelly et al, 1996).

occurring when higher education is considered an education setting versus a workplace setting. At the very least, different routes are needed for investigating and sanctioning the behavior of university employees and supporting faculty and staff victim-survivors.

### *Defining terms and concepts*

Sexual harassment includes a continuum of sexualized behaviors that range from verbal to physical, most often perpetrated by men against women, with emotional, financial and physical impacts (MacKinnon, 1979; Kelly, 1998; Cantalupo, 2020; NASEM, 2018). First named by feminist scholars and activists over four decades ago, sexual harassment remains prevalent and under-reported (McDonald, 2012; MacKinnon, 2016; Quick & McFadyen, 2017). In the academic context, a recent comprehensive review of sexual harassment in the US by the National Academies of Sciences, Engineering, and Medicine (NASEM) offers a broad definition of sexual harassment that links sexism, harassment and coercion.

*Sexual harassment (a form of discrimination) is composed of three categories of behavior: (1) **gender harassment** (verbal and nonverbal behaviors that convey hostility, objectification, exclusion, or second-class status about members of one gender), (2) **unwanted sexual attention** (verbal or physical unwelcome sexual advances, which can include assault), and (3) **sexual coercion** (when favorable professional or educational treatment is conditioned on sexual activity). Harassing behavior can be either **direct** (targeted at an individual) or **ambient** (a general level of sexual harassment in an environment) (NASEM, 2018: p.28, original emphasis).*

Increasingly in higher education, the term ‘sexual misconduct’ has largely superseded ‘sexual

harassment'. In the UK, researchers have outlined "sexual misconduct" to encompass relational power dynamics and impacts on victim-survivors:

*"[sexualised] abuses of power by academic, professional, contracted, and temporary staff in their relations with students or staff in higher education that adversely affect students' or staff's ability to participate in learning, teaching or professional environments"* (The 1752 Group and McAllister Olivarius, 2020: p.31).

We note and have much respect for Nancy Cantalupo's (2020) argument for retaining the sexual harassment terminology in the context of the US regarding Title IX's "fundamental character as civil rights law" (p.226).<sup>3</sup> However, we choose the broader term sexual misconduct over sexual harassment in this article because the latter has a specific meaning in US law, and we include behaviors that are misconduct even when they are not legally actionable under a narrow sexual harassment statute. Thus, in our paper, sexual misconduct refers to behaviors of a sexual nature that impedes school or work activity. This includes sexual harassment and sexual violence, as well also other abuses of power such as apparently consensual relationships that inhibit students' ability to access education. We are mindful of the possibility of minimizing sexual violence and coercion with the term 'misconduct', and view sexual misconduct as a continuum of abusive behaviors that can be experienced and named differently by victim-survivors at different points in time (drawing on Kelly, 1988). In this broader definition, sexual

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<sup>3</sup> Nancy Cantalupo (2020) states that Title IX policy and enforcement is connected to civil rights struggle and that this missed connection is illustrated in the use of sexual misconduct, rather than sexual harassment. Cantalupo argues that the term 'sexual misconduct' "conflates sexual harassment with criminal sexual assault or sexual violence" (226). Cantalupo points out that while different kinds of sexual harassment are criminal, they "are also civil rights violations" (227).

misconduct can include ‘grooming’ behaviors that involve blurring of professional boundaries but do, or may, not (initially) involve sexual harassment and violence (Bull & Page, 2021). Such behavior is rarely a single incident, and more often a pattern (MacKinnon, 1979; Rosenthal et al, 2016).

### **Sexual Harassment and Misconduct in Academia involving Faculty and Staff: the current knowledge base**

National surveys provide an indication of the prevalence of FASSM where students are targeted. The Australian Human Rights Commission survey of 30,000 students in 2017 (AHRC, 2017, p.48) found that 51% of respondents had been subjected to sexual harassment or violence within the past year, and of those students who could identify the perpetrator, 10% of postgraduate students and 7% of undergradates stated that the most recent violation was by a member of academic staff. Other cross-campus studies in the US (Cantor et al., 2015; Cantor et al., 2019) have found similar rates of faculty-student sexual harassment. In addition, many institutions (predominantly in the US) have carried out campus climate surveys that include questions about victimization and/or perpetration of sexual and gender-based violence on campus. Some of these surveys ask about perpetration by staff/faculty (for example the University of Texas’ implementation of the ARC3 survey (NASEM, 2018, p.277). However, review articles discussing campus climate survey instruments and their implementation tend not to mention faculty/staff perpetration (Krause et al., 2019; Wood et al. 2017) so it is unclear whether such questions are routinely included. In relation to faculty/staff victimization, data is rarely reported on (although the ARC3 consortium are developing a specific survey instrument in this area). In the UK context, while some institutions are known to the authors to be carrying out

campus climate surveys, to date none have reported publicly on such a survey. As a result the evidence base on FASSM is much less developed than that relating to student-student sexual misconduct.

More widely, knowledge production in relation to FASSM occurs within a liminal space between research and practice. Bennett (2009) notes that networks and events such as conferences, often led by practitioners, generate theory and knowledge about sexual harassment in academia that goes ‘unmarked *as* research’ (p.67). An international conference on FASSM in 2019, for example, included workshops led by scholars at all stages of their careers, some co-led with institutional practitioners, and demonstrated the depth of knowledge that is lived, held and communicated within and between communities, but not necessarily documented in formal research projects, or recognized within universities as valued scholarship (<https://facultysexualmisconduct.com/>).

While this paper focuses on US and UK interventions, we note that researchers and activists in other continents and countries have long been working on policy and practice responses to FASSM (for a history and comparison of legal processes in India and Pakistan, for example, see Thakur & Kumar, 2019, see also Dey 2020 on accountability in Indian academia).<sup>4</sup> A substantial amount of prevention and response work has occurred in India, including legislation (Thakur & Kumar, 2019) and in China, media reporting has highlighted the #MeToo movement’s naming of university professors as perpetrators (Kuo, 2019). A recent BBC documentary explored grooming and harassment of students by academic staff at prestigious universities in Ghana and Nigeria (Mordi, 2019; see also Morley, 2011).

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<sup>4</sup> For several articles on power and relationships in India academia see the special feature in Economic and Political Weekly: <https://www.epw.in/engage/special-features/power-relationships-academia>; and the IDS Bulletin, 2 September 2020: <https://bulletin.ids.ac.uk/index.php/idsbo/issue/view/244>

Similar themes emerge from the from the limited evidence base on FASSM across these different countries and contexts. Patriarchal power structures of gender, race and class within academic institutions create an enabling environment for faculty perpetrators to target students and/or other faculty and staff (Ladebo, 2003; Kouws & Kritzinger, 2007; Gawali, 2019). These “[p]ower dynamics play a vital role in sexual harassment cases” (Gawali, 2019, p.301) and are amplified where faculty have a duty of care and/or positions as mentors tasked with guiding students and junior scholars (Adams et al, 2013; Whitley & Page, 2015). Institutionalized sexism, racism, homophobia and hierarchies of class and caste also act as barriers for victim-survivors to seek support (Ladebo, 2003; Kouws & Kritzinger, 2007; Gawali, 2019; Dey 2020).

### ***Faculty and Staff Sexual Misconduct in the US***

Despite a long history of women’s resistance, organizing and litigation against universities (Baker, 2007) and a 1984 book about sexual harassment of female students perpetrated by professors attracting media attention (Dziech & Weiner, 1990) there is still limited data beyond quantitative surveys. Data from two surveys (Cantor et al., 2015; 2019) indicate that about 42% of women undergraduate and graduate students experience some form of sexual misconduct while at university. The vast majority (~70%) of this harassment and violence is perpetrated by other students. While 5% of undergraduates report sexual misconduct by faculty, nearly 10% of graduate students identify faculty as perpetrators. In one survey, this proportion rose to 38% of female graduate students (Rosenthal et al, 2016). Smaller studies focusing on individual disciplines find high rates of sexual misconduct experiences (e.g., Aycock et al., 2019; see also NASEM 2018 on discipline-specific rates of FASSM). Most goes unreported (Kirkner et al., 2020; NASEM, 2018). Women of color and LGBTQ+ students are disproportionately targeted

(Calafell, 2014; NASEM, 2018). While these self-reported survey data provide a valuable snapshot of student experience, they do not encompass the full range of faculty and staff sexual misconduct.

The Academic Sexual Misconduct Database (Libarkin, 2019) provides a comprehensive database aggregating all publicly available reports of sexual misconduct perpetrated by faculty, staff, administrators and others at US universities. The methodology for identification and inclusion of cases is documented in the database. In short, an internet search undertaken multiple times per week produces an ongoing list of publicly documented cases of FASSM. This search uses multiple terms to capture the full range of sexual misconduct at a range of institutions where faculty, staff, or administrators are interacting with university students. Cases are included when a public report exists and an institution found guilty or no longer employees a faculty/administrator accused of sexual misconduct; an accused faculty/administrator resigned, retired, or died during an investigation of sexual misconduct; an accused or institution settled with an accuser; and/or a court made a legal finding.

As of November 1, 2020, the Academic Sexual Misconduct Database contained 1047 US incidents gleaned from public records, of which 914 are resolved and the remainder are under investigation by an institution or legal system. These cases encompass all forms of sexual misconduct – including but not limited to sexual harassment, sexual assault, stalking, violations of dating policies, and violations of campus pornography policies. Cases include incidents where an institution or court made a finding of sexual misconduct or policy violation, for which there was a financial settlement, or for which an individual resigned or retired before a finding could be made.

Cases in the database reflect global and national patterns of sexual harassment and violence:

the vast majority of perpetrators are men (91%) and the vast majority of victim-survivors are women (77%). Most perpetrators are faculty (n=198; 80%), with remaining harassers holding administrative positions (n=49; 20%). The position of the victim-survivors is known in only 72% of the cases. Of these, most are undergraduate or graduate students (n=341; 57%). Remaining victim-survivors are 6% faculty and 13% staff/administrators.

Taken together, surveys of students and data gleaned from public reports suggest that sexual misconduct is not uncommon in US institutions of higher education, is facilitated by social and institutional power inequalities, and that faculty and staff can be perpetrators and/or victim-survivors.

### ***Faculty and Staff Sexual Misconduct in the UK***

A 2014 survey by the Universities and Colleges Union of 1,953 respondents, almost all women, found that 54% had been subjected to sexual harassment at work. Of these, two-thirds (66%) reported having been sexually harassed by a colleague and 27% by a student (UCU, 2016). In relation to staff or faculty engaging in misconduct towards students, a 2018 national survey found that 41% of 1,839 respondents had experienced at least one incident of sexualized behavior from staff (the term used for both faculty and non-academic staff in the UK), including one in eight students who had been touched in a way that made them feel uncomfortable, and one in ten students who indicated a staff member had attempted to draw them into a discussion about sex (NUS, 2018). Women, as well as students who defined as LGBT+, were much more likely to have experienced sexual misconduct from staff than men and heterosexual students. In the survey, 8.3% of non-EU international respondents and 6.7% of students of color had experienced sexualized comments referencing their race. At least three quarters (76% of those who completed

this question) of perpetrators of such behavior were men. The majority were academic faculty, mostly those who were teaching the student, but also those who did not have any teaching or learning relationship to the student (NUS, 2018, p.30).

Only 10% of UK students reported even the most extreme behaviors to their institution, and only a small minority of those felt that the institutional response was entirely adequate. Students experienced a range of impacts of being violated, including changing courses, moving institutions or dropping out of university, or even changing their career (NUS 2018, p.27). A related qualitative study exploring the experiences of students who had reported found that higher education institutions were not prepared to deal with reports of staff and faculty sexual misconduct, that the reporting process was lengthy, traumatizing for victim/survivors, and ultimately inadequate for dealing with sexual misconduct and its aftermath (Bull & Rye, 2018). The limited ability of institutions to deal with FASSM suggests a need for further exploration of institutional policies to identify potential to improve outcomes for victim/survivors.

### ***The policy landscape in the US and UK***

Sexual misconduct at US institutions of higher education has been recognized – both formally and legally – since the late 1970s. The US equal employment opportunity commission codified sexual harassment into its policies in 1985 (MacKinnon, 1985). Landmark legal cases brought by women against universities – whether won or lost – also had the effect of bringing sexual harassment and violence into public discourse (Baker, 2007).

US Titles IX and VII have direct implications for FASSM remediation. Perhaps the most well-known protection for women in US higher education is Title IX of the Civil Rights Act. Passed in 1972, Title IX prohibits discrimination based on sex in any education programs or

activities receiving US federal financial assistance (Cantalupo, 2020). This prohibition extends to freedom from any sex-based discrimination, including sexual harassment and violence. How Title IX is interpreted often depends upon the philosophical leanings of the federal government, which is ultimately responsible for investigating Title IX violations through the Department of Education. In 2011, the Obama administration clarified the expectations and requirements of universities under Title IX (e.g., Wilson, 2017). The next federal administration changed this guidance to limit the extent to which universities were expected to investigate and report sexual misconduct (KnowYourIX.org, 2020). Under new guidance issued by the Biden administration in July 2021, the pendulum has swung back towards investigation (Brown, 2021).

The US Title VII of the Civil Rights Act prohibits discrimination, including based on sex, in all employment actions. Although less well known in higher education spaces, Title VII is of significant importance where university employees – rather than students – are experiencing sexual misconduct from students or colleagues (see Cantalupo 2020). Although the existence of Title IX offices in the US provides some continuity for reporting sexual misconduct, students and employees at US institutions are often unaware of the viability of this route for reporting FASSM (NASEM, 2018). In addition, many US institutional policies focus primarily or solely on student-student misconduct, exacerbating uncertainty about how and where to report FASSM. Title IX and Title VII thus serve as a strong foundation, yet one analyses of 10 university policies found that few were clear about the processes of reporting and availability of specialist support for student victim-survivors (Streng & Kamimura, 2015).

In the UK, little attention has been paid to the development of national policy and institutional practice to address FASSM (Bull & Rye, 2018). The legal framework for tackling UK campus sexual violence perpetrated by staff/faculty towards other staff or students is still

developing and is much less clear in the UK than in the US . It draws on multiple legal framings: the Equality Act of 2010 (which covers sex discrimination); students' consumer rights; human rights law, and health and safety legislation (End Violence Against Women Coalition, 2015). While the Office of the Independent Adjudicator for Higher Education in England and Wales (akin to the US student ombuds office) oversees complaints processes in higher education in those countries (with similar organizations in Scotland and Northern Ireland), their guidance has been criticized for failing to adequately address FASSM. More generally, the adequacy of individualized complaints processes for addressing serial perpetration by faculty/staff has also been criticized (Bull & Rye, 2018). Furthermore, legal practitioners have argued that equality legislation is under-used in protecting victim/survivors of sexual misconduct and can in fact be a route for students and staff to challenge institutions on poor handling of sexual misconduct (Calvert-Lee & Proudman, 2019). More recently, some attention has been paid to this issue. For example, non-statutory guidance has been produced (Bull et al., 2020) and research funders have started taking steps to avoid providing funding to academics who have had findings upheld against them of bullying and harassment (Taylor, 2019), although it is unclear how often this consequence has been enacted. In sum, there are overlapping legal and administrative frameworks that produce a confusing landscape for victim/survivors to navigate.

### **Research Questions**

To contribute to discussions of how universities are currently responding to FASSM, this paper seeks to answer the following research questions:

- (1) How do institutional policies in the US and UK address sexual misconduct perpetrated and experienced by faculty and staff?

(2) Which institutional entities do policies direct victim/survivors and perpetrators towards when sexual misconduct occurs?

We draw on examples of how policies from four universities in the U.S. and U.K. define individuals and institutional units responsible for action on FASSM. We highlight the difficulty of identifying in these policies where specialized, trained individuals are officially engaging with people subject to sexual harassment and violence. As we outline here, this difficulty stems in part from the morass of policies and procedures explicitly or implicitly tied to the processes that begin when sexual misconduct is reported. In this article, we propose distinguishing between different specialism and expertise, in order to better understand the responses of institutions to sexual misconduct. We introduce the terms ‘practitioner’ and ‘actor’ in order for us to identify individuals with specialist skills in supporting victim-survivors that might be involved in responding to FASSM (who we designate as practitioners), and *non-specialist* faculty and staff who occupy a role in the complaint and/or disciplinary process as part of their assigned roles within their department, school, or human resources (who we designate as actors). As illustrations of the complexity of different university offices and committees tasked with investigating and responding to FASSM, the diagrams enable us to highlight the peripheral positioning of specialist practitioners and lack of connection with initiatives on diversity, equity and inclusion.

### **Creating FASSM Policy Diagrams: Analytic Approach**

We are inspired by Patricia Yancey Martin's (2005) work on institutional responses to rape in Florida, US. In mapping how organizations (e.g., rape crisis centers, hospitals, police) form differently shaped networks for supporting survivors and sanctioning perpetrators in different areas, Martin identified how organizations create different 'frames' for understanding the dynamics of rape. While the frames of the different practitioners involved in FASSM need to be empirically explored, we suggest here that a first step is to *identify* the practitioners.

As outlined above, we define non-specialist faculty and staff as 'actors', in contrast with specialist, trained individuals, who we term 'practitioners'. As we will argue through the illustrative mapping based on institutional policy documents, the critical difference between an *actor* within the FASSM context and a *practitioner* is that in our formulation, the latter has specialized knowledge and ability to implement actions that prioritize victim-survivor needs while the former is someone tasked with administrative duties in the complaint and/or disciplinary process. By pinpointing practitioners' role within university processes, we can see that the involvement and influence of different kinds of practitioners varies across institutions. What also becomes clear in this mapping exercise is the reliance in university processes on non-specialist faculty and staff, i.e. actors, who may be the only individuals that victims/survivors encounter in navigating university processes.

To help in our discussion of the roles and actions of practitioners and actors in FASSM cases, we developed four diagrams that are illustrative (but not representative) of complaints handling procedures in US and UK universities (Figure 1). The diagrams are based on analysis of policies to illustrate the published sexual violence, misconduct, and/or harassment procedures for students and staff who want to make a complaint to their university about FASSM, and which

are publicly available on the institutions' website (at the time of writing). Relevant policies that are separate from and/or not referred to in this procedure were not examined; for example, separate disciplinary and grievance policies. We have visualized the documented procedure, and included the actors, practitioners and offices involved in complaint, investigation, sanctioning actions, decision-making, and appeal or review processes. The policy diagrams were developed through an iterative process. First, one author reviewed a university policy and developed an initial draft of the policy diagram. Diagrams were shared with at least one other author for initial review and revision. The team of authors then collectively reviewed each diagram, noted areas of confusion and suggesting revisions. Finally, one author reviewed the set of diagrams to ensure consistency in visual nomenclature and to note additional concerns. The team revised and discussed diagrams iteratively until agreement was reached about clarity and consistency.

We chose research-intensive institutions with four different approaches to addressing FASSM. These are not intended to exemplify all US and UK institutions, but rather, much like Yancey Martin (2005), to provide a visualization of the differences that can exist in how units and actors are connected or disconnected during FASSM processes. The biggest difference between US and UK is the presence of Title IX. However, it is important to note, and our diagrams show, that the presence of Title IX does not create uniformity between institutions in the US. Moreover, while in the US academic system, responses to student victim-survivors go through Title IX offices, for employees these fall under Title VII. Where victim-survivors or perpetrators are both students and staff (for instance, in teaching or as residential advisors), these distinctions can be unclear.

### **Illustrations: FASSM Policy Diagrams**

These four examples allow examination of several factors influencing practitioners' and actors' roles and actions in higher education: the extent to which academic faculty and staff are expected to deal with sexual misconduct; the inclusion and level of involvement of trained practitioners and specialist roles responsible for taking action around sexual misconduct; the key individuals responsible for decision making; the engagement of senior management in the process; and the number of steps involved from reporting to resolution.

### ***UK University A***

University A positions academic staff in key decision-making roles around sexual misconduct, including the responding faculty/staff member's head of department and the investigator of the complaint. Mediation between parties and informal resolution is provided as an optional response to FASSM. Senior academic staff are responsible for determining sanctions and possible remedies. There is no dedicated office or specialist role responsible for handling complaints and deciding on outcomes and sanctions. While specialist practitioners are involved, they are not part of the formal process, and are not in positions of decision-making.

### ***UK University B***

University B houses dedicated individuals, outside of departments, responsible for taking and responding to sexual violence complaints. The FASSM process involves fewer steps than at UK University A, and academic staff, especially those managing the responding staff member, are not involved. Practitioners (trained specialist staff) play a more prominent role in this model, and university senior management (including HR) is responsible for decisions. Data are shared across units, risk assessments for complainants and respondents are conducted, and the university

executive committee has oversight of the complaints data.

### ***US University C***

University C focuses its policy on reporting and investigative mechanisms. The Title IX Office is responsible for record-keeping and investigating although not all investigations are conducted formally – only formal investigations result in permanent records. We note that Title VII is not part of this specific procedure; separate reporting is required to invoke Title VII. Record-keeping includes maintaining records on types of incidents reported to Victim Advocates. Reports are delivered on a semi-annual basis to the University President, who in turn provides regular reports to the University Board. When a finding occurs, Human Resources (for staff perpetrators) or the Provost and college Dean (for faculty perpetrators) determine sanctions. Very little information is provided about resources for victim-survivors, perpetrators, or responsible employees. Training is not present in this diagram; training is mentioned in policy but without any information about who will conduct training or how training will be delivered. For this institution, failure to mandatory report can result in sanction, up to and including dismissal.

### ***US University D***

University D focuses its policy on investigative mechanisms, with secondary focus on assistance for individuals. Assistance includes formal assistance for victim-survivors from Disability Resources, victim services from Victim Advocates, and training for responsible employees from Legal/Regulatory. The Title IX Office is responsible for investigating and delivering findings to Human Resources. As above, separate reporting is required to invoke Title VII. When a finding occurs, Title IX delivers findings to Human Resources; Human Resources then delivers findings

to the Unit Heads; these heads then determine sanctions. Unit Heads are not required to report sanctions to other units.

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Figure 1. FASSM Policy Diagrams for two UK (A, B) and two US (C, D) universities. Diagrams illustrate procedures, and include the actors, practitioners and offices involved in complaint, investigation, sanctioning actions, decision-making, and appeal or review processes.

## **Discussion**

These diagrams illustrate the wide range of faculty and staff who are involved in dealing with sexual misconduct disclosures and reports.<sup>5</sup> The role of ‘practitioner’, in our view, involves some form of direct support and advocacy to victim-survivors, involving training and specialist skills as the basis of their practice. In these diagrams, it can be seen that there is a lack of clarity between university employees who are tasked to ‘act’ on FASSM, and those who can provide specialist support for victim-survivors, who we term ‘practitioners’. In relation to FASSM, the term ‘practitioner’ could encompass a sprawling range of professional roles, including specialist victim support services, human resources, administrative management, US Title IX officials, lawyers in and out of workplaces, faculty/staff receiving disclosures, or faculty/staff supporting students. The figures illustrate that for potential complainants attempting to decipher these processes, for most of the universities represented above, it is not easy to identify who is

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<sup>5</sup> As outlined in McAllister Olivarius and The 1752 Group (2020: 31), ‘disclosure refers to a member of the higher education institution (HEI) community telling anyone within the HEI about their experience of sexual misconduct. Students who disclose may not wish to make a formal complaint. [...] Complaint refers to a student formally notifying the HEI of their experience in order to trigger action by the HEI’.

responsible for investigating and sanctioning sexual misconduct. Even victim advocates, lawyers, and institutional equity units acting for victim-survivors, navigating the professional and legal terrain underlying FASSM procedures is highly complex.

A model involving practitioners within the complaints procedure can be seen in the case of UK University B. In light of recent increased publicity and attention on sexual misconduct in UK higher education, some institutions have implemented a centralized model of managing responses to staff sexual misconduct, which limits the role of academic departments in assessing complaints and enacting sanctions. This has been achieved through establishing an office that deals specifically with sexual misconduct complaints, and/or specialized central roles within the university. Overall, as diagram B demonstrates, at UK University B the process is simplified in comparison with UK University A, involving specialist practitioners and therefore requiring fewer actors within the support and reporting structures. The practitioner is more clearly defined as engaging in the practice of receiving, responding to and managing the complaints process. In contrast with UK University A, academic staff are largely absent from the procedural diagram.

However, in the other diagrams, ‘actors’ are more prominent than ‘practitioners’, and their role is not always clear. While university policies charge many different employees with a responsibility to ‘act’ on FASSM, their involvement or level of engagement with a sexual misconduct complaint can differ greatly: it might consist of email contact only; making a brief report or directing a student to a particular service; or working closely with a victim-survivor for many months or years. A perennial difficulty for victim-survivors of sexual misconduct perpetrated by faculty and staff is to identify who can and will intervene. As outlined in (Bull, 2021), UK university students had difficulty identifying who can act on complaints of sexual misconduct; and students reported speaking to many different members of staff/faculty (e.g.,

academic supervisors, counselors, administrative staff, other lecturers, human resources) before finding someone who would act on a complaint.

The predominance of ‘actors’ over ‘practitioners’ in most of the diagrams – except UK University B – highlights the lack of support for victim-survivors of FASSM. This is a wider problem in the US, where, as a consequence of a focus on legal requirements of Title IX, universities tend to focus on investigation, as is the case with both of the reviewed universities. As a result, there is little regulation about support for victim-survivors. For example, University C provides no information about resources for victim-survivors while University D provides formal assistance through multiple offices. The support needs of victim-survivors are thus entirely up to universities to address or ignore. The US examples illustrate the centering of compliance procedures that are focused on the needs of the institution: reporting and investigation. Only university D included explicit and detailed support, resources, training and assistance for victim-survivors within formal sexual harassment policies.

Finally, one of the most striking findings from our translation of these four university policies into diagrams is the lack of coordination with offices working on diversity, equity and inclusion as well as between Title IX and Title VII. Given the evidence that women, especially women of color, and LGBTQ people are most likely to be subject to FASSM, this is a significant gap. It precludes connecting how institutional inequities facilitate sexual misconduct. Bernadette Marie Calafell (2014) draws on her own experience of reporting sexual harassment and racial discrimination in the academy to highlight how “race was kept out of discussions of sexual harassment, which served to dispel larger patterns of a hostile work environment” (p.87)

If, according to Cantalupo, a civil rights approach, in which Title IX should be embedded, is ‘fundamentally focused on the victim’ due to the right to be free of sex discrimination (2020,

p.228), we would expect to see practitioners, especially in the US context, at the center of complaints procedures. We further argue that this civil rights model, involving the centering of victim-survivor needs and the presence of critical pathways of support, should be visible in all complaints procedures relating to sexual misconduct. This should also be evidenced by procedures that enable victim-survivor agency in decision-making, for example, in providing multiple, safe avenues for disclosures and reporting, and a network of different kinds of support (e.g., disability, counselling, medical). There would be, at the heart of this, an anticipation of victim-survivors' needs, which should be founded on a deep level knowledge of what trauma does to an individual, and how they need to be held and supported within a system.

### **The importance of practitioners for addressing FASSM**

Our distinction between 'actors' and 'practitioners' is also of interest more widely in relation to the theme of this special issue, where the term 'practitioner' is used broadly to include 'anyone working directly with communities to prevent or respond to interpersonal violence through a variety of settings including non-profit organizations, workplaces, and college and university campuses' (final reference to be included). We find Peace A. Medie's (2020) definition of 'practice', to refer to 'a technique for operationalizing a norm' (p.10) useful to think about what practitioners *do*. In relation to FASSM, the 'norm' that practitioners operationalize is a framework in which power dynamics between abusers and victim-survivors are understood and named, and responses to victim-survivors recognize the harms they have been subject to while also restoring their autonomy to decide what they need from institutions. This expertise, in other words, might be termed 'trauma-informed' and embedded in wider work on violence against women. In contrast, while non-specialist faculty and staff - 'actors' - are required to follow

specific procedures when they become aware of sexual misconduct, these responses often serve to minimize and/or condone abusive behaviors (Jackson & Sundaram, 2019). Some policy developments on sexual misconduct, such as mandated reporting, can have unintended consequences of taking away control for victim-survivors (Kirkner et al, 2020).

In the four examples illustrated here, university policy and procedure seldom provides a direct route for individuals making disclosures and formal complaints of staff sexual misconduct. In analyzing procedures to produce the diagrams, we were looking for how a victim-survivor might navigate the university structure, with their autonomy at the forefront of the options presented. Instead, what we found were systems that de-center practitioners and charge multiple actors - who are unlikely to have specialist knowledge or training - with responsibility for decision-making. Each additional point of contact without skills and expertise in providing trauma-informed support has the potential to compound harms and fail in meeting victim-survivor needs.

### **Implications for Practitioner-Research Communication and Conclusions**

The invisibility of FASSM in discourse on sexual harassment and violence in higher education means that the issue has been less accessible to researchers seeking to document its prevalence and understand its impacts (Cantalupo, 2018) and design or evaluate interventions. Engaging in research on faculty and staff as perpetrators is further complicated for junior scholars and staff where they may fear retaliation or harm to their professional and/or personal reputation by more senior or established faculty or administrators. These are important contextual considerations for researchers.

One of the most fundamental barriers for practitioner-research communication is that sexual harassment is hidden within the structures of institutions (Whitley & Page 2015). University policies and processes cannot, alone, end sexual harassment and violence that has much deeper roots in gendered inequalities (Ladebo, 2003; Bennett, 2009; Whitley & Page, 2015; MacKinnon, 2016; Cantalupo, 2018). As Catharine MacKinnon (2016) points out, there is a difference between procedural steps that comply with policy mandates, and whether or not those steps produce more equitable environments.

The policy diagrams (Figure 1) enable us to consider, as a focus of future research, how a truly civil rights and victim-survivor centered approach would alter the systems in the case of all four universities. Further research could therefore address questions including: how might the agency and decision-making of students and staff making complaints be documented? How are intersecting inequalities of gender, race, class, sexuality addressed when institutional responses are developed? How could policy and practice illustrate potential for flexibility *and* predict what actions might occur? How can the practice-based evidence of specialist workers – i.e. practitioners – within universities be drawn on to expose the gap between paper policies and practice? In this way, we suggest that the illustrative diagrams that we have produced from a non-representative sample of four institutions are useful methodological tools, allowing practitioners and researchers work together to analyze their institutional policies.

A significant gap for researchers that we see now is mapping out who within institutions is trained to recognize the intersections of sexism, racism, ableism and homophobia, has specialist expertise in meeting the needs of victim-survivors, and has sufficient power to be heard within institutions when reporting on student and staff experiences and recommending changes. For example, Human Resources professionals might be a frontline reporting point, and therefore seen

as practitioners, but are rarely trained in the complex dynamics of sexual harassment and violence and intersections with racism and homophobia.

Recommendations for universities from complainants themselves include adoption of clearer mechanisms for raising initial concerns, and training for staff/faculty members in addressing and preventing sexual misconduct (Bull & Rye, 2018). Addressing these concerns from victim-survivors would require more clarity on who specialist practitioners actually are in universities. Yet, as the discussion above shows, there remains – even in the US system where procedures are more clearly delineated through the existence of Title IX offices – considerable complexity in identifying where to access to specialist support.

The evidence suggests that universities are not addressing sexual misconduct effectively, regardless of regulatory requirements. In cases where universities have been forced to openly acknowledge a sexual misconduct case, two events typically occur. First, the victim-survivor responsible for exposing the harms becomes the focus of negative attention. This serves to move blame from the university to the victim-survivor. Second, perpetrators are all too often treated as individuals who are separated from the university as a whole. The consequence of this “lone perpetrator” view is a lack of attention to the systemic sexism, racism, homophobia, and other biases that exist within higher education institutions (Ahmed, 2012; Whitley & Page, 2015; Bacchi, 1999). Codes of conduct and organizational policies that name, define, and prohibit sexual misconduct are crucial (Ladebo, 2003), but development of a paper policy is only the very beginning of an institutional strategy to combat FASSM (Adams et al, 2013). Resources for training, investigation and specialist support for victim-survivors are essential (Ladebo, 2003; Kouws & Kritzinger, 2007; Adams et al, 2013). These resources need as much, if not more, attention as the policies that ensure institutions are in legal compliance with sexual misconduct

and discrimination legislation.

In institutional responses to FASSM, sexism is ‘never the problem that is named’ (Whitley & Page, 2015, p.46). We suggest that researchers consider focusing on the gap between paper policy and implementation (Ladebo, 2003) with specific reference to patriarchal, heteronormative and white supremacist institutional power dynamics (Ladebo, 2003; Kouws & Kitzinger, 2007; Bennett, 2009; Cantalupo, 2018). Practitioners and researchers might ultimately find a common ground and potential for real change by collectively addressing the re-victimization of those who report FASSM as well as systemic inequalities that impede access to justice for victim-survivors.

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## FIGURES