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Sexual misconduct in UK higher education and the precarity of institutional knowledge

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ABSTRACT

This article draws upon the 2020 review commissioned by the University of Strathclyde in the UK into the sexual misconduct of an academic staff member, Kevin O’Gorman, to examine competing and multi-varied forms of precarity in UK higher education. It considers how precarity as a political condition has the ability to shift and attach to different kinds of structures and bodies, including institutions. The case at Strathclyde helps to illustrate how a claim to precarity can be appropriated by an institution, while simultaneously divesting this term of meaning and attachment to human experience. The article builds on this examination of precarity to investigate the precarious status of knowledge in relation to violence. It argues that despite claims to want to know, institutional failure to understand and act on sexual misconduct is a form of wilful ignorance and an exertion of epistemological power that protects the institution.

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Introduction

Kevin O’Gorman was employed by Strathclyde University in Scotland as an academic member of staff, or faculty, between 2005 and 2012, before moving to Heriot-Watt University in April 2012 where he was employed until 2017. In 2019, O’Gorman was convicted on fourteen charges relating to the sexual assault of seven male students enrolled at Strathclyde and Heriot-Watt and of sending sexual communications to an eighth student. These offences took place between 2006 and 2014 (Ross 2020). After media coverage of O’Gorman’s conviction, both Heriot-Watt and Strathclyde universities promised independent reviews into how each university handled O’Gorman’s employment and conduct. As the first university to employ O’Gorman where his sexual misconduct was documented, article will focus its attention on Craig Sandison QC’s 2020 review of Strathclyde University. Sir Jim McDonald, Principal of Strathclyde University, announced in August 2019 that the purpose of the inquiry was to ‘establish what we knew at the time, what we ought to have known and what should have been in place to expose such wrongdoing’ (Mayo 2019). Knowledge, therefore, was to play a central role in driving the aims of the Strathclyde review. It would be a measure to determine the university’s responsibility for the actions of a former staff member. In his

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report on Strathclyde's conduct in relation to O'Gorman, published in October 2020, Craig Sandison QC (Sandison 2020, 82) concluded that he does 'not consider that the incidents of the O'Gorman affair demonstrate in any way serious institutional failings on the part of the University in relation to the welfare and wellbeing of its staff and students.' Given the severity of O'Gorman's criminal conviction and the number of students, how is such a conclusion possible?

To consider this question the article will address the role and responsibility of knowledge and its circulation within precarious, neoliberal cultures and spaces. While the trauma of sexual violence has wide ranging and well-documented impact on students, this article will attend to an area that I suggest receives less attention: the university and its understanding of, and encounters with, precarity. The article explores the relation between epistemology, violence and precarity by interrogating how knowledge is associated with culpability in higher education. In the second part of this article I will discuss the Sandison review and describe how it positions O'Gorman's behaviour as being understood primarily as a risk to the reputation of Strathclyde as an institution, and as an issue involving the management of a difficult staff member. This centring of institutional precarity is distinct from understanding staff sexual misconduct as a safeguarding concern, and erases the complexities of how students experience and are exposed to multiple forms of precarity. This includes the circulation of power in being taught and accessed by O'Gorman while also being the target of his misconduct, in the ability to report staff behaviour to the university and have this understood and acted upon, and in being able to attend university and receive an education free from violence. Therefore, I propose the case of O'Gorman helps to develop insights into how competing forms of precarity play out in academic spaces.

The question of what universities know is a particularly vexing one to ask directly of institutions where systems and structures are designed to support inquiry, criticality, and to enable curiosity and questions to be asked. Yet, as Jennifer Doyle (2019, 170) explains '[k]nowledge problems collect around sexual violence.' This is all the more troubling when these problems occur within a university where knowledge is valued and is a key commodity that is marketed and monetised. In the case of Strathclyde, we can see how those harmed by sexual misconduct, are not perceived as being reliable in their own understanding of the language and behaviour directed at them. Instead, knowledge becomes attached to particular roles, positions and gendered bodies within the institution, positioning them as arbiters of sexual knowledge. In this way, survivors of sexual violence become the 'embodiment of a truth problem' (Doyle 2019, 170). There is significant and varied scholarship on the disavowal of survivors of violence as conveyers of knowledge (e.g. Fricker 2007; Gilmore 2007; Alcoff 2018). As Crew and Ichikawa (2018, 7) note, in particular rape culture has 'acute epistemic affects' which render the testimony of survivors as unreliable. The experience of violence and its relationship to the truth occupies a contentious and unstable space, determined at least in part by the institutional and legal management of violence, but is also informed by race and gender, and dominant narratives that can render, in particular, women of colour invisible (see Cantalupo 2019; Crenshaw 1989). The students assaulted by O'Gorman are described in media reports as men, and male students can experience specific forms of invisibility in relation to sexual violence, and be vulnerable to intimidation (there is less research in this area, see Cantalupo and Kidder (2017), and specifically on queer male survivors, Meyer 2021). In UK university internal disciplinary proceedings, survivors can undergo a shift in their epistemic position in relation to trauma, through being recast

within the process as a witness to a potential policy violation. That violence happened to them, and its meaning and effects, is secondary to establishing whether an alleged offence contravening policy has occurred. These shifts in turn alter the position that survivors occupy in relation to both knowledge, and to the violence they have experienced. What is known to individuals, to bodies, becomes displaced and uncertain.

This article considers the fraught status of knowledge within discussions of institutional accountability, and its relation to the competing forms of precarity that circulate within experiences of sexual misconduct. After violence occurs the immediate institutional response that can follow is both denial of knowledge and surprise that an event has occurred. That a university is astonished by knowledge, is in itself surprising, when we consider that what is known about sexual violence is often a result of research produced by institutional members. This discourse of surprise often encompasses an urgent declaration to find the truth. In this way, knowledge becomes synonymous with culpability. However, there is often a disconnect between knowing and doing, and knowing and accountability. In the context of this special issue, this is influenced by how particular university responses are now shaped by a perception of market demands and the continuing indeterminate relationship that students have to the institutions in which they study. What does an analysis of the O’Gorman case help us to understand about precarity and the operation of knowledge in cases of sexual misconduct? How can we learn from the ways in which knowledge is accessed and used, in order to put in place mechanisms that better understand and respond to sexual misconduct, especially in this current context where higher education institutions increasingly perceive sexual misconduct primarily through the lens of risk to the institution?

Competing precariousities

I argue that the presence of sexual misconduct in higher education creates multi-layered forms of precarity that both impact individuals and institutions in different ways, and can come into conflict. This includes how specific vulnerabilities of students to unequal and abusive relationships may compete with the perceived precarity of a university which receives a report or complaint about an employee. In this article, the sexual misconduct committed by academic staff or faculty is defined broadly as 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’ (Bull, Calvert-Lee, and Page 2021). Addressing sexual misconduct in UK higher education has been the focus of student-led activism, which includes the work of the National Union of Students (NUS) (National Union of Students (NUS) 2010), an association of around 95% of student unions in the United Kingdom. There has also been important scholarship on the discourse of the UK-specific notion of laddism as it relates to the performance of particular masculinities (e.g. National Union of Students (NUS) 2014; Jackson and Sundaram 2020), understanding staff perspectives of student sexual misconduct (Jackson and Sundaram 2020) and exploring neoliberal effects (Phipps and Young 2015; Phipps 2018; Shannon 2021). In 2016, Universities UK (UUK), a membership and advocacy organisation comprising vice-chancellors and principals of universities in the United Kingdom, published a report with recommendations for how universities should effectively address harassment, violence, and hate crime directed at women (Universities UK 2016). However, the remit of this report was restricted to

providing guidance, rather than regulation, only on student–student sexual harassment, with no requirement as the level of conformity expected. In 2018, the NUS, together with The 1752 Group, a UK-based research and campaign organisation, conducted the first survey on current and former student experiences of sexual misconduct by staff in UK higher education (National Union of Students (NUS) 2018). More recently the UUK (Universities UK 2022) published ‘Changing the culture: tackling staff-to-student sexual misconduct’ a further guidance document for universities. There is currently no regulatory requirement for universities in the UK to act to address sexual misconduct, or any other form of harassment, violence and hate crime.¹ However, the UK Equality Act 2010 does allow for ‘vicarious liability,’ where employers are liable for the actions of employees, whether the act was completed with or without the employers’ knowledge. Therefore, lack of awareness of the behaviour is not an adequate defence. In order to refute liability in the case of sexual misconduct, a university needs to show that it took all reasonable steps to prevent an employee from committing sexual misconduct. The absence of regulation is occurring in a sector where universities are dealing with structural transformations, including the increasing corporatisation and privatisation of higher education, which quantifies success commercially (Gill 2010; Phipps 2018; Shannon 2021). This means the precarity of students to a wide range of issues has to compete with many dynamic and shifting components within conflicting university priorities. I argue that neoliberalism has not created sexual misconduct in UK higher education, nor is it the origin of university inaction, and both these issues – violence, and resulting institutional poor responses - pre-date neoliberal reforms. Instead, sexual misconduct is shaping the university’s sense of its responsibility to its staff and students, and its anxieties around the real and perceived risks that different forms of violence and discrimination present to institutional stability and particular success measurements.

Both vulnerability and precarity are terms used in this article. First, the use of precarity draws upon Judith Butler’s (2009, 25) description as a ‘politically induced condition,’ and a ‘social condition of political life’ (Butler 2012, 168). What is helpful to consider, is Butler’s assertion that ‘[w]hether explicitly stated or not, every political effort to manage populations involves a tactical distribution of precarity, more often than not articulated through an unequal distribution of precarity.’ In higher education, both students and staff can take the form of such managed populations. Precarity exists within the exposure to and experience of violence. Precarity, in being defined as political in its presence and continued attachment to particular bodies, as well as the ways in which it is accepted as a condition of existence, can help to open up conversations about the forms of inequality the institution, and more widely the sector and society can live with (see Berlant 2007, 762). Sexual misconduct both creates conditions of precarity, but also occurs within environments where students are living with student debt, discrimination and lack of accessibility, require references and good relationships with academic staff for academic and career progression, and are studying within learning and teaching environments that increasingly rely on casualised labour (e.g. UCU 2019). I argue that these and other multiple and intersecting forms of precarity can further complicate action regarding sexual misconduct. Institutional responses can strip violence of its precarity, failing to recognise its place within human experience. Therefore, precarity as a political and social condition, has to be understood and responded to through

recognising its diverse emotional, sensory and corporeal attachments, and impact over time.

This political and social condition needs to be in conversation with the mobilisation and uptake of precarity by the institution itself driving and justifying policy and financial decisions. For example, institutional precarity might be expressed through actions that value and prioritise financial savings, status and funding. Judgements made in deciding on the tactical distribution of precarity, which are centred on the university and reducing its perception of precarity, could involve, for example, maintaining the current position of a perpetrator of sexual violence due to their perceived value to the institution or the threat of legal action from the employee (see, e.g. Whitley and Page 2015; Shannon 2021), or the use of non-disclosure agreements (NDAs) to suppress knowledge about sexual misconduct (Page, Bull, and Chapman 2019, 1315). As we will see in the case of Strathclyde it can also involve the failure of witness reactions and responses, and the explaining away of sexual misconduct behaviour as something else (see Whitley and Page 2015), thereby enabling precarity to circulate institutionally through both the inability to define and report misconduct, and understand the experience. In describing this range, I suggest that precarity is a valuable analytic tool with which to navigate the complexities of sexual misconduct in higher education because of the interplay between the individual and the environment. Actions that aim to reduce perceived forms of institutional precarity can lead to the intensifying of individual precarity. Therefore, as well as precarity being a politically induced condition, this article is interested in how its attachments extend to the ways in which institutions come to understand and respond to forms of violence, and the harms inflicted by such university action.

These definitions and applications of precarity are related to but also distinct from a notion of vulnerability that is both associated with wounding and injury, and due to this, is in some sense a universal condition of living beings, while simultaneously being shaped by the lived experiences of individuals (Page 2018). This means that in order to consider precarity to and resulting from sexual misconduct as a politically induced condition, we need to recognise and acknowledge how this impact is unevenly felt, responded to, and understood. The vulnerabilities that can follow and are experienced and felt as a result of living with conditions of precarity are described in the work of Lauren Berlant (2011; in Evans 2018). Indeed, understanding the different affects of vulnerability may be critical to tracing long-term and far reaching impacts. Berlant provokes us to consider the structure of vulnerability, arguing that it is, critically, also an emotional and mental state. They argue that vulnerability can be felt as 'desperation, numbness, realism, misery, mania, rage at others, radical confidence loss, or exhaustion and depletion' (in Evans 2018). If we consider that these are sensory feelings that materialise from and give texture to the experience of precarity, then what does this experience do to a person? Berlant gets at the heart of this emotional and physical rupturing by asking: 'what are the different costs people pay for defending themselves?' Here we can think of a notion of defence more broadly as a mode of bodily protection, which at times may involve making a complaint, but also may mean receiving rather than resisting violence, remaining silent, or choosing not to use institutional reporting channels.

Is it possible or useful to describe institutions such as UK universities, as precarious? If we do utilise it as an institutional concept, then might these competing forms of precarity result in the disavowal of particular social conditions of existence for students and staff

within higher education, which involve, at times a mandated, dependency upon infrastructure, resources, and support provided by universities? Butler (2015, 23) has described how such terms have the ability to both shift and fasten to different kinds of structures and bodies, where dominant groups have claimed the discourse of precarity and vulnerability to 'shore up their own privilege'. In the following example we can see how the claim to precarity has been appropriated by a university as a pre-existing condition, while simultaneously divesting this term of meaning and attachment to human experience. In an email to university staff, the Newcastle University Vice Chancellor makes clear his priorities in response to a complaint by a female student that a male student, who had received a two-year restraining order for stalking and 'revenge porn' offenses directed at her, was allowed to remain on campus, and then start a new course without the female student being informed (BBC News 2019).

Hi All. Could I have some urgent background here? On the face of it this looks another "Warwick" about to happen on our own campus with the associated risk for the student and our precarious reputation. (Mepstead and Williams 2019)

It is the potential risk of harm to the university that reconfigures university understandings of sexual misconduct away from the experience of the student. We see this in the reference to Warwick University. Problematically abbreviated to 'the group chat' case, and the 'rape chat scandal', in early 2018 two female students at the UK university informed their personal tutors about several social media 'group chats' taking place between male students. 'Some messages within the "chat" were in violent, racist and misogynistic terms in relation to them, other students, and generally' (Persaud 2019, 5). The case received national media and online attention and complaints from student and staff communities, resulting in a public apology from the Vice Chancellor for the institution's response. Returning to Newcastle, even though the student is mentioned, it is the experience of 'Warwick' as a university that is foregrounded in the email. In these examples we see how institutional responses to the precarity and ensuing vulnerability of its students do not by necessity involve care and protection. Doyle (2015) has shown how, in the US regulatory environment, accusations of sexual misconduct are met with university structures that are primarily designed to protect institutions against reputational damage and litigation. In the UK, the work of Sara Ahmed (2017; 2021) illustrates how instead of protecting students and staff from perpetrators of violence, an institution can behave in ways that suggests it is vulnerable individuals that provide a threat to the stability of institutional life. Through an examination of the public responses of universities Leila Whitley (2022) has traced the conceptualisation and location of harm resulting from sexual harassment. Whitley analyses how harm is narrated by institutions in order to locate it 'somewhere other than with the experience of—or act of—sexual harassment' (362). Connected to this, the response of institutional members to the experiences of those who speak out can prioritise and even utilise the discourse of institutional precarity, reinforcing the location of harm as being with the institution. This can occur at times when speaking out brings its own vulnerabilities resulting from particular labour conditions, discrimination or minority status. In this sense, attachment to and investment in a notion of institutional precarity can become one means in which individuals attempt to reduce their own specific vulnerabilities in relation to precarious work or learning environments.

Therefore, sexual violence and harassment can result in institutional responses that expose the university's perception of its precarity, communicated in the form of potential risk and inflicted harm, and can create a conflict of interest between the protection of existing institutional conditions, however violent, and student welfare. In this interplay we see both the circulation and transformation of precarity as it moves between individuals and institutions. Its state is in constant flux: while individuals may also experience precarity through senses and feelings, it is publicity and policy that can become the structures through which the university understands and measures its precarity.

The time of institutional violence

I write this in the context of my own experiences as a doctoral student working collectively to report sexual misconduct (Whitley, Page, and Corble 2021), and then co-founding The 1752 Group and researching and publicly campaigning to address institutional failures in responding to and preventing the sexual misconduct of UK academic staff. Ahmed (2021) has written extensively on the 'complaint biography' and its relation to people and groups: what making complaint does to a person, and the precarity of being heard as complaining, especially within a university. The structures of the complaint and the institutional mechanisms that the complaint comes up against, can be experienced as multi-varied forms of trauma. Smith and Freyd (2013) have highlighted how the experience of this failure to be heard can be understood as a form of institutional betrayal, which in itself creates trauma in the lives of survivors. The betrayal describes how 'an institution causes harm to an individual who trusts or depends upon that institution' (Smith and Freyd 2014, 578). Cantalupo and Kidder (2017) importantly consider the impact that such forms of betrayal have on witnesses or bystanders, who make up the 'entire remainder academic pipeline' as early career researchers who will come to occupy roles within universities in the future (9). They suggest that sexual misconduct committed by staff 'significantly ruptures the bonds of professional ethics and responsibility that are essential preconditions both for academic freedom and for equality,' and this has long-term consequences for those witnessing such behaviour (8). This includes conscious and unconscious learning and training in ethical norms from particular forms of misconduct that are tolerated by institutions, with the potential conflicting messages those who sexually harass students with impunity 'are providing to the students who remain in the professoriate and what kind of academic cultures such training will perpetuate' (10). Therefore, the duration of sexual misconduct extends well beyond temporal limits imposed by universities when cases are completed.

Linked to this, I am interested in how we might think of institutional action as violence involving affective, embodied as well as physical and material elements of structural violence. In the context of this article, I define institutional violence as referring to the harm, hurt and damage that institutions do through both the actions of members, and the institution's responses to an individual or group experiences. The temporal plays a crucial part within this understanding of institutional violence. There is an unbounded time between violence and testimony, which occurs, as Leigh Gilmore (2007, 5) describes, because it 'can take a very long time to transform a hurt into words. The lag in time can lengthen to decades.' Time has a crucial role to play in discussions of precarity, as a mechanism of protection and healing, a tactic of abdication, and, as I will discuss, as a means in which to consider how the experience of violence cannot be limited to a description of a clear, time-bounded act.

In the context of neoliberal regimes, precarity comes up against resilience, where both language and action are framed in the positive, productive terms. Within the language of resilience, it is deemed possible for individuals experiencing conditions of precarity to ‘get over’ or ‘move on’ from an experience after a designated amount of time. Certain bodies and communities are told and taught to become more resilient. Despite its framing, I argue that resilience has the potential to erase how the experience of violence fundamentally changes a person. On the surface, resilience assumes a material change, that bodies *are* altered. However, it positions people as having the capacity to recover quickly, to ‘bounce back’ (Bracke 2016), to return to the former state that existed prior to the infliction of a trauma or force. This framework for providing institutional support postulates, as Henrik Vigh (2008, 8) argues, that violence or crisis is simply ‘an interruption of ‘normal’ life.’ This enables me to consider how the structuring and institutional language of sexual misconduct, especially within policy and procedure, can seek to define it as taking place within particular temporal and located boundaries: it took place here, during this time period. The incident can then be determined by that institution, through particular mechanics of measurement, to have begun, and to have ended, and in this way, a case can be closed.

This notion of an act as time bounded, erases the ways that violence becomes both ordinary and embedded in a person’s everyday experience, and how violence fails to be registered within the structures and systems which are responsible for recognising, preventing, and acting upon an individual’s experience. Bufacchi and Gilson (2016, 28) challenge the conception of violence as one that involves a specific act that has a ‘time-specific starting and an end-point.’ They offer a framework for reconceptualising violence, and related forms of precarity, such that it makes central the survivor and their experience by proposing that violence is an experience that is characterised by ‘temporal indeterminacy’ (32). As an act, there is no time nor space for understanding the role of an institution’s response to sexual misconduct, and its impact on the experience of the survivor. However, in shifting violence to be an event, it enables us to consider, in a similar thread to Berlant, ‘what violence does to those at the receiving end of it’ (33). This temporal shift encompasses a broader vision than the force of an act inflicted by a perpetrator. It enables a wider interrogation of institutional violence as also involving how that violence is understood and responded to by those receiving survivor testimony, and what institutionalised responses to violence do to individuals, and to communities both directly following, but also crucially over far longer periods of time.

The second part of this article will now consider the response of Strathclyde University to the sexual misconduct committed by one of its academic staff members.

Strathclyde University and institutional knowledge

The review of Strathclyde exists in a precarious relationship with knowledge. I was drawn to the media reports about the criminal conviction of O’Gorman for several reasons: it was a public case of staff sexual misconduct; cases seldom lead to police investigations and criminal charges; and two Queen’s Counsel-led reviews were conducted, published and made available to the public. There have been few UK cases, at least in the last decade, involving an ‘independent review’ of staff sexual misconduct. These include the review conducted at University of Sussex in 2018 after former lecturer Lee Salter was convicted of assaulting a student he was in a relationship in by beating and causing criminal damage to

belongings. This was undertaken by Professor Nicole Westmarland (2017) and identified a number of areas of poor practice. Professor Westmarland is a recognised expert in domestic violence. More recent is the 2019 review of student disciplinary and appeals processes at the University of Warwick on the case mentioned above, conducted by Dr Sharon Persaud, a solicitor with significant appellate and review experience, in both criminal and non-criminal contexts.² This review also refers to Dr Persaud having spoken informally to experts in the field of sexual violence and misconduct (Persaud 2019). I was curious as to why Strathclyde had decided upon legal as opposed to sexual violence and HE expertise, and therefore, how Craig Sandison QC, whose practice specialism was described on his then employer's website as 'based on commercial, company and property litigation, with main subsidiary areas of expertise in insolvency, professional negligence and intellectual property law', would understand sexual misconduct, power relations within higher education, and the experience of survivors of sexual violence.³ After reading both the Strathclyde and Heriot-Watt reviews, a question remains as to how expertise in and knowledge of sexual violence is both recognised and disavowed by universities under the terms of an 'independent review'.

I was struck by the Strathclyde Principal's statement outlined earlier, and whether the review would translate that knowledge into an assessment of culpability. And what would change as a result? We know, without the review, that O'Gorman faced no disciplinary action and left to be employed at Heriot-Watt, where he continued to assault students. Students who experienced and witnessed O'Gorman's behaviour at both universities had knowledge of his actions. The rationale for conducting the review appeared centred squarely on whether there was sufficient evidence of university liability for O'Gorman's behaviour. So, what, if anything, would be changed for the student survivors? As Eve Sedgwick (2003, 124) warned, to conduct a 'tracing-and-exposure project' about what Strathclyde knew about O'Gorman's behaviour is a strategic decision, rather than a necessary moral obligation. Sedgwick informs us that beginning from this starting point opens up space to move beyond the relationship knowledge has to truth, and instead to consider the ways in which knowledge is performative – that it does something (124). This 'doing' is also affective. Particular emotions can be performed as signalling and notification that knowledge has been acquired. In developing Berlant's notion of the structure and affects vulnerability and how this is felt, I propose that this might be extended to consider the tension that exists between expressions of institutional feelings in response to violence, often when it is publicly reported, and the sensory feelings of vulnerability that come from an experience of violence. In the case of Strathclyde, this performance can involve institutional expressions of surprise and outrage.

Professor Jim McDonald, Principal and Vice-Chancellor of Strathclyde, said: "As a university community, we are shocked and appalled by what emerged from the trial. . . There are questions we must ask about our processes and procedures."⁴

It is the public trial and ensuing national disclosure and publicity of events, rather than the student complaints and staff reports, that provokes the need for 'tracing-and-exposure' action from Strathclyde. The details of O'Gorman's employment at Strathclyde University and Heriot-Watt University are described in both QC reviews. Yet, there remains a failure in knowing: after conducting a review of systems and process at Heriot-Watt, Ross (2020, 17) admits that 'I do not have a clear picture of the number of people who directly experienced abuse by Dr O'Gorman'. However, Ross does develop an awareness that 'There was

a pattern in which Dr O’Gorman formed relationships with young men who were in a weaker position, relative to him and, at least in some cases and to some degree, those relationships became abusive’ (18). Yet, neither Ross nor Sandison pursues any further analysis of O’Gorman’s behaviour in order to learn from this, or acknowledge that such patterns of relationship forming are part of grooming behaviour between adults in situations where one has a measure of control over the other (Survivors UK 2022; Bull and Page 2021).

In turning to the Strathclyde review, Sandison (2020, 12) explains that as a result of student and staff reports on O’Gorman’s conduct to his Head of Department, Professor Sharon Bolton, Bolton and a Human Resources Manager met with O’Gorman on 6 June 2011 to discuss his behaviour. The review states that none of those reporting wanted to make a formal complaint, with several noting O’Gorman’s perceived power in the university as a reason. At no point does the review consider the role of institutional culture as a barrier to reporting and communicating violence, and the refusal of students to report their experience. Sandison then describes how on 12 October 2011, the father of an undergraduate student (‘Student X’) studying in the same department as O’Gorman, made a complaint to Professor David Hillier, the Vice-Dean of the Business School (13). Sandison notes that the parent of the undergraduate student knew Hillier ‘professionally and socially.’ The parent complained that ‘O’Gorman had engaged in an inappropriate Facebook Messenger conversation with his son on 10 October, and provided screenshots of the conversation’ (13). The matter was referred to the Dean of the Business School and then to the University’s Director of Human Resources, then the University’s Chief Operating Officer, and finally to the Vice-Principal, who decided ‘O’Gorman should be suspended on full pay pending a formal investigation in terms of paragraph 2.2 of the University’s (academic staff) Discipline, Dismissal and Removal from Office Procedure’ (13). Professor Bolton conducted the first investigation in response to the complaint by Student X. After interviewing postgraduate students, a staff member that had ‘previously come forward with concerns about O’Gorman’s behaviour in June’ 2011, and an undergraduate student (‘Student Y’) with evidence of Skype exchanges with O’Gorman, Sandison (2020, 17) states that:

[Professor Bolton]. . . noted that the Student X Facebook contact no longer appeared to be isolated in character, and expressed concern that O’Gorman’s behaviour might amount to the abuse of a power dynamic equivalent to grooming (directed at both his students and superiors in the University context), though she disavowed any detailed knowledge on the subject and suggested that suitable expertise be engaged.

Here the person conducting the investigation suggests grooming is taking place, but has indicated that they lack expertise in understanding the form or severity of behaviour that is being investigated. The review does not mention whether the university sought advice from those with specialist skills, either to conduct the investigation, or to understand the power dynamics and implications of O’Gorman’s behaviour. Professor Bolton was then replaced in her role by Professor David LittleJohn, Associate Deputy Principal. A revised investigative report concluded that O’Gorman’s contact with students and the other issues raised by further students and staff, ‘would, if made out, represent serious professional misconduct and present potentially serious reputational issues for the University, and should be considered in a formal disciplinary hearing’ (23). Crucial to the final outcome is that on 9 November 2011, O’Gorman applied for the University’s Voluntary Early Release Scheme

(VERS) which is referred to as a general redundancy programme. In the review there are conflicting views as to whether O’Gorman was in fact eligible. A compromise agreement was signed between the university and O’Gorman on 29 February 2012, which involved a financial payment. Sandison notes that there was ‘nothing about its terms which suggests to me that in settling them the University was motivated by any consideration other than the entirely proper ones’ (71).

There is no discussion of student precarity or of a disciplinary hearing being called for reasons of student welfare and protection; it is the university that is perceived to be in a precarious position through potential damage to its reputation. Sandison’s review states that the university’s preference for the outcome ‘had come to be for the disciplinary process to be concluded and for O’Gorman then to exit via VERS (his earlier application to that scheme not having been withdrawn or otherwise lapsed)’ (25). No concern was raised about students and staff outside of Strathclyde University, even when it was known that O’Gorman had then been employed at Heriot-Watt. Strathclyde determined that the disciplinary hearing was unnecessary given O’Gorman was leaving his employment. Therefore, I suggest it is possible to conclude, his risk to the university and its reputation, was eliminated. In fact, removal of O’Gorman and his eligibility for VERS was couched in terms of its financial benefits to the institution, with Sandison stating that the ‘essential criterion for eligibility to apply for VERS severance was whether the exit in question would result in recurrent financial saving to the University’ (70). What is also known is that ‘exit via VERS’ and without disciplinary action either enabled, or at least did not hinder, O’Gorman’s move to Heriot-Watt, where he began assaulting male students enrolled at this university. The protection of the institution, both from a legal case bought by O’Gorman in relation to potential improprieties in the investigation, and ‘because he had shown himself to be a person who could not be accommodated within his department without causing trouble and stress to other employees’ (Sandison 2020, 70), led to O’Gorman leaving the university through voluntary redundancy. Sandison reiterates, ‘It was no part of the University’s desire to see him leave that he was perceived to be a threat to student welfare’ (70). In contrast to this declaration, students who were assaulted by O’Gorman have referred to the Sandison review as ‘a complete whitewash’ (McLaughlin 2020). In reading this it is damning to think that the testimony of students and staff did not register as knowledge of sexual misconduct. O’Gorman’s behaviour impacting colleagues, becoming difficult to manage, and the risk to the university’s reputation were driving factors for his removal. The precarity of students within in unequal relations of power with O’Gorman did not factor into the university decision-making. Enabling O’Gorman to leave through approved institutional mechanisms was deployed as the means by which the university could manage its perceived precarity.

Wilful ignorance as an institutional epistemology

A tension presents itself: institutions and institutional structures, such as sexual violence policies, reporting systems and complaints mechanism, position the institution as being receptive and knowledgeable about the violent behaviour which these policies are designed to define and respond to. As Doyle (2019, 178) notes, ‘sexual violence and violation are grounding forces in our lives and institutions present themselves as structures that regulate and manage that problem for us.’ This article argues, using the evidence from the Strathclyde review, that despite the existence of these structures, and perhaps even due to a reliance

upon them, universities do not understand sexual violence as a social and ethical problem. The Strathclyde case in fact illustrates high levels of violence illiteracy. I argue that critical to this discussion of precarity is the need to address the troubled status of knowledge, and the epistemological problems that violence presents within institutional responses. At the outset, there is a lack of expertise in those charged with managing and investigating sexual misconduct in universities. This is supported by Nancy Cantalupo's (2011, 222) observation that the vast majority of professionals working in positions where survivors are likely to report are not hired, or trained, or have knowledge about the specifics of campus sexual violence—'nor are they lawyers.' Further to this, Coy et al. (2022) critique the reliance upon 'institutional actors', who are often academic or HR staff without specialist skills, and distinguish between these actors and the use of experienced practitioners trained in sexual violence and survivor-led procedures within higher education.

Both Sedgwick (1994) and Rebecca Mason (2011) alert us to forms of 'unknowing' as a means to consider how power relations influence the production of knowledge and its transmission between a person or persons who have experienced an event, and the individual or institution that hears or receives this form of testimony. There are different kinds of unknowing that can impact dominant and non-dominant social groups (Mason 2011, 296), and both individuals and institutions can be positioned as unknowing of a particular event or experience. In particular, Mason (2011) describes a form of unknowing that involves ignorance perpetrated by members of dominant groups. Mason draws upon the work of Charles Mills (1997, 11) to discuss the importance of ignorance as an epistemological form of power. This in turn informs the precarious position of those reliant upon institutional structures for support. Mills argues, in the context of whiteness as a dominant group, that the Racial Contract, which is 'a set of formal or informal agreements or meta-agreements. . . between the members of one subset of humans' designated as white, 'requires its own peculiar moral and empirical epistemology, its norms and procedures for determining what counts as moral and factual knowledge of the world' (17). Mills asserts that those within the social contract agree to '*misinterpret the world*' (18) (original italics). Critically, this act is wilful, with those in the white dominant group having to 'learn to see the world wrongly,' while understanding that this misperception will be validated by the epistemic authority (18). I am interested in particular in how this notion of ignorance has an epistemological frame in which there is at least an implicit agreement among group members to see the world wrongly. Mason's (2011) own work proposes applying Mills (1997) understanding of whiteness to capture the epistemological social power of another dominant group, institutions. Mason (303) argues that Mills' analysis enables an understanding of how the 'privileged social location occupied by powerful groups occludes their understanding of the world in which they live and obscures their understanding of their own and others' social experiences.'

Doyle (2019) alerts us, in a particularly stark example, to how an institution administers such power, through the case of a complaint of sexual assault filed by gymnast Amanda Thomashow against Larry Nassar, the US Gymnastics national team doctor. While attending the results of the Title IX investigation at Michigan State University, the University's Assistant Director for Institutional Equity showed Thomashow a diagram of the human body (Doyle 2019, 179). Doyle recounts how Thomashow recalls thinking, 'Oh my gosh, you are explaining to me that I wasn't sexually assaulted' (179). As Doyle explains, the Nassar case revealed the close proximity of knowledge to ignorance (180). Doyle argues the investigator's findings

found that while trauma occurred to Thomashow, it was not due to sexual assault by Nassar and a betrayal of trust, but instead was due to a different kind of vulnerability, which was epistemic rather than sexual: that Thomashow was traumatised ‘by what she did not know’ (170). Thomashow did not understand the medical procedure, and, due to this ignorance, had construed it as being sexual, while Nassar’s actions by his own declaration were not. This meant that in essence, Thomashow had ‘the wrong kind of sexual knowledge’ (170). The trauma, if experienced by Thomashow, was due to ‘perceived inappropriate sexual conduct,’ rather than the experience of sexual assault, which would have exposed the ‘practice to liability’ (Mencarini 2016, in Doyle 2019, 171). As Doyle notes, Nassar positioned himself as having the authority over both sexual knowledge and medical knowledge, and his assertion that his actions were not sexual, was believed over the testimony of his patients (172).

We can see similar articulations of authority and of students possessing the wrong kind of knowing expressed through the response of Sandison (2020) to the complaint by Student X, which launched an investigation by Strathclyde into O’Gorman’s behaviour. Sandison asserts his own understanding of a conversation on Facebook between O’Gorman and Student X, which was the subject of a formal complaint. The student experienced this as a violation, but Sandison assumes a role as arbiter of sexual knowledge:

... an entirely plausible description of that fairly lengthy conversation as whole (and that which O’Gorman was claiming was the accurate description) is that it was an expression of care and concern by O’Gorman towards Student X and the situation in which he found himself, which gave rise to questions only because (a) it was taking place in an inappropriate forum (a private social media messaging application, as opposed, for example, to a professional email account capable of being monitored or audited by the University) and (b) on a couple of occasions used entirely inappropriate language (65).

This assessment of O’Gorman’s behaviour was made by Sandison, *after* O’Gorman’s criminal conviction. It is entirely plausible to Sandison that the student misconstrued this behaviour as sexual only because it took place in private. The experience of the student is superseded by a wilful form of ignorance. Sandison has explained away the experience of sexualised behaviour as a misunderstanding. Here knowledge becomes precarious and open to challenge when it is knowledge gained from the direct experience of violation. We also learn later in the review, which passes without analysis, nor is attributed as evidence of institutional knowledge about O’Gorman’s misconduct, that O’Gorman’s language directed at Student X was understood by a senior member of the university as abusive, and sufficiently serious to consider police involvement:

Professor Hillier was shocked by the content of those messages, especially the references to “ass whipping.” He had discussed with Student X’s father the prospect of referring the matter directly to the police, but it was agreed to deal with the matter internally at the University, at least initially (Sandison 2020, 50).

There are two epistemic issues emerging simultaneously. Firstly, both the student’s father, and a member of staff understood O’Gorman’s behaviour as troubling, and yet the institution was positioned as the authority in determining sexual knowledge. Secondly, those experiencing violence, or in positions of providing familial or pastoral care, were distanced in their proximity to that knowledge. This assumption of authority is further echoed in a statement of The University Principal, in recalling his own decision-making:

The consensus was that there had been a single complaint, a lack of evidence of other misconduct, and an opportunity for O’Gorman to depart the University under the early severance scheme. Had he thought that there was anything truly sinister, as opposed to merely ill-conceived, about O’Gorman’s behaviour, then matters would have been escalated, to the police if need be, but there was nothing pointing in that direction (48).

Without any expertise in sexual misconduct and its associated behaviours, McDonald becomes the judge of what behaviour is ‘truly sinister.’ Here we can also see McDonald’s appeal to ignorance and his commitment to seeing the world wrongly. When this ignorance is challenged, the surprise response serves to recentre the precarity of knowledge as a mechanism of defence. Sandison illustrates this with the claim that O’Gorman’s choice of words was to be reasonably understood as a figure of speech.

No one supposed at the time that that language was anything other than figurative. No one was aware that, had the conversation continued over time, the figurative might well have become literal (65).

In this statement it is possible witness both the claim to know, issued through a form of ignorance (‘no one could have known’), and the disavowal of the knowledge and testimony of students harmed by O’Gorman. The use of ‘no one’ shifts responsibility and enables the institution to effectively disappear. Sedgwick (1994, 23) introduces us to the relation between knowledge and ignorance, through an understanding of sexual violation and the epistemological asymmetry of law. Ignorance is privileged over direct experience: where the experience of sexual assault does not matter if the perpetrator (or, I would argue, a person assuming a position of epistemological authority) ‘can claim not to have noticed’ (24). Sedgwick refers to this as the ‘epistemological privilege of unknowing,’ where a command of ignorance rather than knowledge is implicated in relations of power (24). Not knowing about what is happening on a university campus, has operated as a strong defence by senior management against accusations of neglect. As Sedgwick points out, ignorance as a category involves particular psychological operations, which deepen its institutional investments. In the context of sexual misconduct, in order for an institution to know, a survivor of violence must testify to their experience. A system that relies on named complaints to trigger any form of institutional action requires a named complainant. And yet, as Sedgwick (1994) notes, and Berlant (in Evans 2018) has illustrated in relation to how vulnerability is felt, the affective state of shame (among others) is closely tied to sexual violence, whose presence confronts and blocks any easy or direct passage from experience to reporting.

Concluding comments

Returning to the premise of this article, competing forms of precarity circulate within experiences of sexual misconduct, and I propose that it is important to consider how these are experienced by institutional members and the vulnerabilities that are felt as a result of these conditions of precarity. I have argued that universities’ understanding of the trauma and the impact of sexual violence can be conceived as a form of wilful ignorance exerted as an epistemological form of power. This is evidenced by the existence of institutional policies on sexual harassment and bullying, which are pointed to by the institution as demonstrating its knowledge of violence. Yet institutions rely on and are steered by an

ignorance that is political: institutional members learn to and agree to see the world wrongly. The social location of decision makers within universities means they are unable and unwilling to understand the institution as a site of violence. In this context, such ignorance is wilful because it persists despite having a policy, despite students communicating what has happened, even if outside of formal channels, despite witnesses, and despite a vast range of expertise on sexual violence located inside universities, and from specialist support organisations. In cases of sexual misconduct, knowledge occupies a precarious status in relation to institutional accountability. Sexual violence must remain unintelligible to the institution and this failure to understand the harm of employee behaviour is used as a form of protection to reduce the institution's perceived precarity. In doing so, precarity is stripped of its affective qualities and attachment to human experience, where emotional and physical shattering cannot be comprehended within strict epistemological limits that can only measure and act on institutional risk. More broadly this opens up a wider discussion of institutional violence as critically including how interpersonal violence is responded to, and the temporal properties of this response that can lengthen and deepen its impact, as well as the particular harms inflicted by institutional members.

Instead, what if the review of Strathclyde had begun from the principle that the social and political conditions of student life involve precarity, and that sexual misconduct creates specific vulnerabilities that need to be understood by an institution? What if there was an understanding that knowledge is at the centre of an institutional response involving care? How might this alter the terms of any fact-finding by Strathclyde to 'establish what we knew at the time, what we ought to have known and what should have been in place to expose such wrongdoing' (Mayo 2019)? What would count as knowledge and what structures would be in place in order to understand the trauma of human experience? Through the Sandison review we can see how Strathclyde has constructed its own 'moral and empirical epistemology' for determining what counts as knowledge of its own world (Mills 1997, 17), a world where sexual violence inflicted upon students is understood only as presenting 'potentially serious reputational issues for the University' (Sandison 2020, 23). It is knowledge of sexual misconduct and its harms that makes the institution perceive itself as precarious; it is ignorance that has saved the institution from its responsibility for O'Gorman's behaviour.

Notes

1. In 2021 the Office for Students (OfS), the regulator for HE in England, published a 'Statement of Expectations' to enable universities to develop 'processes to prevent and respond to incidents of harassment and sexual misconduct.' See: <https://www.officeforstudents.org.uk/advice-and-guidance/student-wellbeing-and-protection/prevent-and-address-harassment-and-sexual-misconduct/statement-of-expectations/>
2. This description is from the Boutique Law website: <https://www.boutique.law/sharon-persaud>
3. This description is archived here: https://ampersandadvocates.com/wp-content/uploads/2017/05/Craig-Sandison_CV.pdf (accessed 22 December 2021). In March 2021 Sandison was appointed a Senator of the College of Justice.
4. Source: <http://www.advocates.org.uk/news-and-responses/news/2019/sep/qcs-to-lead-university-reviews>

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