Critically examining ‘remedies’ for staff sexual misconduct complaints in UK higher education

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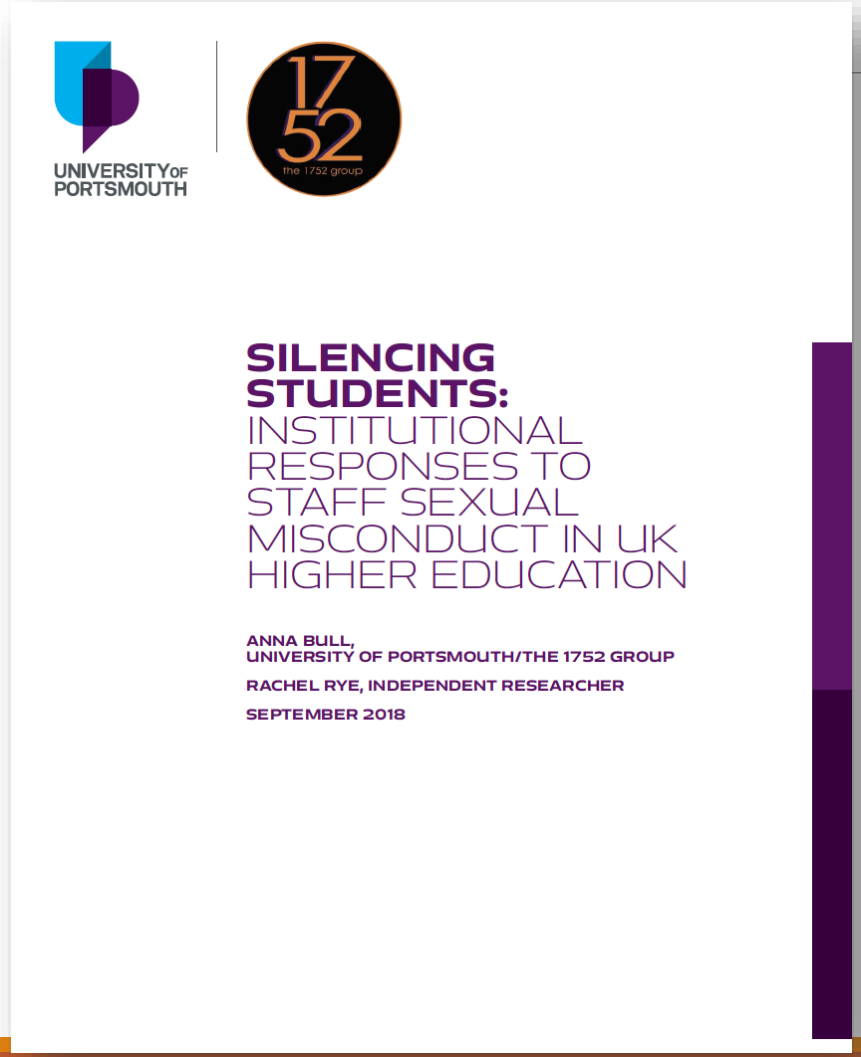
‘Silencing Students’



- **16 interviews** with students or early career researchers who had tried to report sexual misconduct from academic staff
- Analysis of **25 institutions’ policies** in this area

The sample:

- All presented as cis female
- Five international students, 11 UK students
- Four undergraduates, three Master’s students, eight PhD students, one early career researcher
- 11 White British, two White international/EU students, two Asian international students and one mixed race EU student

‘Putting things right’: Remedy for complaints

“If the staff member or student’s behaviour has affected the complaining student’s studies, health or wellbeing then the provider should offer them a remedy for that impact. […] The remedy might be an apology, an explanation of any actions the provider has taken as a result of learning from the complaint, or an academic or financial remedy, depending on the nature of the concern, the impact on the student, and what the student is seeking”

(Office of the Independent Adjudicator, 2018)

‘Remedies’ available to interviewees:

Group one: no action taken by institution so no possibility for remedy (Esther, Catherine, Maria, Andrea, Alice, Aditi)

Group two: in limbo (Amy, Sara)

Group three: student was not the primary complainant so no remedy offered (Helen, Laura, Margaret)

Group four: formal remedy (eventually) offered by institution (Ellie, Rachael, Gemma, Carla)

Rachael’s experience:

“I want a moral result and [the OIA] are telling me that I can’t get that with them. So I go with what I can get which is this little bit of money which doesn’t even touch what I think this deserved. So I just had to- at that point I thought I’m going to go back to [the] start here, or do postgrad, I can’t carry on.

“So it was a huge decision to make to stop it there. I didn’t want to, […] I was just broken and so I stopped there.”

What should remedy look like for sexual misconduct in HE?

- Victim-survivors require the involvement of their community as part of a process of recognition and validation, as well as to prevent future harm (Herman, 2005; McGlynn and Westmarland, 2019)
  - How does this work with individualised complaints processes?
- GDPR constraints
  - See Equality and Human Rights Commission Technical Guidance on sexual harassment (2020).
- A remedy could include ‘an explanation of any actions the provider has taken as a result of learning from the complaint’ (Office for the Independent Adjudicator, 2018a).
  - More use of available remedies needed eg academic remedies should be routinely offered
- Overall, complaints processes need to be joined up with structural mechanisms for addressing discrimination issues in HE

McAllister Olivarius

SECTOR GUIDANCE TO ADDRESS STAFF SEXUAL MISCONDUCT IN UK HIGHER EDUCATION

Recommendations for reporting, investigation and decision-making procedures relating to student complaints of staff sexual misconduct

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https://1752group.com/sector-guidance/

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