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Strengthening the University of Cambridge's Policy for Cases of Sexual Harassment and Assault

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Abstract

Sexual violence is endemic to university campuses and other institutions of higher education. While preliminary engagement with the issue has begun on the part of the education sector and the government in the United States, there remains no comprehensive set of mechanisms for dealing with sexual violence across universities and other institutions of higher education in the United Kingdom.

The University of Cambridge and the University of Oxford are compelling examples of the difficulties of instituting simultaneously vertical and lateral processes of disciplinary action and awareness-raising when it comes to issues surrounding rape, sexual assault, sexual harassment, and consent, due to their collegiate system. This paper explores the answer to the seemingly straightforward question, “Does the University of Cambridge have a policy for cases of sexual harassment and assault?”, and hopes to highlight the importance of instituting comprehensive mechanisms for dealing with the issue of sexual violence in universities. It recommends that institutions of higher education pursue a two-pronged approach to instituting policy: preventative measures (raising awareness of the importance of consent) should function in tandem with disciplinary measures (mechanisms for dealing with alleged perpetrators of sexual violence) in order to best uphold student welfare.

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1. Introduction

1.1 Outline of the paper

The recent increase in reported cases of campus sexual assault and harassment has resulted in a renewed media focus on the responsibilities that institutions of higher education have in protecting their students' welfare¹. While many universities across the United States have successfully implemented reactive sexual assault policies in response to growing pressure from student groups and organizations, there has so far been a dearth of attention directed to these issues in institutions in the United Kingdom.

This paper seeks to explain the current predicament of implementing and enforcing sexual harassment and assault policies in the University of Cambridge, within the framework of the collegiate system. In doing so, it hopes to shed light on the difficulties of instituting policies that have a direct impact on student life in diffuse horizontal structures of higher education, while also arguing for the necessity of a nuanced, two-pronged approach – a set of reactive and preventative policies – towards the suppression of rape, sexual harassment and assault.

We define sexual harassment in accordance with the Equality Act of 2010, as when a person engages in unwanted conduct of a sexual nature, whether that is verbal, non-verbal or physical. We understand that a definition of sexual assault and rape is present in the Sexual Offences Act of 2003 – rape is to be held as the intentional and non-consensual penetration of the vagina, anus or mouth of another person with the penetrator's penis; sexual assault is the intentional and non-consensual touching of another person, where that touching is of a sexual nature – but we have, in our study, expanded our definition of rape to include any non-consensual sexual act imposed by one (or more) individuals on another, regardless of gender.

¹ McGinnes, M. "New report calls for increased sexual assault prevention at Harvard University". 2016.

1.2 The Other Side of the Atlantic: Sexual Assault and Reactive Action in the United States

The immediate nature of the need for sexual assault policies in institutions of higher education in the United Kingdom is evident upon comparison against the condition of policies within the same institutions in the United States. First, it must be noted that while this paper is particularly concerned with universities and the institutional mechanisms by which student welfare is upheld, there exists broad societal consensus that higher education, comprising universities, colleges, vocational schools, trade schools, and other career colleges, has, in general, a mandate not only to educate but also protect the interests of those who pass through its doors – the University of Cambridge, for example, in its Dignity@Study Guidance Notes, stipulates that it is “is committed to maintaining a learning and working environment in which the rights and dignity of all members of the University community are respected.” It is thus the focus of this paper to understand how institutions have fulfilled this end differently, and to what effect: the process by which institutions in the United States have become awakened to the imperative of upholding student welfare is illuminative in its contrast with that of institutions in the United Kingdom. In turn, the responsibility to protect student welfare, and the comparative lack of development of their policies on sexual harassment and assault, has become a critical point of concern for institutions of higher education in the United Kingdom.

In recent years, US universities have witnessed a ripple effect in the opening up of discussions about campus sexual assault, harassment, and rape, and the resulting codification of policies that seek to a) prevent such incidents from occurring, thereby upholding student welfare, and; b) provide guidelines for how to deal with such incidents once they occur. While these issues have always been important in public discourse, the imperative of creating and putting into use pragmatic policy was brought to the forefront of the American higher education system by social movements and individual actions. Here, culture preceded action: despite the historic stigmatization of sexual violence, students took the initiative in upholding their own welfare by opening up difficult conversations about their own experience, prompting widespread social and eventual institutional upheaval.

One example of this social impetus is Emma Sulkowicz's 2014 endurance performance piece *Mattress Performance (Carry That Weight)*². After suffering an alleged rape from a fellow student, Sulkowicz submitted a report to Columbia University, whose adjudicated hearing found her assailant not guilty. In response, Sulkowicz began to carry a mattress around campus in protest of the university's decision, garnering widespread media attention. That the victim of an alleged sexual crime would be willing to go public about her rape, with her real name exposed for all to see, marks a departure from the social taboo of publically discussing cases of sexual assault. But Sulkowicz's open challenge to the judgment of an Ivy League university introduced new dimensions to the politics of higher education. Does the steep price of higher education necessitate a certain level of responsibility on the part of the university to attend to the welfare of its students? What impact does an ivory tower institution have the rates of victims of assault coming forward? And how pervasive is sexual assault and harassment, if universities are to be charged with dealing with such issues?

A summary look at the statistics surrounding sexual assault in the United States paints a shocking picture. According to the Rape, Abuse & Incest National Network (RAINN), with reference to the US Department of Justice's 2009-2013 *National Crime Victimization Survey*, there is an average of 293,066 victims of rape and sexual assault each year. This means that every 107 seconds, another American becomes the victim of rape and/or sexual assault. Of these Americans, women have a lifetime rate of rape³ of 17.6%, with the numbers increasing to 34.1% and 24.4% for American Indian/Alaskan women and mixed race women respectively – meaning that in their lifetime, women have a 17.6% chance of being the victim of an attempted or completed rape, with women of colour being particularly susceptible to this sexual crime. Approximately 3% of American men have experienced an attempted or completed rape in their lifetime.⁴

On the topic of campus sexual violence, and with reference to the Bureau of Justice Statistics report, entitled *Rape and Sexual Victimization Among College-Aged Females, 1995-2013*, RAINN notes that women aged 18 to 24 who are enrolled in college are 3 times more likely than women in general to suffer from sexual violence. The rate of reporting of these women, however,

² Grigoriadis, V. "Meet the College Women Who Are Starting a Revolution Against Campus Sexual Assault". 2014.

³ Tjaden, P. and N. Thoennes. "Full Report on the Prevalence, Incidence and Consequence of violence Against Women". *National Violence Against Women Survey*. 2000.

⁴ RAINN, 'How often does sexual assault occur?'; U.S. Department of Justice. *National Crime Victimization Survey*. 2009-2013.

is astonishingly low: only 20% of female student survivors report to law enforcement.⁵ Broadly speaking, that sexual violence is endemic to college campuses, disproportionately affecting women (especially women of colour), is exacerbated by the low reporting rates of such crimes. Such a low rate of reporting can be attributed to many different factors, but Nancy E. Snow's explanation of the fundamental double standard underlying much of social discourse about gender is most compelling:

“Women, according to the standard, are weaker than men, more hurt by violence, and more vulnerable than men to sexual assault. Women should know these facts of life, and plan their actions accordingly. Consequently, women are not as free as men. When women exercise equal freedoms and are victimized, they are partly to blame.”⁶

Notwithstanding the illogical and limiting nature of this double standard, its pervasiveness in modern society plays directly into the psychology of victim-blaming, on the part of external onlookers as well as the victims themselves. A failure to report sexual violence often indicates not a lack of personal integrity but a perception of guilt on the part of the victim at not having been able to stop the sexual assault and rape from happening. The fact that the majority of sexual assaults are not reported to the police – 68% in the last five years, according to the US Justice Department's 2008-2012 *National Crime Victimization Survey* – may also have its origins in the belief that the police cannot effectively prosecute alleged offenders of sexual violence due to the intimate nature of the crime.

Given the prevalence of sexual assault and harassment in society and in institutions of higher education, universities have a key role to play in upholding student welfare. However, this is more than a moral or an ends-oriented imperative. Dealing with issues of sexual harassment and assault is clearly within universities' mandate to care for their students. Moreover, such directives also ensure that students are able to thrive in their academic study. However, in the United States, institutions are also bound by legal obligation to not turn a blind eye to sexual violence: according

⁵ RAINN, 'Who are the Victims?'; Bureau of Justice Statistics, Office of Justice Programs, Department of Justice. *Rape and Sexual Victimization Among College-Aged Females, 1995-2013*. 2014.

⁶ Snow, N.E. "Self Blame and Blame of Rape Victims". 1994. p.381. Snow discusses the three most commonly theorized prototypes of rape victims in order to come to an understanding of the psychology of victim-blaming, the first of which has been included here. The second prototype focuses on the idea that women should constantly be wary and mistrustful of men; the third on the idea that women provoke sexual assault and rape through "seductive" means. Snow dismisses all of these prototypes as oppressive and irrational.

to Title IX of the Education Amendments of 1972, programs or activities that receive federal financial assistance are prohibited from discrimination on the basis of sex.

This top-down approach to sexual harassment and assault policies has in recent years been called into question. The recent spate in violence survivors 'coming out' with vivid testimonials of institutional failure, such as that of Emma Sulkowicz, has led many student pressure groups to emerge, pushing for changes in how universities deal with sexual assault in the USA. These efforts have been highly successful, both on the scale of the individual university and on the scale of federal government: at Harvard University, for example, the first University-wide Sexual and Gender-Based Harassment Policy was established in 2014, following the hiring in March 2013 of Harvard's first University-wide Title IX officer, the formation in May 2013 of a working group to revise policies and procedures, and the creation of a working group to recommend improved strategies to prevent misconduct.

On the level of federal government, President Obama's White House 'Task Force to Protect Students from Sexual Assault', *NotAlone*, was established on January 22, 2014, after widespread media reports about the failings of even the most conventionally prestigious institutions – the Ivy Leagues – to protect their students. In May 2014, the US Department of Education produced a list of the higher education institutions under investigation for "possible violations of federal law over the handling of sexual violence and harassment complaints", in order to enhance transparency and accountability, and to dispel the notion that certain institutions are immune from scrutiny in terms of dealing with student issues.

Ultimately, in the United States, media and student pressure have prompted rapid and efficient change in policy attitudes, on the micro-level of the individual university and eventually on the macro-level of the government. These issues, however, have not received even a fraction of this pre-eminence in the United Kingdom: worryingly high levels of sexual harassment and assault are exacerbated by widespread institutional inaction, as will be explored in the next two sections of this policy paper.

1.3 Sexual Assault in the United Kingdom

Statistics regarding sexual harassment and assault in the United Kingdom are comparable to those of the United States, however, the dearth in media attention and pressure has resulted in a lukewarm effort on the part of educational institutions to consolidate and codify measures to secure the welfare of students. According to an official statistics bulletin on sexual violence released by the Ministry of Justice (MoJ), Office for National Statistics (ONS), and Home Office in January 2013, approximately 85,000 women and 12,000 men are raped every year, equating to approximately 11 rapes (of adults alone) every hour. These estimations have been based on statistics compiled in the Crime Survey of England and Wales. One in five women aged 16 to 59 has experienced some form of sexual violence since the age of 16. Despite these overwhelming numbers, only 15% of those who experienced what were categorised as “the most serious sexual offences” chose to report their perpetrator to the police⁷.

Although the majority of incidents of sexual violence affect women, men are also susceptible. According to the organization Mankind, three in twenty men are affected by sexual violence, with societal taboos leading to a reluctance on the part of men to report such crimes. Affected disproportionately by sexual violence are LGBT+ (Lesbian, Gay, Bisexual, Transgender) and BME (Black Minority Ethnic) women, due to structural and cultural barriers. According to a 2014 report by Welsh Government Social Research, for example, LGBT people’s fears of experiencing homo/bi/transphobia from service providers, as grounded in previous experiences of societal discrimination, can deter them from reporting sexual offences⁸; according to a 2015 report by Dr Ravi Thiara, at the Centre for the Study of Safety and Well-being (University of Warwick), and Imkaan, supported by the Isla Fund, BME women and girls are noted by organizations to have “internal” barriers to access (e.g. language barriers, cultural stigmas) that prevent them from coming forward with cases of sexual assault⁹. Clearly, sexual harassment and assault are endemic to both the United States and the United Kingdom, and affect particular subsections of the population more than others.

⁷Ministry of Justice, Home Office and the Office for National Statistics, “An Overview of Sexual Offending in England & Wales, Joint publication”. (2013). Referred to in this report as the Joint Publication.

⁸Welsh Government Social Research, “Barriers Faced by Lesbian, Gay, Bisexual and Transgender People in Accessing Domestic Abuse, Stalking and Harassment, and Sexual Violence Services.”

⁹Dr. Ravi K. Thiara, Sumanta Roy and Dr. Patricia Ng, “Between the Lines: Service Responses to Black and Minority Ethnic (BME) Women and Girls Experiencing Sexual Violence.”

Within institutions of higher education in the United Kingdom, patterns of sexual harassment and assault are comparable in volume to those in the United States. In September 2014, a survey of over 2,000 participants conducted by the National Union of Students (NUS) revealed that 37% of women¹⁰ said they had faced unwelcome sexual advances, as compared to 12% of men. On the subject of violence, according to the National Union of Students' (NUS) Hidden Marks Report, published in 2010 and involving a national online survey of 2058 women students, one in seven survey respondents noted that they had experienced a serious physical or sexual assault during their time as a student. Such findings corroborated previous but less rigorous attempts by the NUS to gauge levels of sexual intimidation encountered on campus; an online survey conducted in 2013¹¹ had indicated that approximately one-third of female students had experienced unwanted sexual harassment at university, of which a sizeable minority constituted sexual assault.

In January 2015, a survey commissioned by The Telegraph and carried out by the specialist research group Youth Sight¹² indicated that almost half (43 per cent) of the women who had experienced sexual assault or abuse at university, chose not report to their ordeal. According to the NUS in its report, "the most common reason for not reporting serious sexual assault was that the victim felt ashamed or embarrassed"¹³ – 50% of respondents noted how this deterred their willingness to come forward. From the comments of those who responded that they did report incidents of sexual assault to their institution, there was no clear standard of behaviour in terms of what those institutions did or said. While some noted that their institutions were supportive in terms of reporting the incident to police, gave them advice, and dealt with the perpetrator promptly, others commented the reverse. These data sets demonstrate a wide and unpredictable range of ways in which those who come forward with incidents of sexual assault are either encouraged or discouraged to seek justice via institutional means.

¹⁰National Union of Students, "NUS research reveals one in four students suffer unwelcome sexual advances". 2014.

¹¹ Goldhill, O and J. Bingham, "One in three UK female students sexually assaulted or abused on campus". 2015.

¹² O'Malley, K, "A Third Of Female Students Have Been Sexually Harassed, So What's Being Done About It?". 2015.

¹³ NUS. *Hidden Marks Report* (2010; 2011).

Evidently, in comparison to institutions of higher education in the United States, UK universities are much less prepared to deal with issues arising from violations of student welfare. What is perhaps a point of concern, given the lack of acute governmental focus on these issues, is that very few universities have specific policies in place to deal with sexual harassment and assault. What follows is an analysis of the inaction that characterizes most institutions of higher education in the UK today.

1.4 Institutional Action and Inaction

In light of the above bleak revelations, various charities and campaign groups have impressed upon higher education institutions in the United Kingdom their legal obligation to tackle cases of sexual harassment and violence on campus. A legal briefing commissioned by the End Violence Against Women Coalition¹⁴ released last year argued that the status of university governing bodies as “public authorities” made them subject to both the Human Rights Act and the Public Sector Equality Duty. Under both pieces of legislation the obligation of such authorities to eliminate discrimination and harassment against women is made explicit. However as of yet, there have been no concerted attempts by the central government to implement legislation or to provide a coherent set of policies specifically targeted towards the quelling of sexual harassment and assault in higher education institutions; unlike in the United States, where a specific task force has been set up by the President to deal with sexual violence in student populations and where the Department of Education has renewed its approach to dealing with sexual harassment and assault by emphasizing transparency and accountability, there have been no comparable proactive measures taken by the UK.

At the end of last year, Universities and Science Minister Jo Johnson stated that in general, ‘Harassment has no place in our universities, and I want all students and staff members to feel safe on campuses’¹⁵; consequently, she called upon the establishment of a taskforce by Universities UK¹⁶ to investigate all forms of violence and harassment on campus. In the taskforce has been vested the responsibility of developing a series of ‘principles, guidance and recommendations’¹⁷. However, nothing as of yet is explicitly enforceable by legislative means, and the report is set only to release its data in time for the start of the 2016/17 academic year, leaving little time for universities to adapt these policies to their own institutional structures.

Currently it is of conventional protocol and widespread practice that cases of sexual harassment and assault be dealt with under the broader umbrella of ‘Bullying and Harassment’ policies. The lack of a standardized response to incidents of sexual assault, however, is a major area

¹⁴ Whitfield, L. and H. Dustin. “Spotted: Obligations to Protect Women Students’ Safety & Equality”.
http://www.endviolenceagainstwomen.org.uk/data/files/Spotted_-_Obligations_to_Protect_Women_Students_Safety__Equality.pdf

¹⁵ anon. “New taskforce set up to look at violence, harassment and hate crime affecting university students”.

¹⁶ <http://www.universitiesuk.ac.uk/>

¹⁷ *ibid.*

of concern, particularly given the finding of the Joint Publication that females aged between 16 and 19 were at the highest risk of being a victim of a sexual offence (8.2%). At Queen's University Belfast, cases of sexual harassment by a member of the university community are 'investigated initially under the Student Complaints Procedure'. However whilst rape and sexual assault are also considered in Queen's University's 'Resilience and Wellbeing' manifesto, instances of rape and sexual assault *by another member of the student or staff body* are not. Thus in such cases the only guidelines offered are that such cases 'should be reported to the Police'¹⁸. The University of Birmingham explicitly states that sexual harassment is prohibited under the Equality Act 2010, and further provides a comprehensive but not exhaustive list of conduct that would amount to sexual harassment, from 'intrusion by pestering'¹⁹ to using the prospect of 'promotion or academic success'²⁰ as a coercive demand for sexual favours. However, the document accepts a necessarily subjective process in the identification and categorisation of sexual harassment, arguing that 'persistent, unwanted advances'²¹ do not in themselves amount to harassment, unless the recipient makes it clear that such advances are unwelcome.

Overall, in institutions of higher education, the criteria for judging whether the recipient of unwanted sexual contact has expressed their disapproval and unwillingness to engage is vague. This makes it difficult for actual rules to be enforced, as discipline is doled out on a case-by-case, interpretative basis. At the present time, conduct policies released by institutions of higher education that are specifically targeted towards cases of sexual harassment and violence overwhelmingly stem from the initiative of the National Union of Students, such as in the *Zero Tolerance Policy for Sexual Harassment*²² document drafted by the Reading University's Student Union. It currently remains to be seen as to whether universities will adopt a specific and altogether distinct policy of dealing with sexual harassment and assault on campus in response to the findings to the Universities UK taskforce; this, however, will later be concluded to be imperative to the continued ability of universities to uphold student welfare.

¹⁸ *ibid.*

¹⁹ University of Birmingham Harassment and Bullying Policy 2015-16.

²⁰ *ibid.*

²¹ *ibid.*

²² Zero Tolerance Policy for Sexual Harassment in Reading University Students' Union.

One reason that institutions may continue to be inactive with regard to issues of sexual violence is the continued omnipresence of the 1994 Zellick Report. This report, commissioned by the Committee of Vice Chancellors and Principals (CVCP), was prompted by a case of alleged sexual violence at King's College London in which the assailant was cleared of rape, despite claims that he should have been investigated by the police rather than just college authorities. It specifically recommended that universities not conduct their own investigations into serious sexual violence and harassment, a suggestion that has been much contested since its inception.

Since the development of new legislation such as the Human Rights Act, the Zellick Report has been widely criticized for its failure to place a duty of care on institutions to safeguard their students. It has never been statutory for institutions of higher education to invoke its principles in designing policy²³. What remains, however, is the idea that universities should not get involved in messy issues of sexual harassment and assault, due to the complexities of negotiating legal and police processes. This has fuelled the continued inaction of institutions, and thereby maintained a precarious environment for students the country over.

The need for institutional policy upheaval was made clear in 2015, when Elizabeth Ramey, a former student at the University of Oxford, attempted to overturn her alma mater's limited policy on investigating complaints of rape and sexual assault through requesting a judicial review. In 2011, Ramey reported an alleged assault to the police, but due to evidentiary problems, no prosecution followed. She then decided to pursue a claim through the University's complaints procedure, but became dissatisfied with the University's approach of "refusing to conduct an inquiry except in extremely limited circumstances was unlawful"²⁴. Although Ramey was ultimately unsuccessful in her bid, given that the University of Oxford had revised its policy since her graduation, the idea that survivors of serious sexual harassment and assault face immense institutional inaction remains important today, as it implies that the rates of sexual violence may be even higher than what organizations have been able to ascertain and that many students may be suffering from their institutions' failure to discipline possible sex offenders. We will now move to a more focused study of the Universities of Oxford and Cambridge as models for the impact of institutional structure on the implementation of policy.

²³ anon. "UUK Review of 1994 Zellick Report"

²⁴ Bowcott, Owen, "Former student fails in legal challenge over Oxford's handling of rape claims". (2015)

1.5 Oxford and Cambridge

The Universities of Oxford and Cambridge are interesting as case studies of institutions of higher education in the United Kingdom, given their dual university and collegiate structure – they provide both a micro- and macro- look at how educational institutions deal with issues of sexual assault and harassment. This study will focus primarily on the operations and policies of the University of Cambridge, but the ideas and practices can widely be seen to be similar in both universities due to their similarity in historical age and institutional structure.

The University of Cambridge is an institution of higher learning, composed of 31 autonomous colleges that possess their own administrative structure. While there is an umbrella structure through which the University can delegate funding and coordinate operations such as examinations and degree allocations, each college is able to decide how best to care for its students, largely independently of one another. Governance, that is, policy-making and decision-making, is autonomous, with a few exceptions: issues of plagiarism, for example, are dealt with according to a university-wide policy. University control, then, is effectively decentralized into colleges, and then into administrative power and student power; such a diffuse, horizontal structure makes it easy for colleges to function autonomously, but also make it highly difficult to institute comprehensive policies across the whole institution.

Reactive policies

In dealing with sexual assault and harassment on the basis of reactive policy, the Universities of Oxford and Cambridge are significant for the purposes of our study, given their collegiate structure as well as their prestigious status within the culture of higher education in the United Kingdom. In terms of general institutional policies towards sexual harassment and assault, both universities have reactive measures in place: at the University of Cambridge, procedures for harassment are framed by the 'Dignity@Work' and 'Dignity@Study' policies, and assault is illegal according to University by-laws; at the University of Oxford, there exist official documents dedicated to responses to sexual intimidation within the institution as well as discretionary documents outlining 'guidance for staff'²⁵ in the place of policies that communicate themselves as

²⁵ University of Oxford, "Guidance for staff on handling cases of sexual assault or sexual violence."

being unequivocally enforceable to the student body. All the same, there remains a lack of specific response to instances of sexual harassment and assault in both institutions, due to a decentralized collegiate system that complicates the institution and implementation of a comprehensive, universal, reactive policy towards sexual harassment and assault.

In effect, the lack of a top-down policy of dealing with sexual harassment and assault means that each college has, at its discretion, the prerogative to create policies to deal with issues when they arise. This means that not only is welfare differently distributed throughout the University, but that information about the authorities to whom one may turn in the event of an incident is confusing and unclear: the University and the Colleges impose a dual structure that makes it difficult for individual students to understand the ways in which they can take action against another student.

The decentralised nature of operations under individual colleges' governing bodies, is reflected in the behaviour of the collegiate student unions. Each college has its own Student Union. These unions are responsible for holding "welfare" activities, hosting "ents" and providing other forms of extra-academic support for the student population of the college. Trends towards the greater autonomy of these Student Unions have been observed, as punctuated by the disaffiliation of Corpus Christi College, Cambridge²⁶ and of Gonville and Caius College, Cambridge²⁷ in 2010 and in 2013 respectively from the Cambridge University Student Union (CUSU) itself. One way in which this may lead to the unequal treatment of students in terms of provision of welfare is that CUSU provides training for JCR, MCR and Faculty Representatives to support their work. For example, Women's Officers are given training on how to hold consent workshops and support in advocating specific collegiate sexual harassment and assault policies. Specific training in dealing with cases of sexual harassment and assault is likely to be hindered by the aforementioned moves towards greater autonomy and disaffiliation, as college student unions are not bound to a centralized framework of welfare provision.

In this policy paper we will be scrutinising the extent of current disparity between the colleges in terms of their reactive protocol to complaints of sexual harassment and assault from the student body, given the lack of a definitive policy from the wider University body. In particular, we will be examining the extent to which various 'Codes of Conduct' and 'Respect and Dignity'

²⁶ Burton, J. and Z. Hedges-Stocks. "Aftermath of CUSU disaffiliation: Corpus Christi College". 2014.

²⁷ Sajip, A. "Caius to disaffiliate from CUSU". 2013.

statements are effective at dealing with the problem at hand, as well as the degree to which they are promoted within the student body.

Preventative policies

Aside from reactive policies, there are also preventative measures in place at Oxford and Cambridge. Both Oxford and Cambridge have garnered positive and negative attention for their responses to increasing popular accusations of the breeding of “laddish culture” at universities, as articulated by the President of the NUS, Toni Pearce.²⁸ In October of last year, then Vice-Chancellor Andrew Hamilton was compelled to deny accusations of the existence of a “laddish”²⁹ “Bullingdon” culture at the University of Oxford. However, such statements from figures of official authority within the both universities have been consistently undercut by the reportage of student-run news outlets, notably *The Tab*, as well as *The Oxford Student* and *Varsity*. Quasi-satirical articles in the former about the notoriety and misogynist conduct of male-dominated drinking societies regularly attract a readership of over 10,000 among the student body; one describes how a society initiate at Corpus Christi College, Cambridge ‘focused instead on pennyng their vino with the most sincere intensity to get the one with the real horrorshow, bolshy groodies all drunken’. Here, the event narrated is a “swap”, a common practice within both collegiate universities where members of two different colleges dine together with the aim of entering a state of inebriation as quickly as possible, with the implication of sexual intercourse afterwards. At swaps, “pennyng” is frequently practiced, whereby one student drops a penny into the glass of another, who promptly has to “down” their drink. According to the author, by the end of the night one of the girls ‘left my room all bruised and pouty’³⁰; implications of nonconsensual sexual violence are coloured by the supposed ‘thrill’ of inebriation, embedding vague misconceptions of consent deep at the heart of student culture.

That Oxford and Cambridge feel that the problem of a “laddish”, intolerant and an essentially backward culture has been propagated from their establishments, and that such a culture might breed a culture of sexual predation, is evident by the unique course of preventive action taken by both. At the beginning of the academic year 2014, the Universities of Oxford and

²⁸“Universities ignoring laddish culture, says NUS leader”. 2004.

²⁹ Woolcock, N. “Oxford’s culture is not laddish, insists vice-chancellor”. 2015.

³⁰ Heilpern, W. “A Corpus Clockwork Orange”. 2013.

Cambridge were the first in the country to make consent workshops for their first-year students mandatory³¹. These preventative measures will be assessed for their efficacy later on in this paper, however, what is an immediate conclusion is that both reactive and preventative policies are necessary to ensuring that student welfare is upheld and maintained in the domain of sexual violence.

Aims of the Paper

Through this paper, our aim will be to explore both the formal, university-wide, and collegiate protocols, as well as the preventative measures instituted by students for students, used for dealing with cases of sexual harassment and assault within the University of Cambridge. We will also endeavour to assess the efficacy of consent workshops and other Student Union-led initiatives aimed at improving cultural attitudes towards the practice of inter-student sexual intercourse. Having evaluated these measures within the context of the University of Cambridge's central policy on harassment we will proceed to provide a set of policy recommendations that the various collegiate entities and their student unions might adopt, under the oversight of the central governing body of the University. Our policy recommendations will be targeted towards reducing the incidence and prevalence of sexual harassment and violence at the Universities of Oxford and Cambridge, and towards removing the cultural stigma within the student body associated with having been subject to such treatment.

³¹ Adewunmi, B. "Sexual consent classes at Oxbridge: 'I feel safer in college after doing this'". 2014.

2. Does the University of Cambridge Have a Policy for Cases of Sexual Harassment and Assault?

2.1 The Provisions of the University

The University of Cambridge has institutional provisions for cases of sexual harassment and assault. These are outlined in the by-laws, as well as in supporting documents available online to all members of the University. According to Section 19 of the Statutes and Ordinances of the University, under the topic of Discipline, “harassment” is prohibited.

5. *“No member of the University shall intentionally or recklessly endanger the safety, health, or property of any member, officer, or employee of the University within the Precincts of the University.”*³²

6. *No member of the University shall engage in harassment in the course of an academic, sporting, social, cultural, or other activity either within the Precincts of the University or elsewhere in the context of her or his membership of the University or in circumstances where the victim of the harassment is a member, officer, or employee of the University or a College. Harassment shall include single or repeated incidents involving unwanted and unwarranted conduct towards another person which is reasonably likely to have the effect of (i) violating that other’s dignity or (ii) creating an intimidating, hostile, degrading, humiliating, or offensive environment for that other.*³³

Implicit in this definition of harassment is sexual harassment, which fulfils the criteria of “involving unwanted and unwarranted conduct”, “violating” another person’s “dignity”, and creating an intimidating, hostile, degrading environment for that person. However, the lack of specification in this by-law is problematic: while its generality allows for it to provide for all forms of harassment, the lack of specification means that this by-law cannot appropriately respond to the nuanced consequences of different types of harassment. Just as, for example, verbal racial harassment cannot be dealt with in the same way as physical harassment, given that the harm

³² Statutes and Ordinances of the University of Cambridge, Section 19: Discipline.

³³ Statutes and Ordinances of the University of Cambridge, Section 19: Discipline.

In August 2015, Cambridge revised its disciplinary guidelines on reporting sexual assault and harassment, following criticism over its failure to protect students from sexual violence. According to a spokesman of the University, “We regularly review our policies to ensure they are in keeping with our aim to offer students the best possible support. As a result, the university has revised its disciplinary code of conduct so that it encompasses harassment, including sexual assault”³⁵ – this included provisions for signposting sources of support and guidance for students to increase visibility of policy, and negotiations with the university sports committee to ensure “exemplary standards of behaviour”. This is an important development in the University’s capacity to effectively uphold the welfare of its students, however, there remains much to be done in terms of rolling out a set of comprehensive guidelines about what students should do in the event of incidents of sexual violence, and also about what they can expect from their institution in terms of welfare and support provision.

Given the difficulties of instituting university-wide policies due to the two-tiered structure of the collegiate system, it is now important to analyze the extent to which colleges have been effective in instituting their own standards of dealing with sexual violence.

³⁵ McVeigh, K. “Cambridge University revises guidelines for handling claims of sexual assault”. 2015.

2.2 The Provisions of the Collegiate System

In order to assess the degree to which individual colleges at the University of Cambridge are effectively responding to cases of sexual harassment and assault, as well as the extent to which practices differ between the colleges in this respect, we contacted the Women's Officers of each college's Student Union (also known as a Junior Common Room – JCR – or Middle Common Room – MCR) at the end of last year (2015). The role of the Women's Officer is threefold: 'welfare, representation and campaigning'³⁶. She must therefore not only support the efforts of the college system of welfare dispensation and communicate women's concerns at the Cambridge University's Women's Campaign (CUSU WomCam), but also play a role in advocating for change and good practice by the college's governing body in regards to the treatment of female persons and non-binary persons within the wider student body. Where a college did not have a Women's Officer, we contacted the Female Welfare Officer, the Equal Opportunities Officer, or the President of the College's JCR.

Out of the thirty-one colleges contacted at the University, we received seven responses. Among the college representatives who responded were those studying at both the larger and smaller colleges, as well as those in mature-students' and all-female colleges. Further notable was the lack of response from the colloquially-termed "Big Three": Trinity College, St John's College and King's College, Cambridge are three of the oldest and most famed colleges in the University, collectively holding an undergraduate student population of over 1,600.

A common theme within the replies of the college officers was a frustration with the lack of visibility of both extant dignity and harassment policies. One officer admitted that she was only able to find her college's 'Dignity at Study'³⁷ policy "by googling the exact terms". Another revealed that it was "not obviously available on any online student platforms". It was more often the case that Student Complaints Procedure and behavioural 'Respect and Dignity' policies were subsumed within the body of College Regulations or a Student Handbook. Such frustration was coupled with a reported slowness in the time taken for persons of authority within the college to communicate the precise nature of the college's official response to such incidences to the officer. One officer informed us that she was still awaiting a response from the Dean of the College, whilst another

³⁶CUSU Women's Campaign, University of Cambridge.

³⁷Dignity@Study, Newnham College, University of Cambridge.

stated that “progress is slow” in her attempts to “get the senior staff to write a newer and clearer policy”.

Across the colleges, ‘Respect and Dignity’ policies are ways in which governance bodies have been able to skirt around issues of sexual harassment and assault, providing normative guidance about values rather than concrete frameworks for reactive actions that colleges may take in the event of an incident occurring.

Colleges that do publish the specifics of their response to incidents of sexual harassment and assault reveal other problems with the procedures that they take, all stemming from a failure to balance the need for discretionary attention to the vulnerability of individuals involved in cases and for a universally-applicable, stringent procedure and policy. On page 57 of one college’s policy and procedure on bullying, for example, it was stated that reports or complaints made by a junior member of the college of sexual or other harassment would be passed on to a ‘Monitoring Group’³⁸. This would comprise of ‘the Senior Tutor, a female Fellow, a male Fellow and another Tutor not involved with the junior member(s) concerned’³⁹. The policy also states that ‘the Head of the House may also invite a person with suitable professional expertise from outside the College to be a member of that group’⁴⁰. However the specific criteria that the group might take recourse to in order to resolve the situation was not expounded on. If no consensus is reached, the case is moved onto a Board of Discipline and further action by the staff within the college most closely involved in the student’s welfare ceases. The student is thus left floundering, with no guarantee of continued pastoral support from their college and with the responsibility of dealing with large, bureaucratic university structures on their own.

Of further note was the sporadic provision for recording cases of sexual assault. One mature-student college confirmed that they had a process of recording in place as well as for a tiered response. Yet officers from two other colleges admitted their ignorance in this matter; one state that she did not know if “harassment of any kind” is recorded by college”.

Some of the most effective pieces of legislation were only applicable to staff; this was most likely due to the fact that the Public Sector Equality Duty is made applicable to persons in employment within public sector institutions rather than the students themselves. Nevertheless

³⁸Undergraduate Student Guide, Selwyn College, University of Cambridge.

³⁹ *ibid.*

⁴⁰ *ibid.*

one college officer noted that the policy regulated conduct among the teaching staff “although very flawed, sets out a procedure for dealing with complaints”, which the corresponding policy for students did not.

Several of the colleges contacted emphasised that their procedure for cases of sexual harassment and assault was under review. One Women’s Officer stated that there were suggestions for creating a separate policy dedicated towards handling such cases, but emphasised that “it is all currently in discussion”. Another expressed her intention of implementing and building “a stronger and independent sexual harassment policy” for her college, and solicited for information on how best to implement procedure and “on harassment and assault complaints in general”.

Discontent with the vagueness of one college’s policy on harassment in its citation of sexual harassment has compelled its Women’s Officer to write an ‘Interpretative document’⁴¹ that might allow victims to more easily interpret the policy as applicable to their situation. However, in colleges where minimal visions had already been codified by the college governing body, student actions were ruled out. One college currently in the process of drafting a statement on sexual harassment and assault for the student body was noted by its Women’s Officer to have been doing so with the intention of “articulat[ing] the college's collective values” rather than providing a set of criteria for disciplinary action to be undertaken for the sake of student welfare.

It was common for colleges to cite their hope that the University governing body might implement a policy that all colleges might unilaterally adopt. The same college in the process of drafting the aforementioned statement confirmed its willingness to implement a University-wide policy as soon as it might be announced. Other colleges appeared more tentative to broach the subject; one officer did not believe that her colleges adhered to a University-wide policy, but admitted that “the feedback I received was a little vague on that subject so I could be wrong”.

In spite of the growing moves towards autonomy of the collegiate Student Unions, from the responses we have received from the various Women’s Officers in the drafting of this policy paper, it does not seem improbable that such an approach would be unwelcome to the student representative body of the individual colleges – this may be due to fears of a loss in funding, or in training for specific roles (such as Women’s Officer).

⁴¹“Harassment policy: Interpretative document”, Queens’ College, University of Cambridge.

analyzed in terms of their direct ramifications – only a correlative, not a causative, analysis is possible in comparing statistics of sexual crime before and after the institution of consent workshops. Our attention, therefore, may be better used in looking at qualitative feedback from respondents, given that they may give us a more holistic understanding of the atmosphere around sexual crime and sexual consent.

Qualitative Feedback

Qualitative feedback about consent workshops indicates a general agreement with the need for consent workshops, but also points out problems with their implementation.

A small number of respondents indicated disagreement with the idea of consent workshops. Some pointed out that sexual crime needed to become a prominent issue prior to making consent workshops mandatory – this concern is somewhat refuted by the statistics collected by organizations in the United Kingdom and in Cambridge by CUSU WomCam and by this survey, but still sheds light on the views held by certain members of the student population. Others pointed out that consent workshops had the potential of making people feel “uncomfortable”, with one respondent suggesting that workshops be held online, as in the case of online responsible drinking lessons in the United States.

Overall, however, there was a general agreement with the principle of consent workshops. Identifying consent workshops as holding moral as well as instrumental value, one respondent wrote,

“Consent workshops are so important. Some grumble about the fact that they knew all this stuff before. That may or may not be true (I suspect the latter), it doesn't matter - holding mandatory consent workshops is also a statement of values. Specifically, it sends the message to incoming freshers that consent is an issue my college takes seriously. It sends the message that sexual harassment and rape culture are not to be ignored or dismissed here.”

One of the primary effects identified by respondents was the increase in visibility of issues to do with sexual consent after their experience of consent workshops – indeed, one respondent wrote,

“The most important part of the consent workshops was the discussion it inspired after we left - people were openly talking about consent in general conversation for days afterwards, and this was something that had never happened at school.”

Respondents also made connections between colleges' lack of tolerance for sexual crime and rates of student reporting of sexual harassment and assault. One respondent wrote,

“Workshops show the College making a firm statement about what isn't permitted. Even if the students have heard it all before, it is vital to reaffirm that sexual assault will not be tolerated. If I knew the College was committed to, and outspoken about, punishing sexual assault, **I would feel far safer reporting it**” (emphasis added).

Evidently, many respondents indicated that consent workshops were important. However, their perceptions of how these workshops were rolled out in the different colleges paints a less-than-satisfactory picture of how this preventative measure has been implemented. Some pointed out that although consent workshops were mandatory for the new undergraduates, they were “compulsory on an opt-out basis”, thereby leading to poor attendance rates. Others pointed out that although consent workshops were mandatory, with no exceptions, they were sometimes badly organized:

“The consent workshop that was run by college and the dean (and not members of the JCR) for the 2015 intake of Freshers was not well organised and led to a lot of confusion. It seemed that the college management had not been trained in understanding and teaching surrounding consent.”

Some respondents furthermore pointed out that consent workshops were ineffectual, perhaps even stifling, due to their inadequate content. This is a worrying trend, given that the aim of CUSU Women's Campaign training for Women's Officer is to ensure equal provision of welfare

for students on the part of student unions throughout the different colleges. Below are a few testimonials:

“Discussion was almost too open - no clear definition given on what rape is, merely on what we thought. Some clear guidance on what it actually is is essential to preventing it, although views are important.”

“A key issue I often come across is students thinking that the current consent workshops do not provide enough scope for open discussion; that those with controversial opinions simply don't say them because firstly; they don't want to offend anyone as new freshers and secondly, the type of questions asked don't seem to offer enough in the way of an open, honest discussion.”

Overall, most students see the value of consent workshops. However, their implementation leaves much to be desired. It is important to note that aside from consent workshops, some colleges are implementing “Good Lad” workshops specifically targeted towards men in order to dispel “laddish” cultures that emphasize heavy inebriation and dangerous, possibly illegal, sexual behaviour.

In terms of the data collected in this study, attention must be drawn to the small sample size that may have distorted the statistics, particularly given that not all colleges were represented and that students may have different understandings of the operations of their own college. Moreover, the survey designed by this study did not produce any directed findings about the impact of sexual crimes on those subsections of the student population that are disproportionately affected by sexual harassment and assault – it must be remembered BME and LGBT+ women and non-binary people, as per British statistics, are more likely to suffer from structural oppression and sexual violence. However the survey broadly fulfilled the functions as intended for by the Policy Unit: it analyzed general trends in student consciousness, and its results do corroborate other studies in the UK.

3. Conclusion

In order to address the broad concerns about sexual crime and policy at the University of Cambridge, this study has formed a list of policy recommendations in three primary domains: colleges, the university as a whole, colleges, and preventative measures. Specifically, our policy recommendations aim not to establish mechanisms for ascertaining guilt, but to establish support for survivors of sexual crime.

3.1 Policy Recommendations: University

1. On the level of the University, the immediate priority must be the establishment of a **comprehensive, universal sexual harassment and assault policy** that delineates clear procedures in cases of sexual harassment and assault. While the University has made strides in the past few years in raising the profile of such issues, notably in its amendment to its harassment policy to include sexual harassment in 2015, there remains an immediate need for policies that will allow students to live and learn in a safe and supportive environment. Once established, these policies must also be clearly publicized to all relevant bodies, from collegiate authorities to individual students – in this way, preventative and reactive policies on both the institutional and collegiate level can work together to uphold Cambridge's duty of care to its students.

Specifically, the policy should include:

- A clear statement from the University of zero tolerance to sexual assault and harassment, and other forms of sexual crime.
- A clear set of definitions that expand on the current legal definitions provided for in the Sexual Offences Act (2003), in order to be more inclusive of the wide spectrum of forms that sexual crime may take (i.e. definitions that are not heteronormative, and that may apply regardless of the gender of the people involved.)
- A clear statement on what consent is, what consent is not, when consent can and cannot be given, and the relationship between consent and the use of alcohol and drugs.
- A clear statement on the relation of disability to consent.
- A clear statement on the different dimensions of force (physical, verbal; abuse of power/authority; coercion or duress) and how those relate to sexual crime.

- A clear separation between sex and/or gender based discrimination and sex and/or gender based harassment, assault, and exploitation.
- Provisions and guidance for dealing with sexual assault, harassment, exploitation, stalking, and relationship violence, for students and faculty.
- Easy-to-follow provisions for reporting sexual crime and misconduct, including immediate reporting and support options including but not limited to the police, the Oasis Centre in Peterborough, and the Cambridge rape crisis centre.
- Clear provisions for what survivors of sexual assault and harassment can and should expect after reporting their experiences, including support from their respective college and the University as a whole.
- Provisions for individuals to which they can refer if they are subject to retaliation as a result of reporting a sexual crime.⁴²

3.2 Policy Recommendations: Colleges

2. Where colleges have a 'Respect and Dignity' policy, a behavioural 'Code of Conduct' or any other collective statement of values that articulate the college's commitment towards interceding in cases of student-reported sexual harassment and assault, **these should be made more visible**. Such as policy should be made more easily accessible from the college's JCR website, as well as the University's student file-sharing site Moodle. Hard copies of this policy should be distributed at the start of each term to each student, or placed in their pigeon holes. It must also be verbally explicated to the newest intake of undergraduates at the start of each academic year by members of the college's student union.

N.B. During the editing process of this paper, the 2015-2016 CUSU Team published the Welfare Grid, a collation of data on Collegiate welfare provisions, support and practices. The first of its kind at the University of Cambridge, the Grid platform includes the question "Can students access harassment policy on College website?", to which the answers from three colleges were "No", out of a total of 31 colleges.

⁴² *Sexual Misconduct Policy*, Tufts University. March 2015.

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