

Research Report No.131

Racial harassment in British universities: qualitative research findings

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Post: Research Team

 Equality and Human Rights Commission

 Arndale House

 The Arndale Centre

 Manchester M4 3AQ

Email: research@equalityhumanrights.com

Telephone: 0161 829 8500

If you require this publication in an alternative format, please contact the Communications Team to discuss your needs at:
correspondence@equalityhumanrights.com

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Executive summary

This report presents the findings from qualitative depth interviews conducted with equality and diversity staff working in 30 publicly funded Higher Education Institutions (HEIs) in England, Scotland and Wales. The interviews explored the issue of racial harassment of students and staff. IFF Research conducted the research on our behalf. The participants were not acting as formal representatives of their organisations but were reflecting on their professional experiences and views.

The interviews formed part of our inquiry into racial harassment in British universities. This included a quantitative survey of HEIs, through which the participants for the qualitative research were recruited. The inquiry also conducted a call for evidence from staff and students and a survey of students.

Overview

This research found that HEIs find it difficult to address the issue of racial harassment for a range of reasons. The first was under-reporting. Victims of racial harassment were thought to be reluctant to come forward because of a lack of faith in the complaints process. As a result, many HEIs were concerned that they did not have a full understanding of the problem.

Members of staff and students that did make a complaint were likely to encounter a complaints system that was fragmented and inconsistent. We found that frontline staff often lacked the skills and experience to respond appropriately to reports of racial harassment. A common problem was a failure to recognise the seriousness of an allegation and escalate it accordingly. Complaints about students were particularly difficult to resolve because of the less regulated relationship between HEIs and their students compared with staff. HEIs felt there were limits to the oversight they could be expected to maintain over students' behaviour.

The HEIs in our study were generally taking a range of steps to address these problems. These included the introduction of anonymous reporting tools, better support for victims and more proactive communication of racial harassment policies via campaigns and promotional activities.

How effective are HEIs' policies and procedures?

Institutions were largely confident that their policies on racial harassment of students and staff were fit for purpose. Sometimes this was because they had recently updated their policies in line with perceived best practice in the sector. Sources of best practice information used included the Race Equality Charter, guidance from Advance HE and experiences shared via professional networks. Despite confidence in the robustness of these policies, HEIs could not typically provide evidence of their effectiveness.

Some HEIs cited the low number of formal complaints as evidence of the effectiveness of their policies and processes. Others described initiatives that they felt had been successful, based on experience and anecdotal evidence. These included the deployment of dignity advisors to support alleged victims, the use of trained mediators to aid informal resolution of complaints and partnership / outreach work with local communities and services such as the police.

The routes to reporting racial harassment at individual HEIs tended to differ for staff and students. Complaints from staff were usually directed to a Human Resources (HR) department, with line managers often being the first point of contact. Student complaints, by comparison, tended to be made through numerous routes. These included heads of departments, personal tutors, lecturers, student support services, racial harassment/dignity advisors and student union representatives.

Generally, incidents were not escalated to a formal complaints/grievance process. This was largely due to an institutional emphasis on informal resolution. However, some institutions were concerned that those initially responsible for responding to complaints failed to recognise their seriousness.

Some participants were concerned that frontline staff lacked the necessary training and experience in racial harassment to deal with initial complaints competently. Frontline staff sometimes made incorrect decisions about complaint escalation and/or informal resolution, or simply took no action at all. Some institutions did not have a process for documenting cases which were raised and dealt with informally. This made it difficult for them to monitor consistency in complaints handling. It also made it hard for them to assess the scale of racial harassment at their institution.

Some institutions had taken steps to address these challenges through implementing a centralised, online platform to receive and log all racial harassment complaints. The most commonly mentioned tool of this kind was Report and Support.¹ These tools recorded all complaints, regardless of which part of the organisation was initially alerted to them. They also usually included a coding system to record the protected characteristics of the parties involved. This allowed institutions to identify all complaints where race may have been a factor (alongside those specifically identified as relating to racial harassment).

Several institutions had also instigated bystander or unconscious bias training for all staff at the institution, including those dealing with complaints. This was aimed at ensuring complaints of racial harassment were dealt with in a consistent manner.

What challenges do HEIs face in resolving complaints?

Generally, universities found it easier to address complaints made by staff, about other staff, than to address complaints involving students. This was largely because employment contracts clearly set out expected behaviour for staff and HEIs had an established grievance process. Universities felt that their relationship with students was more complex. There was a perceived 'grey area' in relation to certain aspects of student life, such as socialising off campus, over which their oversight and influence was minimal.

¹ The [Report and Support tool](#) was initially developed by the University of Manchester's Equality Diversity and Inclusion Team, in collaboration with their Students' Union in 2014 [accessed: 12 June 2019].

Other complaints that institutions found particularly difficult to resolve were cases involving microaggressions,² complaints in which the alleged perpetrators included members of the public and complaints in which the alleged perpetrator or victim may have had mental health issues prior to the alleged incident occurring.

How do HEIs support victims and alleged perpetrators?

Few universities had a bespoke package of support to offer either alleged victims or alleged perpetrators of racial harassment. However, most universities offered general counselling services (such as employee assistance programmes for staff and general support services for students).

How effectively do HEIs communicate their policies?

Some HEIs' were focusing on successfully communicating and raising awareness of their racial harassment policies, rather than amending the policies themselves. There was some consensus that, previously, their communication had not been proactive enough. It had been too heavily focused on the induction process for staff and students (involving signposting to policies on the university website) with little information provided afterwards to refresh people's knowledge. As such, this was generally considered to be an important area for further work.

In an effort to raise awareness, some HEIs had developed networks of ethnic minority staff, run online campaigns and supported student union outreach events promoting diversity and inclusion.

² Microaggressions are statements, actions or incidents regarded as an instance of indirect, subtle, or unintentional discrimination against members of a marginalised group such as a racial or ethnic minority.

What are the barriers to reporting complaints?

HEIs' perceptions of the barriers to reporting incidents of racial harassment largely mirrored the findings of the quantitative survey of institutions published in our report 'Racial harassment inquiry: survey of university students' (available on request): a lack of knowledge of the institution's policies; a lack of confidence in the complaints process and concerns regarding potential repercussions and victimisation.

To tackle this problem, some institutions had introduced anonymous reporting of racial harassment, although some institutions had reservations about this. They were concerned that victims might not understand the limits that anonymous reporting placed on HEIs' ability to take action. However, others thought that it could be valuable in helping to encourage victims to make complaints. This, in turn, would enable HEIs to develop a better understanding of the scale and prevalence of racial harassment in their organisations.

Other institutions were tackling a lack of confidence in their complaints handling procedure by publicising a 'zero tolerance' approach. They felt that this messaging was particularly effective when led by senior staff in the institution.

Conclusions

- Generally, universities felt that the parameters of their relationship with staff were more clearly defined than those with students. The contractual relationship between HEIs and their staff provided many opportunities for communicating policies and influencing behaviour. The same could not be said of the relationship between HEIs and their students.
- The range of ways to report harassment made it challenging for universities to ensure consistency in complaints handling.

- Complaints handling tended to be inconsistent because of differences in the knowledge and experience of staff. In some cases, staff failed to recognise the seriousness of an incident and escalate it accordingly. As a result, it was hard for some universities to understand the scale of racial harassment at their institution.
- Attitudes towards anonymous reporting of harassment complaints were mixed.
- Some universities had introduced programmes and initiatives to celebrate diversity. Their purpose was to bring about cultural change and a more inclusive environment for students from ethnic minorities.

1. Background and introduction

This research has been undertaken as part of our wider inquiry into racial harassment of staff and students at British universities.

The overall inquiry focused on five areas:

1. To understand the types of racial harassment experienced by staff and students at publicly funded Higher Education Institutions (HEIs) and where these incidents take place.
2. To understand the extent to which publicly funded HEIs provide routes to redress through which staff and students can report incidents of racial harassment and the extent to which these are available and accessible.
3. To understand what constitutes effective action in response to a report of racial harassment and the extent to which the routes to redress which are available to students and staff in publicly funded HEIs result in effective action.
4. Where the routes to redress through which staff and students in publicly funded HEIs can report racial harassment are not available or accessible, or do not result in effective action, to make recommendations for improvements which will better enable staff and students to obtain redress following an incident of racial harassment at those institutions.
5. To assess whether the statutory and other legal responsibilities of publicly funded HEIs to staff and students at those institutions who experience racial harassment are adequate to ensure the provision of available, accessible and effective routes to redress.

For the purposes of this inquiry, ‘racial harassment’ is unwanted behaviour which is related to a person’s perceived or actual race, and which has the purpose or effect of:

- violating that person’s dignity, or
- creating an intimidating, hostile, degrading, humiliating or offensive environment for that person.

For the purposes of the inquiry, ‘race’ has the same meaning as set out at section 9 of the Equality Act 2010. Race includes colour, nationality and ethnic and national origins.

The inquiry is looking at racial harassment occurring in the following ways:

- university staff on student harassment
- university staff on staff harassment
- student on student harassment
- student on staff harassment, and
- third party on student or staff harassment.

It focuses on a time period from the start of the 2015/16 academic year to the date of survey completion in early 2019.

Organisations within the scope of the inquiry are those that received public funding through the Office for Students, the Scottish Funding Council, and the Higher Education Funding Council for Wales in the academic year 2018/9. However, we expect the findings to be applicable to the HE sector more widely.

Methodology

This report details findings from a set of in-depth telephone interviews conducted with respondents in HEIs across England, Scotland and Wales who are responsible for handling their institution’s complaints of racial harassment from students or staff (or in some cases both). A total of 30 interviews were conducted. While the job roles of respondents differed based on the structure of their university, most respondents were heads or managers of their institution’s equality, diversity and inclusion teams.

These qualitative interviewees were recruited following a quantitative survey also conducted as part of the inquiry. Out of a total 159 HEIs, 141 took part (89%). At the end of the survey, universities were asked about their willingness to participate in a qualitative interview. The interviewees were recruited from among those consenting to participate. Almost half (49%) of institutions that took part in the quantitative survey agreed to take part in a qualitative follow up interview. Overall, the universities interviewed have been selected to represent a broad mix of institutions by geography and tariff.³ Three Welsh and four Scottish HEIs took part. The remainder (23) are institutions in England. No notable differences, based on the country of the institution, were found – the themes tended to be similar across GB.

The interviews with universities were designed to provide evidence across all the key areas of focus for the inquiry but particularly:

- The routes of redress available for students and staff to make complaints of racial harassment which they experience at university and the extent to which these routes are available, accessible and effective.
- What action is effective in handling complaints of racial harassment.

A discussion guide was agreed (see Appendix), with topics which included how well existing policies are working, communication of policies, support for alleged victims and perpetrators and barriers to reporting. There was an emphasis on teasing out good practice and exploring how this could be expanded across the sector. The interviews were around 45 minutes long, allowing for a full discussion of the issues.

³ UCAS tariffs are assigned to an institution based on the average entry requirements across all courses. In this report, 'high tariff institutions' are defined as those in the top third of average UCAS tariff rankings, 'medium tariff institutions' are those in the middle third, and 'low tariff institutions' are defined as those in the bottom third.

The content of this report reflects the personal views, experiences and perceptions of the interview participants, rather than objective ‘fact’. We have not checked the accuracy of what participants told us. The interviewees were not acting as formal representatives of their employers and their responses were not necessarily in line with their HEI’s official policy. The issues and themes presented may be common across the HE sector but the findings are not statistically representative of all HEIs. As these organisations volunteered to take part in the research, and were encouraged to provide examples of good practice, they likely comprise more confident, high performing universities (which nonetheless experience considerable challenges). Therefore, we acknowledge that this research provides a partial picture of overall practice. The views and opinions expressed by participants are those of neither the Equality and Human Rights Commission nor IFF Research.

2. Types of policies and processes

This section looks at the policies and processes that universities had in place to handle complaints of racial harassment.

Policies

Most institutions had some form of general equal opportunities/harassment policy covering their staff, which referenced the right not to experience racial harassment. Several institutions referred to this as their dignity at work policy. Others termed this their anti-bullying and harassment policy.

Institutions said that these policies described, in plain and simple language, the right of staff to work in an environment that is safe and free from harassment.

Some institutions had extended these policies to explicitly cover students as well (so that, for example, they were now dignity at work and study policies).

We have a Dignity at Work and Study Policy (DAWS) that covers students and staff. DAWS sets out the expectations..... it has definitions around what harassment is and then it talks about protected characteristics e.g. race. It doesn't specifically talk about racial harassment: it talks about harassment and then race under the protected characteristics. The policy talks through what the support mechanisms are and the procedures for dealing with harassment and bullying.

England

Overlaying both student and staff process is the 'University bullying and harassment guidelines for staff and students' which specifically relates to harassment and signposts people to the correct process but also outlines the values and expectations of people. This will give us a decision tree of what path to take in the process.

Scotland

One institution had also extended their policy to cover 'all visitors to the University, (including academic visitors and visiting researchers, visitors to University museums or those attending public events, customers, contractors, suppliers and their staff).'

Typically, these policies set out a statement about the overall ambition for the type of workplace (or place of study if also covering students) that the institution wished to create. One institution, for example, set out the following statement of intent in its dignity at work policy:

The University is dedicated to creating and maintaining a safe, welcoming, inclusive and diverse community which nurtures a healthy environment and culture of mutual respect and consideration, allowing all members of the University Community to thrive without fear of harassment, bullying, sexual violence, abuse, coercive behaviour, sexual harassment or related misconduct.

According to participants, these policies usually also provided a definition of what constitutes harassment. The text that the institution in the above example uses is as follows:

The University defines harassment as single or repeated incidents involving unwanted or unwarranted conduct towards another person which it is reasonable to think would have the effect of (i) violating that other's dignity or (ii) creating an intimidating, hostile, degrading, humiliating, or offensive environment for that person. Harassment may be verbal, psychological, or physical, in person or via a virtual platform, or through other methods of contact.

The policy also defines different types of harassment, including that of a racial nature:

...making offensive references to a person's race, ethnicity, skin colour, religion or nationality, dress, culture, background or customs which have the effect of ridiculing or undermining an individual or fostering hatred and/or prejudice towards individuals or particular groups.

Staff processes for reporting racial harassment

The process for reporting incidents of racial harassment in universities usually differed for staff and students.

Universities tended to have three main routes for staff to make complaints:

- directly to the central HR function
- through a line manager, or
- through an appointed equality and diversity representative (sometimes called a Dignity at Work Officer).

Generally, any complaint received by the HR department was considered to be a formal complaint. Complaints received through line managers or through Equality and Diversity representatives were sometimes escalated to HR (and hence were formally recorded) but could also be resolved informally at this point.

For staff – informal investigations are handled by the direct line managers, once it's concluded and the manager communicated what is the outcome, then the victim could have options to proceed further with the more formal investigation with the evidence searching, interviewing etc. There is also an option to appeal the decision or take it forward to disciplinary process.

England

The individual would probably speak to a line manager and/or HOD [Head of Department]; depending upon nature of issue it will be resolved or escalated to HR and then a complaints procedure would be followed. Would then follow Dignity and Respect at Work policy.

Wales

Student processes for reporting racial harassment

Students were generally felt to have less obvious routes to report racial harassment and as a result their first point of contact could be a number of different places within each university. The points of contact included members of teaching staff, support staff and student representatives.

Some participants felt that that was positive as it meant that victims could approach a range of different people depending on who they felt most comfortable with. Others were concerned that this could lead to a lack of consistency in how complaints were handled.

Although there were several initial reporting points, all institutions had a single process once a formal report was made. This was typically managed through the academic registry, student services or a separate team that deals with student complaints specifically.

If a student makes a complaint against a student then it is dealt with entirely within a dedicated part of the organisation... which deals with student complaints and student disciplinary. The victim (complainant) will make a report... [and they] would investigate the complaint and deal with it in accordance with Student Disciplinary Policy trying to make appropriate use of informal means of resolving a complaint if that can be done.

England, Medium Tariff

Several institutions said that the range of potential reporting points that were available to students meant that complaints could often be resolved informally without there being any institutional record of the complaint. Generally, universities were positive about the potential for informal resolution to provide a quick and non-bureaucratic response to complaints of racial harassment.

We also have a network of bullying and harassment advisors – members of staff who are trained to provide informal advice and guidance to anyone who feels they are being bullied; [have been] accused of bullying or have witnessed bullying and want to know what to do about it. These staff members don't investigate; they provide impartial advice for someone who doesn't want to yet go to HR or student welfare. Emphasis on informal resolution first.

England, High Tariff

However, the range of different reporting points and the emphasis on informal resolution made it difficult for some HEIs to monitor exact numbers of complaints and/or trends in the type of complaints. It also made it difficult for them to be confident in the quality and consistency of complaints handling.

We don't have a particularly robust case management system. It's something that we are developing with a systems approach. Something we want to build into that is looking at protected characteristics.

England, High Tariff

Formal complaints are easier to capture but the Faculty Officers report them separately and sometimes their record-keeping is 'interesting'. I'm conscious I might not have got everything back. Partly this has been due to staff changes but also if a complaint has been resolved informally, then it may not have been recorded.

England, Medium Tariff

As a response to this, some institutions had introduced a mechanism to document all complaints (whether resolved informally or formally) or planned to in the future. Several were using, or planned to use, an online reporting tool such as Report and Support for reporting of incidents of racial harassment, although this was not common practice.

For students currently we have in place now an online reporting system called Report and Support that other universities have as well and that is a resource that anyone can use e.g. a third party can send an email through and report anything such as sexual harassment, racism, racial harassment, etc. That initial report happens. The student is then contacted by the Report and Support team who have a conversation about what support they need but also looking at whether they [student] want to take forward into any kind of formal arena.

England, High Tariff

If a student is not happy with the outcome of the informal process, they can raise it in a different way for example using Report and Support tool and they can choose if to report anonymously or not, then it would be taken through to the investigation.

England, Medium Tariff

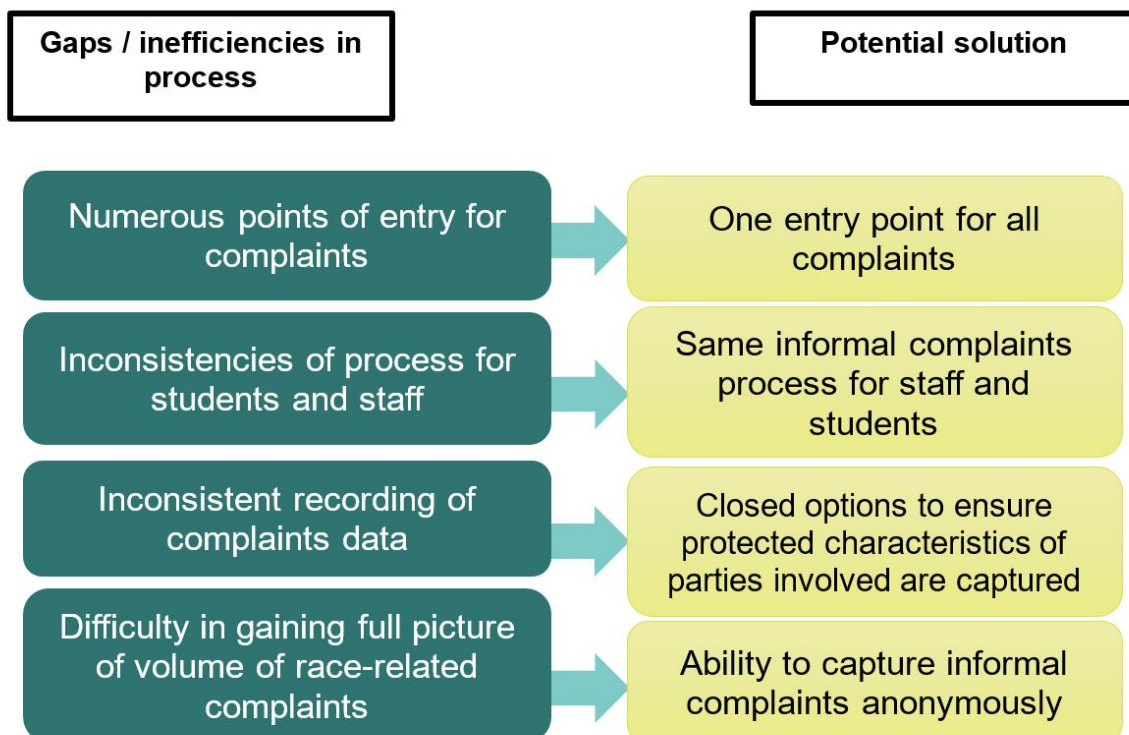
One institution was able to supply evidence that the introduction of Report and Support had increased the number of complaints (racial harassment and other) that they were receiving.

We have literally just launched it (Report and Support) and we've only done a soft launch. Interestingly we have had seven reports so far – three staff (all anonymous) and four students (not anonymous). I don't think any of the students' ones are race-related. It's only been two to three weeks [since launch] and seven reports is quite a lot. Two of the staff reports talked about race-related [issues].

England, Low Tariff

Institutions using a centralised reporting tool felt they had overcome previous problems and addressed gaps in their handling of racial harassment complaints. This is illustrated in figure 2.1.

Figure 2.1: Advantages of a centralised reporting tool



For some of those introducing a more systematic approach to documenting all complaints, this had also allowed a mechanism for anonymous reporting of racial harassment cases. In several cases, the impact of an anonymous reporting process was unknown, due to it only having been introduced very recently. However, one institution did state that the level of reporting had increased after its introduction:

Complaint numbers in general have gone up since we introduced that system and I think that makes students more comfortable reporting. It makes it easier if you are reporting to an 'anonymous' complaints department.

England, Medium Tariff

However, some institutions did not have any mechanism for anonymous reporting of harassment complaints.

3. Effectiveness of policies and processes

This section explores the areas that institutions felt were currently working well, those that could be handled more effectively and the evidence behind these views. It focuses on examples of good practice as well as gaps and weaknesses.

What is working well?

Participants generally felt that their organisations' policies were working well although they often had limited evidence of their positive impact. Most of the evidence provided was descriptive and focused on the operation of policies, rather than their outcome. The types of evidence mentioned were:

- aligning policies with sector best practice
- compliance with the Race Equality Charter
- use of dignity/racial harassment advisors
- use of trained mediators for informal resolution, and
- conducting outreach work.

Some institutions also cited low numbers of formally reported cases of racial harassment of staff and students as evidence of the effectiveness of their policies.

We provide more detail on each of these areas below.

Recently updated policies

Some institutions were confident about their racial harassment policies because they had updated their policies in this area recently (within the last 12 months), in line with sector best practice.

...No, I don't (think there are gaps). I am always receptive to people telling me that there are but I don't feel there are any gaps. I'm alive to people who administer processes on the ground saying that things need to change. We do review our Student Disciplinary and Student and Professional Suitability procedures annually to make sure there is enough scope in there for complainants to report matters and how we deal with them when they have been reported. We are in the process at the moment of making sure that the latest guidance from the Office of the Independent Adjudicator (OIA) is reflected in our Student Disciplinary and Complaints procedures.

England, Medium Tariff

Institutions cited a number of different sources of information that highlighted best practice, which they had used when updating their policies. Common references included:

- Race Equality Charter (discussed in more detail in the following subsection)
- information from Advance HE
- Pinsent Masons (private sector) guidelines⁴
- guidelines from other HEIs (often via Equality, Diversity and Inclusion groups or networks of HEIs), and
- Equality and Human Rights Commission guidance.

⁴ This refers to a report written by Pinsent Masons with assistance from a steering group involving university staff, the National Union of Students and Universities UK. The report outlines guidance for the sector on how to handle student disciplinary issues where the alleged misconduct may also constitute a criminal offence.

The [Pinsent Masons] guidelines have been used in trying to get to the place where we find a common approach and best practice. One of the challenges is that we are so diverse. It's the distance between us in that we are an incredibly diverse city and diverse student body, but we are in many ways old-fashioned. It's about how do we bring all that together.

England, High Tariff

We are part of a Wales wide EDI [Equality, Diversity and Inclusion] group, which is good for sharing best practice and also in setting up a cross mentoring project with [NAME OF INSTITUTION].

Wales, Medium Tariff

Race Equality Charter

In some cases, institutions said that they were applying for an award of the Race Equality Charter which, if received, would represent evidence that their policies were fit for purpose.

We have a Race Equality Charter award and you have to do an in-depth consultation for that over a period of two years. So for almost two years we have been consulting and gathering data

England, Low Tariff

Several HEIs noted that the data collection activities they had undertaken as part of Race Equality Charter membership, and/or applying for an award, had illuminated potential areas for improvement in implementing policy. A larger number of HEIs were using the Race Equality Charter resources to ensure that their policies were in line with best practice (even if they did not intend to apply for the Race Equality Charter award).

In most cases, consultations with students and staff, as part of working with the Race Equality Charter, highlighted major issues surrounding the institutional culture around race that needed to be addressed. For example, there may have previously been a lack of confidence in reporting racial harassment, as well as training needs in specific areas:

Because of the Race Equality Charter we have a lot of actions on our action planning and a lot around line manager bias as well.

England, Low Tariff

Some of the findings from the Race Equality Charter surveys [show that] we don't have the answers to all of these questions. It was a case of presenting some of the difficult results to the institution and putting in place some initiatives to tackle those such as the Reverse Mentoring,⁵ the race awareness training, attempting to promote security in people reporting.

England, High Tariff

We hold the bronze award for Race Equality Charter – as part of this we undertook focus groups with staff and students which were facilitated by people external to the HEI... Within the focus groups they expressed confidence that the university would deal swiftly and appropriately with any allegations of bullying and harassment.

On the negative side, they were not sure where the processes were signposted.

Scotland, Medium Tariff

⁵ Reverse mentoring is the process of pairing older and younger members of an organisation, on topics such as technology, social media and current trends. The goal is to bring older members of the organisation up to speed on topics that younger members may be fully ingrained in. While this is often spoken about with regards to technological issues, this respondent is referring to use of reverse mentoring to help older members of staff gain knowledge in topics surrounding harassment.

Use of dignity / racial harassment advisors

As noted in section 2, HEIs typically used dignity advisors (sometimes called harassment advisors) to provide students and staff the opportunity to make an informal or formal complaint. In general, this method was considered to have had a positive impact in addressing racial harassment of staff and students – for two main reasons.

Firstly, several institutions pointed to the use of dignity advisors as establishing a more open culture around reporting harassment. The rationale for this was that dignity advisors represented a neutral point of contact for an alleged victim, ensuring that the complaint would not be received by a staff member involved in a student's academic programme, or for staff, a fellow staff member in the faculty. Institutions that spoke positively about this approach felt that this process reduced or even eliminated the potential for bias in complaints handling and promoted confidence among staff and students that their complaint would be taken seriously.

I think having dignity at work contacts and discrimination and harassment contacts within the colleges – they are important ways of supporting people and acknowledging what has happened. That is an important piece.

England, High Tariff

Secondly, dignity advisors played a role in helping victims to navigate the routes to seeking redress (both formal and informal).

The dignity advisors are there as a listening ear, they are there to guide individuals in the approach they might take, we would always encourage people to first of all raise something informally, before they go down a formal route. But we can also direct them to information around the formal route as well.

England, High Tariff

Institutions' evidence of the success of dignity advisors was based on internal discussions with colleagues and was therefore largely anecdotal.

While it was common for dignity advisors to be mentioned as an example of good practice, several institutions noted that there were some factors that prevented them from being more effective.

The first concern, mentioned by several institutions, was that a dignity advisor is a voluntary role, taken up by staff who have a number of other duties. As a consequence, institutions reported inconsistencies in the amount of time individuals were able to spend on outreach activities with the staff and student community, and some felt this may result in a lack of coverage:

We have a dignity at [University] policy which would be the first place we would refer anyone to. Currently reviewing and revising this policy, we're aware at the moment that we don't have quite as many dignity advisors as we would like. We have advisors that are currently drawn from the staff population and do this as an extra sort of voluntary activity.

England, High Tariff

A second concern was ensuring that there was more diversity among dignity advisors. Interviewees felt this was important in order to support the aim of encouraging reporting of incidents and establishing an open culture around ‘speaking out’:

We're concerned about actually the diversity amongst those dignity advisors... [They] tend to be white and female and within a certain age band and within a certain job role.

England, High Tariff

Within the next few weeks, we're going to be putting a call out to encourage people to train as dignity advisors...trying to bring those dignity advisors together in a network, because obviously it can be helpful for them to share best practice.... We're looking into how we both support those dignity advisors, increase their diversity... and enable them to share experiences with each other as well.

England, High Tariff

Use of trained mediators for informal resolution

Some interviewees said that the use of trained mediators in the resolution of racial harassment cases was evidence of their organisation’s overall effectiveness in tackling racial harassment.

Most institutions used internally trained or external mediators in their formal grievance procedure, although often it was only a minority of cases that reached the mediation stage. One institution, however, used trained mediators in order to help resolve racial harassment complaints at a more informal level:

I think having mediation, not that we use it much but I think certainly the people who have been trained as mediators may not be used in a formal mediation service but they certainly bring the skills of mediation to help resolve things informally.

England, Low Tariff

As with other indicators for success of policy and process, there was little clear evidence, other than anecdotal, that the use of trained mediators had a major impact in helping to achieve informal resolution

Outreach work

Some institutions cited their outreach and partnership work as evidence of their efforts to tackle racial harassment. Several participants said that, through their outreach work, their institutions had developed a closer relationship with their student union. The purpose was to enable individuals who initially raised their complaint through the student union to be better supported.

The students' union can provide emotional support to students but they are primarily supporting a student in a more practical way so they can support them through a complaints process, can provide representation to students and provide more practical support. The students union is a separate entity but they are on campus and we work closely with them

England, Medium Tariff

Others mentioned the importance of a strong relationship with the local police, particularly for cases involving racial harassment of students or staff by a member of the public. They had therefore invested time in building stronger links with the police.

...the HEI has police officers that are closely linked to the establishment and we would always suggest contacting them...no alternative when police are involved...individuals would be made aware of all forms of support.

Wales, Medium Tariff

Finally, some institutions had set up equalities groups or networks of Black, Asian and Minority Ethnic (BAME) staff in order to promote discussion of racial harassment and related issues. Participants felt these had created an environment of increased openness but were unable to provide more concrete evidence of success.

We have various equalities groups which help foster a good environment across the university and enable people to talk if they want to.

Wales, Medium Tariff

The one thing I would like to highlight on the staff side that has been hugely positive has been setting up a staff BAME network which we didn't have before (launched two years ago). This was something that has been set up by our staff for our staff. I think having that group has really helped to start having the conversation about harassment and how it is experienced and its impact. That has been very valuable.

England, High Tariff

This participant was also hopeful that one of the co-chairs of the network would soon be organising focus groups for staff to further increase understanding around how racial harassment is experienced.

What is not working well?

Institutions were asked what did not work well in their current policies and processes. The four main categories of concern about the effectiveness of policies were:

- **inconsistency** and fragmentation in dealing with racial harassment complaints
- **a lack of a middle ground** between informal and formal complaint processes
- **communicating (potential)** outcomes to the alleged victims, and
- the **length of time** taken to investigate complaints due to rigidity of structures in place.

We discuss each of these in turn below.

Inconsistency and fragmentation in dealing with racial harassment complaints

As discussed in section 2, institutions often provided many different initial reporting points for racial harassment complaints (particularly for students). When discussing areas for improvement in processes, institutions commonly referred to inconsistencies of handling complaints due to their multiple access points.

Some institutions felt that their academic staff in particular (for example, tutors, line managers, lecturers and heads of department) often lacked clear institutional guidelines around when to escalate an issue to HR or a dignity advisor. This had led to complaints being delayed, or dismissed by the member of staff who initially received the complaint, because they failed to recognise its seriousness:

I think HEIs should have a way of double checking if anything is going to be dealt with at local level...generally they are elevated to me [Director of Equality]; the problem is if I don't find out about it...then it may not be dealt with as seriously as I would...an example might be a lecturer might offer the advice of 'that's a bit silly you shouldn't do that'...I would deal with this differently, there would be an outcome and a sanction...this is particularly important with social media as there is little understanding of how massive that is.

England, Medium Tariff

Institutions articulated three main contributory factors to a lack of consistency in complaints handling:

- 1. Different levels of training and experience among those dealing with racial harassment complaints.** HEIs reported that staff who had received specific training sessions related to racial harassment, for example bystander or unconscious bias training, were in a much better position to ensure that cases were considered with the necessary level of seriousness. Equally, institutions felt staff working within equality and diversity, or who had lots of experience of dealing with cases of racial harassment, handled them in a more appropriate manner.

I'm very interested in scanning all complaints; someone with a good eye for these issues might spot something that others wouldn't...which means that all complaints should be looked at with somebody with an equalities eye so that we can be certain we haven't missed something

England, Medium Tariff

In HR there is a person who is seen as an expert who will then brief people rather than having formal training. In my view we need formal training including around racial harassment and understanding what that actually looks like. It might not necessarily be quite so explicit as racism but might be quite subtle. That is a gap.

England, Low Tariff

- 2. Lack of clarity about the impact of race in general harassment cases.** With numerous routes to reporting complaints, several institutions reported receiving inconsistent complaints data, varying in levels of detail (such as involvement of other protected characteristics). The impact of this was that it was difficult for institutions to have a clear grasp of the nature of the complaints, and develop an institutional sense of the role that race plays in other harassment cases (where it may not be the predominant factor).

I think we could probably do more to train our managers in responding to informal complaints of racial harassment, and I think that almost inevitably, racial harassment is mixed up with other factors, whether that's general bullying and harassment.

England, High Tariff

3. **A lack of a mechanism for recording informal complaints. Unless a complaint is escalated to the formal grievance process, it may not be recorded.** Several institutions did not have a system in place for recording informal complaints of racial harassment. Consider, for example, the multiple discussions held between students and their dignity / racial harassment advisors. While in some cases advisors reported on the frequency of such interactions to HR, little more detail besides the ethnicity of the parties involved was given. Unless the case was then pursued by HR through the formal process, it would be likely to result in no outcome.

My team would monitor all the formal complaints annually to see the context of the complaint and we would then provide an annual report to senior management...We have nothing in place to record informal complaints...if a bullying and harassment advisor is contacted this would be recorded and we can separate this in to racial/BME, etc.

England, High Tariff

As mentioned in section 2, some institutions were in the process of implementing a centralised portal for recording all racial harassment complaints (sometimes using the Report and Support tool). It was hoped that this would address some of the inconsistencies outlined above.

Lack of a suitable middle ground between informal and formal complaint processes

Some institutions felt that there was a need for a process sitting between their informal and formal reporting processes. This was largely because they felt that their informal processes often meant issues were not logged centrally or handled with sufficient seriousness. At the same time, their formal process was very bureaucratic and might be off-putting for some.

I think that we still have a gap in terms of the low level issues where individuals don't feel confident enough to address it themselves by approaching the person but the formal process is probably not appropriate either. I think there is some real middle ground there and I think it would be great to have some overall guidance on how we might respond to those kinds of issues.

England, High Tariff

In general, interviewees were not sure how to tackle this issue. There was no consensus as to whether best practice would involve continuing to focus on achieving informal resolution, or to make the pathway from informal to formal complaints process more accessible. Overall, as the quote above suggests, universities would welcome external guidance in this area.

Communicating (potential) outcomes to alleged victims

Several institutions indicated that they could do more to manage the expectations of the alleged victim in the reporting process.

Most institutions did not report the outcome of a disciplinary hearing to the alleged victim following the closure of a case. This was because they believed that confidentiality restrictions prevented them from doing so. Some felt that this left victims (and particularly students) dissatisfied with the complaints process and unconvinced that they had achieved anything through reporting their complaint – even when action had been taken against the alleged perpetrator. Ensuring that alleged victims were aware of outcomes, or at least making clear that they may not be given full information regarding the outcome of their complaint at the beginning of the process, were mentioned as areas that needed to be addressed to improve satisfaction.

They find it frustrating. The assumption is because I haven't been told anything that nothing has been done. There might have been x, y and z sanctions against that person. A number of things might have happened but we aren't allowed to go back to the individual/ complainant and let them know so they are left a little bit dissatisfied. You can't break the confidentiality.

Wales, Medium Tariff

A minority of institutions however did provide witnesses or alleged victims with information regarding the outcome for the alleged perpetrator. This suggests a general lack of consistency among institutions in this area.

Now if that member of staff wishes it can be escalated to stage 2 which is an appeal, and then different members of staff are then given 5 days to review the outcome of stage 1, and then within 10 working days the stage 2 reviewer makes a formal decision. The member of staff is invited to have representation, they have to have trade union representation, and a formal grievance appeal meeting is then scheduled and the complainant is given an outcome of their decision.

England, Tariff N/A

The issue of managing expectations was also raised in connection with anonymous reporting. Some institutions were concerned that it was not clear enough to individuals that by lodging their complaint anonymously and/or by not identifying alleged perpetrators they were limiting the potential outcomes of their case.

Anonymous reporting...these are tricky to deal with and you have to manage the expectations of the person reporting; we need a fuller online training program for that person who wants to make a complaint to know fully the extent to which we might be able to do anything.

England, Medium Tariff

Length of process

The time taken to respond to and resolve complaints was another issue commonly identified by institutions as an area for improvement. There were two key factors that universities felt were causing delays in resolving racial harassment complaints:

1. **Multiple ways of making a complaint, resulting in a delay to the complaint being addressed.** Again, the fragmented structure of reporting routes often caused a delay in Equality, Diversity and Inclusion (EDI) or HR teams becoming aware of a complaint. In some examples, this initial delay had caused the alleged victim to feel very frustrated with the situation. It also reduced the chances of achieving a satisfactory outcome:

[There was] a case of a student suffering racial harassment at the halls of residence run by a third party. Due to delays in the halls management reporting to the HEI, no action was taken for a couple of days and the victim confronted the HEI on their Twitter account.

England, Medium Tariff

We had a high profile racial harassment [that] wasn't escalated sufficiently quickly ... and was not addressed for two days. The student took to social media to encourage us to make a response ... In the end, we dealt with the individuals who had done the harassing ... the student [who was the victim] was supported and gave some feedback around the punishment. We moved her to other accommodation. We had to deal with media coverage and it was a 'scary couple of days'.

England, Medium Tariff

2. **Rigidity of the complaints process.** Other institutions noted that the sheer number of steps involved, and the number of different parties involved in addressing complaints, could lead to the process taking longer than the specified period of 90 days (the standard set by the Office of the Independent Adjudicator, which covers HEIs in England and Wales). This was considered to be especially difficult when complaints needed to be addressed outside of term time:

I think it does take too long but part of the reason for that is, particularly with the HR process, we have to have a number of different individuals who have got to be brought together at the same time. That can be very difficult in an academic year because if things 'break' at the wrong time before you know it you have got people taking two or three weeks leave or even more. The student themselves may have some leave or may find it difficult to meet at the time that is convenient for all the university people and we do often find that things run on for longer than we would like them to. Sometimes in the student complaints procedure we exceeded the time that the OIA think is appropriate for dealing with students' complaints. We try to explain if it's going to happen or is likely to happen in advance but sometimes it just can't be avoided.

England, Medium Tariff

Low number of reported cases

Institutions often pointed to the low number of formal complaints to evidence the perceived success of their policies:

The lack of formal complaints shows that the informal process for the large part works as most complaints are resolved locally or that we don't have many racist complaints to begin with. And the culture is fairly inclusive and supportive to begin with...people only get to the formal stage when things haven't worked or the situation was so severe.

England, Mid Tariff

However, while institutions more commonly felt that a lack of reported incidences of racial harassments indicated a success of policies, a smaller group were concerned that this might indicate that their policies were not working well. They felt that the number of complaints they received was not reflective of their staff/student volumes and their demographic profile.

When we put the figures together for the online submission [for the EHRC's inquiry] the first question (number of formal complaints of racial harassment of staff) was 'why don't we have that many with 2,500 staff?' So that is where the priorities will have come from. The second issue is 'how are we dealing with those?'

England, High Tariff

4. Challenges in resolving complaints

This section explores the types of complaints that universities found particularly challenging to resolve.

HEIs' relationship with their students

Several institutions said that they found it easier to address complaints made by staff, about other staff, than to address complaints involving students.

This is because they felt that the contract between an employer and an employee made the responsibilities and obligations of both parties a lot clearer than was the case for the relationship between the institution and its students. When dealing with staff, institutions were able to:

- refer to terms and conditions that the member of staff had signed up to so that they could clearly evidence (in the case of perpetrators of harassment) that their behaviour had not been as required
- use an established grievance process, and
- suspend and provide pay to alleged perpetrators (where appropriate), to allow the required time and space for the investigation to be carried out.

By contrast, institutions felt that the relationship that they had with students was more complicated. They pointed to the fact that they did not have the same kind of 'contract' with students and that therefore it was less straightforward to prove that students had not behaved in the way expected of them. Some also felt that there were some grey areas around which aspects of the student experience they could reasonably be held responsible for (for example, student behaviour in private accommodation). They also felt that they did not have the same options in terms of the treatment of alleged perpetrators while a case was being investigated. Suspending students could lead to loss of access to study and potentially financial hardship if student funding was withdrawn (where relevant). Therefore, the consequences for accused students, who were later found to be innocent, could be very serious.

Challenges faced by smaller institutions

Some smaller, specialist institutions talked about particular challenges that they faced in handling racial harassment complaints that were linked to their size. Firstly, this related to the challenge of the alleged victim and perpetrator being easily identifiable to one another, as well as to colleagues or peers.

Due to the size of this HEI, people may not wish to be identified as a complainant (we are looking into anonymous reporting). If we introduce this it will allow us to identify any hotspots/barriers.

Scotland, Medium Tariff

Additionally, smaller institutions struggled with a lack of resource to both manage complaints and to gain a clear picture of the level of racial harassment that was taking place in their institution:

Although there are champions within the organisation, it's a lonely furrow to plough ... having somebody at your back [e.g. support EDI representatives from other HEIs] who encourages, and gives evidence from other institutions. I'm having to do this in addition to my job ... how do other small, specialist institutions do this? I'm doing web searches on my own ... in my own time or squished between meetings and it's not very efficient because somebody's done it all before

Scotland, Tariff N/A

Institutions also reported specific difficulties in handling complaints involving:

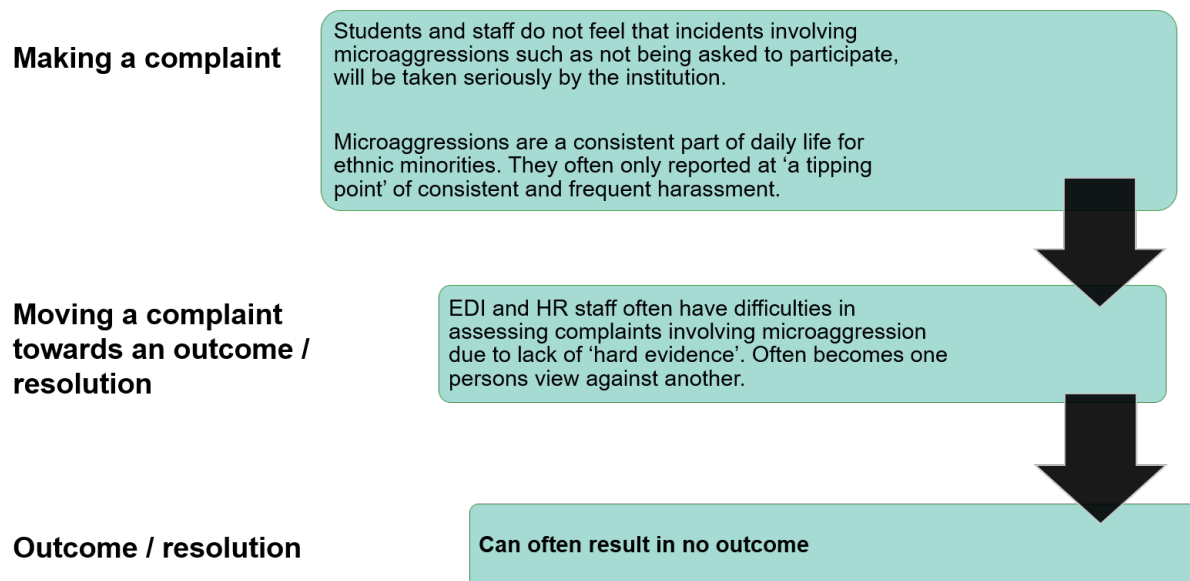
- **microaggressions**
- **the general public, and**
- **mental health issues.**

Each of these types of case are discussed below.

Microaggressions

Microaggressions were considered a particular challenge for institutions at each stage of the complaints process, as is demonstrated by figure 4.1 below.

Figure 4.1: Challenges of microaggression cases



Institutions were concerned that students tended to feel that it was neither appropriate nor necessary to report incidents of microaggression. They felt that ethnic minority students often had to deal with these types of racial harassment on a regular basis, both in a university setting and elsewhere. They had come to regard this treatment as 'normal,' and unlikely to be taken seriously by others.

The other barrier we have is that students will from time-to-time make a self-evaluation about whether the situation is serious enough to go to complain. We mentioned about the low level of microaggressions that people find uncomfortable to go through the formal procedure but to what extent does it become serious enough to go through formal procedures? There is a lot of personal struggle for students to decide and make their own self judgment.

England, High Tariff

Also how to engage the university in a dialogue about race, and to make people actually aware of the fact of microaggressions and if you were to talk to some HR colleagues around 'I felt slighted in this way. I am the only black person in the team, people were never introduced to me' how would you raise that as a formal complaint? I think probably there isn't confidence that that would be taken robustly and therefore it's a culture of how we can change people's views on how we work together and how we discuss that and how we change our practices. It is not a formal complaint situation but it's being 'slighted' in many ways.

England, High Tariff

There were also a few examples given where universities were aware that their institution had not treated such cases sufficiently seriously, which they felt could have served to reinforce this negative perception among ethnic minority students and staff who may also have experienced microaggressions.

In the example below, the institution identified a need for training of line managers around what constitutes racial harassment, and especially microaggressions.

I can think of another [complaint] which was informal, she didn't ever take it forward formally and I think that was about confidence. The managers could have responded better. The focus was on her rather than on the people she was [reporting].... When they talked it through with me I thought it was clear that there were behaviours from the other people that were unacceptable but the focus was on her (the person who was complaining). She was a black lady. There were behaviours from everyone but the focus was on her. I suppose that in itself was a racist kind of response because the response was to her behaviour rather than, the assumption was that it was her and that she was just complaining. Actually she had a valid point and it needed to be dealt with. It has resolved in a roundabout way but the line manager could have dealt with that much better.

England, Low Tariff

In general, institutions suggested that it was easier to address concerns over the prevalence of microaggressions where staff were involved, as they were able to make training mandatory in the area. In an effort to prevent racial harassment, some institutions provided bystander and unconscious bias training, which in part was aimed at tackling the spread of microaggressions among staff.

Institutions felt they were unable to mandate such training to students and hence could only offer it on a voluntary basis. One institution was actively organising bystander training for student leaders (society chairs and sports club captains), in an attempt to 'trickle down' this information to the wider student body.

We are more confident that staff would be able to act as a bystander ... but also if they themselves felt harassment was going on and would be in a position to report it ... We've made it clear we expect them to let us know.

England, Medium Tariff

Finally, there was also acknowledgement by some institutions that 'microaggression' was simply a new concept for internal teams handling complaints, for example HR and Equality and Diversity departments. As such, they felt their institutions lacked an understanding of how both to evidence incidents, and how to acknowledge the impact of microaggressions in incidents involving other factors (but that included a racial element).

This is a relatively new phenomenon, in terms of how racial prejudice mutated and evolved, it is very rare but increasingly there are cases where racial harassment appears under cover and it is very difficult to evidence.

England, Medium Tariff

Complaints involving members of the general public

Some institutions had faced challenges in establishing policies on how to address complaints of racial harassment against staff or students, where the perpetrator was a member of the public and the incident occurred in the local community. Institutions raising this issue were particularly likely to be located in areas where there was little diversity in the local resident population. While institutions did not feel they had responsibility for handling complaints around off-campus incidents, several had engaged in various pieces of outreach work with the local police, government and schools after acknowledging that students and staff were facing racial harassment in the local area.

According to the recent survey that we did there was no particular concerns from international students and other students. We do find that Chinese students – and we have a high proportion of them – are experiencing discrimination within the local community but not on campus... We are mostly in a position of providing information. We have regular meetings with the West Midlands Police as well and we share information and intelligence with them. In terms of tackling the situation we would need to be dependent on the actions of the police force.

England, High Tariff

We currently work with [ORGANISATION NAME] Interfaith network ... to work on initiatives where our staff and student members can speak with communities and provide awareness of what it's like to be Sikh or Jewish or someone of an ethnic minority. The people living in the area; it might be the first time they meet with someone of a different ethnic group ... we open some of our events to the public ... [We held a] BAME Summit where we invited an MSP from the Scottish Parliament, to talk about his own experiences of race ... [this was] an event with Interfaith Scotland.

Scotland, High Tariff

Also, we have a campaign called 'Step Up to Stop Hate'. It's a campaign that we have had for a while. It might have been around Brexit but it was a specific team that trained students and the students were going out into schools in the local area. We have developed it. We applied for Office For Students funding to develop the project.

England, Low Tariff

Cases involving mental health issues

A couple of institutions also highlighted the challenge of handling a case of racial harassment (or harassment in general) where it is felt that the alleged victim's prior issues with mental health were a factor in making the original complaint. This was considered to be more of a difficulty where the complaint was made by a student rather than a staff member. As the quote below shows, the employer–employee relationship between the institution and staff member often allowed for a more direct dialogue. This is more challenging when a student makes a complaint.

We tend to find that if students are starting to fail and not doing particularly well ... [we] tend to throw everything at it, and sometimes it could be because they're not coping ... with staff, we would make sure that we included occupational health with support. For students, it's that bit harder because we don't have an equivalent. We have counselling and support ... we haven't got the manager–employee relationship where you can sit down and say, 'These behaviours seem to indicate a suggestion of a mental health condition; can we support you in any way?' There isn't that easy a link in ... we have to assume they don't have a mental health illness while trying to deal with the complaint and it can be quite stressful for the academics that are accused. We had a scatter-gun approach from one student who'd made a complaint of sexual harassment about ten separate people in one complaint ... they were failing and not attending.

England, Medium Tariff

5. Support for people affected by racial harassment

This section looks at the types of support that institutions provided for alleged victims and alleged perpetrators as their case was being investigated.

Support for alleged victims

Generally, institutions provided support for the alleged victim throughout the process of making a formal complaint. A case worker regularly checked in with the victim (whether a student or member of staff) and discussed their support requirements.

We would have those conversations right through the process making sure and asking if there is any other support mechanisms that they can tap into. We would have that regular contact with that individual throughout the process.

Wales, Medium Tariff

For example, a case I have at the moment where someone has been out of the workplace for a while. I've checked in with the person and the union representative and made offers of support.

England, Low Tariff

Some universities briefed tutors within schools or departments in order to support the victim. One respondent said their institution had moved the responsibility of wellbeing support away from being a secondary responsibility of tutors to a newly created wellbeing support position within each school. It was clear that those in these positions were responsible for supporting victims through the complaints process.

We then invested in one wellbeing officer in each of the Schools so they are the trained individual to provide support in situations. Whilst academic members of staff continue to provide support as the personal tutor or in just being a trusted member of staff for students, their role will now be primarily around academic support whilst the welfare and wellbeing situation will be handled by the people who are trained as their day job instead of as an add-on. That is how we manage to ensure the consistency and also the capacity of individuals to provide support to the victims or the person who has been accused.

England, High Tariff

In terms of other forms of support, institutions primarily cited internal avenues of relatively informal support that staff and students involved in a racial harassment complaint could access.

For victims who were members of staff, institutions offered support through HR or through the individual's line manager or other specified member of staff.

Currently, HR will be involved with any formal procedure. As part of that initial conversation and checking in...[we]... will be making sure that that person is okay.

England, High Tariff

...a staff member would also be assigned to the complainant and support offered throughout the process.

Wales, Medium Tariff

For students, several institutions said support was available from the student union or a student services or wellbeing department.

The students' union can provide emotional support to students but they are primarily supporting a student in a more practical way so they can support them through a complaints process, can provide representation to students and provide more practical support. The students union is a separate entity but they are on campus and we work closely with them.

Wales, Medium Tariff

On the student side, the student services as well as the students union services are very well developed so there is a constant focus on the need to make sure that the person is safe and supported.

England, High Tariff

Usually, institutions also offered support through an existing counselling service, which in most cases offered support to both staff and students. In some institutions, this was delivered in-house while others used an external service.

I can't think that we have had a case but general good practice would suggest support for the victim in terms of access to counselling, so we would do that.

England, Low Tariff

Staff at some institutions were also able to access a free 24 hour helpline as part of an employee assistance programme, with most of these institutions saying counselling could form part of this.

Several institutions offer support to staff through occupational health services, especially for cases that may be particularly difficult or have an impact upon the individual's mental health.

It is an example of where it works at [our institution] that occupational health routinely are actually involved with people who are going through any kind of formal procedure. So if they are referred [to] occupational health [we] will often arrange to see them again to make sure they are okay so second referrals aren't needed. There is just an ongoing relationship.

England, High Tariff

The case I have at the moment, there has been quite a lot of psychological impact on the complainant so we have made sure that person is supported, we would send them to an occupational health referral.

England, Low Tariff

A small number of institutions referenced other external sources of support, including staff/trade unions, Citizens Advice Bureaux, ACAS, as well as the police. A couple of institutions worked with other external support services, though this was more for issues such as domestic violence or sexual assault.

Very few institutions brought up the issue of student and staff satisfaction with the support offered. These stated either that they hadn't collected feedback from those who had been through the process, or that there had been no complaints about the support on offer.

Support for alleged perpetrators

A number of institutions offered support to the alleged perpetrator as well as the alleged victim while investigations into a complaint were ongoing, and saw this as a crucial part of a fair process.

You have to be open of mind that it [the harassment] has happened and equally that it hasn't. We have to make sure the person who has been accused has not been judged before being investigated while still making sure they don't feel off the hook...the accused also has to be supported and know that there is a fair process in place.

England, Medium Tariff

We give equal levels of support but using different people; until we have gathered all the evidence and have an outcome we may not know someone is unfairly accused and therefore could be a victim themselves.

England, Medium Tariff

We also emphasise that with alleged perpetrators they will be going through possibly undue stress having been alleged to have done x, y or z. Counselling is there for all staff and all students whether they are the victim or perpetrators.

Wales, Medium Tariff

One or two institutions felt support for perpetrators should extend beyond the complaint investigation and any disciplinary process, and involve working with them on behavioural change. One institution had undertaken such work relating to domestic abuse, in an effort to change behaviours before they escalated.

The other thing is support for the perpetrator both in terms of going through the process whatever the investigation and disciplinary process might be but also afterwards. What kind of behaviour change do we require from the perpetrator and how can we ensure they access whatever they may need to in order to make that change in behaviour... There could be counselling for them. Coaching for them.

England, Low Tariff

Another institution felt supporting perpetrators to change behaviours was particularly important in cases of unconscious bias. They suggested an approach similar to the use of driver awareness courses for those caught speeding. They felt this would balance the needs of the victim for redress while ensuring the perpetrator was given the opportunity to learn from their behaviour, which may not have been intentional.

The thing that I worry about is the unintentional bias, the unintentional poor management, where we don't give managers enough support for it, and I don't think it's fair for those individuals to have something like that on their record that might tarnish them for the rest of their career... what we want to do here is change behaviours, but we also need to give, those who do feel they have been racially discriminated against, the respect of those feelings.

England, High Tariff

A few institutions also offered support to staff members who worked on complaints and provided support to victims, usually through the university counselling service.

Some institutions felt they could do more in this area, either to support the alleged perpetrator during the complaints process, or through guidance or support given to staff or line managers supporting alleged victims or perpetrators.

There is some guidance for managers about how to support staff who may be the subject of a complaint. I think it's probably something we could do more on actually. I don't think it's an area we have particularly focused on and I think we would deal with it on a case-by-case basis.

England, Medium Tariff

Contact between alleged victim and alleged perpetrator

Institutions recognised that, in most circumstances, while a case of racial harassment was being investigated it was sensible to try to ensure that the alleged victim did not come into day-to-day contact with the alleged perpetrator.

Institutions tended to be clearer on their process for keeping the alleged perpetrator and the alleged victim separated when both were staff members, likely because of well-established HR and employment policies around acceptable behaviour in the workplace. In some cases of racial harassment, institutions looked to alter staff duties to avoid contact while an investigation took place.

We can look at potentially redeploying people but it depends on what they do. For example, a case involved a member of the security team and we were able to redeploy that person to a different campus so they didn't come into contact with the individual who had made the complaint.

England, Low Tariff

However, it was often necessary to suspend staff accused of racial harassment in order to ensure that they did not come into contact with the alleged victim.

We can look at all the options e.g. redeployment, re-assignment, working from home, etc. but sometimes the only option to take is to suspend but that suspension is reviewed regularly. We are a relatively big employer, we can do a lot of different things.

England, Low Tariff

In relation to staff; if someone was accused of harassment there would be a consideration of suspension; we would be seeking a safe situation for both parties.

Scotland, Medium Tariff

One institution had suspended a member of staff accused of harassment for their own safety, rather than because of the need to separate them from the alleged victim. The staff member had received online abuse, including death threats. This was the most serious complaint the institution had dealt with concerning racial harassment.

We suspended him as much for his own safety as anything else. He couldn't really come onto campus for the investigation meeting because we didn't think it was safe for him.

England, Medium Tariff

Similarly, institutions occasionally had to suspend students accused of racial harassment. However, other methods of separating students from one another were sometimes used, such as moving them to alternative accommodation or restricting their movement on campus.

The likelihood is that if we had encountered a complaint of racial abuse, harassment, bullying the individual who was complained about – if we thought there was a prima facie case – would be suspended or excluded.

England, Medium Tariff

We would make an initial assessment to see if any precautionary action was needed such as suspension of a student pending the outcome of a case or some other lower level action such as if the racial harassment happened in halls of residence. We would maybe move a student to another room.

England, Medium Tariff

Several institutions raised the difficulties around ensuring fair treatment when the alleged perpetrator was a student because there is no comparable approach to suspension on full pay, which they might use with staff. They raised concerns that suspension could have a very large impact on a student's ability to participate in their study programme (and ultimately on their academic grades) and could have a financial impact if funding were withdrawn as a result of suspension. These negative consequences could be experienced even in cases where no wrongdoing was found.

I think when you are considering taking precautionary action that can be difficult e.g. if you are considering suspending a student whilst something is ongoing. I don't think we have ever done that in a case of racial harassment but those situations are always difficult because in a work environment suspending someone has a big impact but with a student the impact is greater because normally if you [staff] are suspended you are suspended on full pay and the impact is limited in that sense. For a student it breaks up their studies and has a huge financial impact because if you suspend them then they can lose student finance. It has all kinds of knock-on effects. You don't do things like that lightly and you try and think of other ways of say trying to keep students apart while an investigation is ongoing.

England, Medium Tariff

6. Communicating policies to staff and students

This section explores how racial harassment policies and processes were communicated to staff and students.

Induction processes

Institutions usually communicated policies and processes relating to racial harassment when individuals first joined, either as a student or as a new member of staff. For staff, HEIs usually delivered this communication as part of their formal induction, while documents were also sometimes given to staff upon beginning their employment. However, this usually related to general acceptable conduct rather than racial harassment specifically.

There is an induction for new staff that involves briefing in relation to the standard of conduct we expect of them and if they need to make a complaint how they go about doing that.

England, Medium Tariff

Others signposted staff towards staff networks or HR policies as part of their induction.

Several institutions gave online diversity training to new members of staff, which was generally mandatory.

All staff when they join have to do mandatory equality and diversity training which is an online training module. That is the key route on the staff side

England, Medium Tariff

We have mandatory equality and diversity training – an online module for all staff and completion rate is high.

Wales, Medium Tariff

Some HEIs delivered training that specifically referenced discrimination based on race, as well as other protected characteristics such as religion. One institution said their training gave information about the various responsibilities of different staff when it came to diversity. Another institution required new staff to pass an online training module, called Diversity in the Workplace, which gave in-depth examples of harassment across all protected characteristics.

Some of them have found it informative in that they are able to understand the terms. The length of the course, up to one hour, is thorough enough for them to complete the online assessment, and others have stated that the examples are HE specific

England, High Tariff

Another participant said there was no training or mention of racial harassment on induction, and only HR staff received unconscious bias training (with particular reference to recruitment practices).

As for students, institutions usually delivered information on their policies and processes on racial harassment when they first joined the university, either during a welcome meeting or freshers' week.

[Freshers' week] includes consent training within that and various other inductions in colleges. Everything is conveyed to students within that week.

England, High Tariff

..that [information on equality and diversity and harassment] also forms part of their induction in their meeting with the Vice-Chancellor and the Proctors as soon as they arrive.

England, Medium Tariff

This sometimes involved students signing up to a code of conduct, or being signposted to policies or student services.

When students enrol they sign up to the terms and conditions and they are all clearly displayed on the website.

England, Medium Tariff

Availability of policies and guidance

The majority of institutions published their policies online or on their own intranet, usually for both staff and students. Some also featured them in student or staff handbooks, but this was less common.

[the policies are] available on website and annual equality report and webpages; we are very transparent about the availability of this information.

Wales, Medium Tariff

Some programme handbooks will reference for example the students complaints procedure but it's patchy and I don't think they are necessarily universally publicised.

England, Medium Tariff

Others had further information online such as guidance, online posters on other areas of the website, or a specific EDI portal, with some aiming to provide information in a more digestible way than through formal policies.

We want to make it more real, so not just the policies but also the options; making it less formal and more accessible and user friendly.

England, Medium Tariff

We are trying to write things in a much more simplistic way but I think a lot of our student procedures are just so long. They are so long and so wordy and as someone who knows how the university works and has been here for some time I struggle to really understand what they mean. I think there is work that we can do around how we set out being really clear about what our expectations are and then how you can go about seeking support going through these procedures. I think the way in which these policies and procedures are written are not necessarily particularly helpful.

England, Medium Tariff

Some felt making information about racial harassment policies available online was sufficient, as those needing the information would seek it out. A couple of institutions had received no complaints about people being unable to find the information.

The Student Support Policies are posted on their part of the intranet. Likewise with HR. All their policies are available and I think there is a general acceptance that students know they can use the complaints and disciplinary procedures if they are dealing with other students and staff know about dignity and respect.

England, Medium Tariff

I think it [communication via university website] does what it needs to do.

England, Low Tariff

Others took the view that further, more proactive communications through a variety of means were necessary to reach a wider group of people.

[We use a] variety of channels. Not just assuming that if it's on the internet or in newsletters that people will read it. We have lots of people that don't go anywhere near a computer.

England, Low Tariff

This was supported by another institution that used weekly staff bulletins with links to their website as one of their methods of communicating policies. They tracked the proportion of staff who 'click-through' the links and found this was roughly 40% on average. They therefore used this alongside face-to-face team briefings, a web page for informal anonymous complaints, and direct emails where necessary.

Challenges

While most institutions felt they did enough to communicate racial harassment policies and procedures, many acknowledged that awareness of these was low, especially among students.

As a sector I think we need to do better in ensuring that students are aware of standards of behaviour as they start their courses... My concern, as a number of colleagues have raised with me across the sector is that universities don't actually, for a variety of reasons perhaps don't seem to ensure that students are made aware of those standards of behaviour and are made aware of inappropriate behaviour at the start of their academic careers

England, High Tariff

Some believed that although awareness of the policies themselves was low, people would know where to find out about them should they want or need to. These institutions felt that a position of full awareness of the content of policies, particularly those on redress, would be unrealistic as only a small proportion of staff or students would actually experience racial harassment and therefore need to use them.

I think they would know where to go to get hold of that awareness and advice and the first port of call for a lot of them would be the students union and they would certainly advise them appropriately.

England, Low Tariff

I would like to think that most staff are aware that there is a policy, but there are a lot of people who would not give it too much thought... but I am sure if needed any one of our staff will know how to find it.

England, Medium Tariff

My experience is that if someone is intent on making a complaint and is confident around that they will find the process and do it.

England, Low Tariff

I think they are aware of our processes around complaints, I'm not sure if they are aware of our specific processes around racial harassment...I think staff would probably know where to look...I think one of the reasons that people aren't aware is that this is something that doesn't affect many of our students.

England, High Tariff

A number of institutions conducted surveys to measure awareness of policies and procedures, often after training or a particular campaign had taken place. These tended to indicate lower levels of awareness than the institution would have liked, and would sometimes prompt further work. For example, one institution worked with their communications team to produce a newsletter and expand their presence on the intranet and social media.

A questionnaire goes out specifically asking about awareness after the training but honestly they are not aware enough...big communication program coming on [in] this area.

England, Medium Tariff

One smaller institution had previously recorded high levels of awareness in a staff survey a few years ago, but had recently seen a drop in awareness since growing in size.

Because in that five-year period we have grown quite a lot, generally awareness of procedures and policies seems to have dropped. It's not just about the bullying and harassment it's awareness in general. So we are going to do some more awareness raising hence my recruiting some more Harassment Advisers at the moment.

England, Low Tariff

A few felt they needed to improve their communications and that they had more work to do to ensure their message reached as many people as possible.

People do think that communication here can certainly be improved and if there were to be a kind of 'national' campaign about these sorts of matters which emerge from the EHRC work then I would very much welcome some national materials and we would make use of them.

England, Medium Tariff

Another challenge was that although information about harassment policies and procedures may have been communicated reasonably well during the induction process, there was often little reinforcement of this information afterwards.

We would expect it to be mostly online and through that initial first contact point. There is an issue in terms of how people engage with things after they've first been told about it ... the days when students would have a handbook and read it [are over] – there's not much point.

England, Medium Tariff

Institutions were worried that, because of the failure to refresh people's knowledge, staff and students did not know how to make a complaint and did not come forward for this reason.

They [complainants] feel that something has happened that shouldn't but they don't feel the next step is to come and tell us, so one of the challenges is about making clear this is something we want to know about to do something about it, not necessarily in terms of action against the individual but so we can assess the size of the problem we have. We have induction ... 18 months later ... bystander training. We are looking for them [staff] to intervene and let us know. It's [training] been delivered but it's hard for us to evaluate, 'have you used this in practice?

England, Medium Tariff

Proactive communication

Institutions had explored the use of social media as a means to convey messages about harassment policies, particularly to students. They had often worked with their communications teams to post content on the university or student union's Facebook pages and/or Twitter handle, to raise awareness. Others made videos and shared them via YouTube. One respondent described this successful example:

We've had a recent video that we have shown to a lot of people about educating them around what isn't okay and that led more people to speak out and identify things... we've shown that [to] lots of people. It's on YouTube and it's there to see in the wider domain as well... Since we created the video which was based on staff and students' real time experiences – issues we had been told about or issues that our staff and student networks knew about and gave to us to develop the video. We have had a lot of comments from staff and students saying 'I'd never thought about that. I'd never thought about the impact of my words, saying that, making a joke, actually had on the person who was feeling it.'

England, Low Tariff

It's fine having a nice policy but part of that is cascading [it] out. We're working with the Head of Student Services ... we were going to develop some e-learning for students ... but a lot of students tend to use YouTube or other forms of social media. There is some really good stuff out there.

England, Medium Tariff

One institution made their reporting tool available as an app and felt this had been a 'hugely successful' way of engaging with students.

Institutions often cited student union activity as a crucial way to communicate harassment policies to students. They felt this was the best way to engage students, and usually took the form of a campaign for a fixed length of time or on a particular theme, such as Black History Month.

The students' union run campaigns as well. Things can feed down through clubs and societies.

England, Medium Tariff

Speak Weeks [run by the students' union] where students can come and talk about anything and boxes where people can put leaflets in and vent your spleen, talk about absolutely anything. They are very inclusive in that regard and there is a constant encouragement to speak out.

Scotland, Tariff N/A

One institution worked with the student union to make students aware of a new email support function, and felt student union involvement really helped the campaign, as the message is coming from students themselves.

The Tell Me campaign [a campaign run in collaboration with the student union to raise awareness of an email complaints service, with submissions viewed by student representatives] is working very well as students often want peer support rather than what we can offer from services. It is about being very pragmatic as people won't come through the traditional corridors for this type of complaint.

England, Medium Tariff

Another participant felt the institution had much to learn from the student union in terms of levels of engagement, and was seeking to get one of the prominent student union members on to the university's diversity committee to provide some insight.

It's very active and has very active participation and runs across our campus sites ... It's more than fit for purpose. I want a student on the [University diversity] committee who's very proactive in the Association because we've got so much to learn from them about how they've managed to get these policies and practices put in place.

Scotland, Tariff N/A

A number of institutions cited the use of various staff and student groups as evidence of successful communication of their policies and procedures. These included dignity advisor networks, diversity committees and ethnic minority networks. Institutions encouraged communication within their dignity advisor networks or diversity committees with the aim of sharing experiences and helping to inform future strategy.

Within the next few weeks, we're going to be putting a call out to encourage people to train as dignity advisors...trying to bring those dignity advisors together in a network, because obviously it can be helpful for them to share best practice, if there's been handling issues that have been raised to them.

England, High Tariff

The harassment advisor network and having a diverse range of individuals trained. That is particularly successful... We try to put on regular networking events for the advisors for those who don't necessarily have frequent contact. They can learn from the others and share cases anonymously that they have dealt with and how they managed it.

Wales, Medium Tariff

Having a BAME Officer in the student union, and ethnic minority representation among dignity advisor networks and staff groups, was seen as an important means of engaging those from ethnic minorities and promoting a culture in which people felt comfortable discussing harassment. It was felt that strong representation communicated the institution's commitment to diversity and to taking racial harassment seriously, and some were taking steps to increase diversity in these groups.

We're looking into how we both support those dignity advisors [and] increase the diversity of the dignity advisors.

England, High Tariff

We're aware at the moment that we don't have quite as many dignity advisors as we would like. We have advisors that are currently drawn from the staff population and do this as an extra sort of voluntary activity. We're concerned about actually the diversity amongst those dignity advisors...[who] tend to be white and female and within a certain age band and within a certain job role.

England, High Tariff

As with students and the student union, institutions felt staff were sometimes more engaged and felt more comfortable discussing harassment issues with peers, for example through a BAME network or an employment union.

The one thing I would like to highlight on the staff side that has been hugely positive has been setting up a staff BAME network which we didn't have before [launched two years ago]. This was something that has been set up by our staff for our staff. I think having that group has really helped to start having the conversation about harassment and how it is experienced and its impact. That has been very valuable.

England, High Tariff

What works particularly well for those staff who aren't confident is where our staff network and our unions come in where they are able to have some of those one-on-one conversations and our BAME staff network has really strengthened that activity. They are a particularly strong network at the moment for us and they are taking the role around picking up some of those issues [informal discussions] and bringing them through so people can remain anonymous.

England, Low Tariff

7. Barriers to reporting

This section looks at the challenges and barriers to reporting incidents of racial harassment. Participants raised four key deterrents to reporting incidents of racial harassment:

- lack of knowledge about reporting processes and procedures
- lack of knowledge on what behaviour does and does not constitute racial harassment
- lack of confidence in the reporting process and whether anything will actually come of a complaint being made, and
- concerns about the possible repercussions for the complainant and a feeling of victimisation.

Each of these points is discussed below, alongside the solutions that institutions were exploring in order to help remove these barriers.

Lack of knowledge about reporting processes and procedures

Institutions felt that a key barrier to the reporting of racial harassment was simply a lack of knowledge of the process for reporting incidents. They were clear that knowledge of where to seek informal advice or how to register a formal complaint was a fundamental part of the process for ensuring that a system for recording and dealing with racial harassment was effective.

I think it is a mixture of things. We know that people are not often sure who to go to [to] report instances and how to report.

Wales, Medium Tariff

In the first staff survey we did ask if people know where to report or if they are confident. I think it was lower than it should be but I think it's more the confidence for staff. For students it was slightly different but I can't recall – possibly less awareness.

England, Low Tariff

Lack of knowledge on what behaviour does and does not constitute racial harassment

Victims often felt unsure about whether or not to report an incident. Institutions highlighted cases where it was unclear that the behaviour in question constituted racial harassment.

In some cases the victim was concerned that the incident was not serious enough to warrant reporting.

People sometimes don't necessarily think that what they are experiencing initially is worth mentioning and it's usually after a number of instances that may or may not have escalated that then they make their first approach to somebody for support.

Wales, Medium Tariff

The other barrier we have is that students will from time to time make a self-evaluation about whether the situation is serious enough to go to complain. We mentioned about the low level of microaggressions that people find uncomfortable to go through the formal procedure but to what extent does it become serious enough to go through formal procedures? There is a lot of personal struggle for students to decide and make their own self judgment.

England, High Tariff

Some institutions were exploring a potential solution to a lack of knowledge and/or clarity about racial harassment. They were investing in training and developing an environment in which people felt they could talk about these issues. As part of their plans, they were establishing networks of advisors and providing training for senior management (including tackling defensiveness when talking about race).

My plan is to establish a network of Dignity Advisors that would be the first port of call for staff and students about ... what support there is in the institution if they want to take it forward ...

England, Medium Tariff

We are piloting a workshop aimed initially at our senior management teams. The idea of that is to help staff become more comfortable in discussing issues of race and that will cover things like microaggressions. One of the things we are hoping will result from that is that if somebody does approach a member of staff and say 'you said or did this and I found that very difficult' that the member of staff perhaps won't be so defensive. One of the other issues at the moment is that nobody, I think, wants to be thought that they are being accused of being racist. I think that when there is a challenge that is the instinctive reaction 'I am being accused of racism, I must defend [myself against] this'. What we are hoping is that by increasing knowledge we can soften that a little bit and that might help to get some of the more informal processes working more effectively.

England, High Tariff

Institutions also talked about events and activities that were not specifically related to race but could help have a positive effect on race relations and consequently the prevalence of racial harassment and reporting. These events included activities such as celebrating different cultures and faiths and 'Speak Weeks' where students were encouraged to speak out about any issues they were experiencing.

We have something called the 'Bigger Picture' festival which is a celebration of culture and faith on campus and we invite a range of different people, students, staff, external organisations and it's a real mix of individuals. Feedback that we've had is that people want to see that mix and diversity and that's an opportunity to engage with individuals.

Wales, Medium Tariff

Lack of confidence in the process

Institutions were concerned that a lack of confidence in the process, including a lack of belief that anything would be done following a complaint, might also be acting as a barrier to complaining. Often, the foundation for this lack of confidence could be traced back to previous failed attempts to report incidents of racial harassment. One institution pointed out that reporting incidents of racial harassment can be a very painful process and if an alleged victim does not feel that they will be listened to, or that speaking out will achieve nothing, it will cause the alleged victim to have doubts about whether they come forward to report it.

People have a reticence, either because they don't think we are going to do anything about it, or they are concerned about the nature of their reporting or that they are reporting on somebody.

England, High Tariff

Lack of confidence in our reporting systems. Genuinely a concern that people wouldn't be believed or an understanding people can actually be understood in terms of what has actually happened. I think that things are too easily thought to be brushed aside – and too painful to keep repeating and to not be believed.

England, High Tariff

Institutions generally felt that tackling a lack of confidence in the process was harder than dealing with a lack of knowledge. This was because they recognised that it takes time to build trust in a process and it can take even longer when trust has to be rebuilt. In order to restore confidence in the university's commitment to reducing racial harassment, some institutions had introduced a zero tolerance policy. This involved being seen to take action on specific cases that were reported irrespective of the individuals involved (and their value to the institution).

We have a very strong Vice-Chancellor at the moment who has said 'zero tolerance'. We now have, as of last year, a strong statement in terms of zero tolerance to racial harassment and that literally has to mean zero tolerance to absolutely anybody regardless of the amount of grant funding they are bringing in to the institution.

England, High Tariff

We are using the language of zero tolerance a lot and being really clear about what that means. I think we are now taking action on a lot more than we ever did in the past. In the past, possibly, we kind of talked away from some things. It was a bit 'okay this person maybe has made some sexist/homophobic/racist comments but they are a great researcher and they bring in a lot of money therefore we'll still give them ten increments or whatever it might be'. We are not in that place any more. We have moved on a lot from there so I think that is probably where our focus might be and I'm not sure that actually having a requirement to then report on would change anything for us.

England, Medium Tariff

Alongside a zero tolerance approach, one institution raised the fact that they were trying to address a lack of trust by addressing the relatively low numbers of BAME staff among their academics (while highlighting that the relatively small numbers were not just a problem for academia).

Concerns about repercussions and victimisation

A further serious barrier to reporting of racial harassment incidents was concerns about repercussions and victimisation. Institutions were concerned that victims felt they would be viewed as troublemakers.

I think people are scared. I think that there is a fear that it will have an impact on either their grades if they are a student or their ability to still continue to function effectively as a member of staff.

England, Medium Tariff

On the student side there are two aspects. One aspect is where students sometimes worry that even after the case is closed, after the complaint is handled and after justice is restored they will still need to be facing the same member, be it staff or student, on campus for up to maybe three years, while they continue their studies. That continuous engagement and discomfort of facing off each other is one of the barriers.

England, High Tariff

Some institutions felt that some international students in particular felt unable to raise complaints due to perceived ramifications from family members or peers. It was thought that these perceptions may have stemmed from their experience of the culture in their country of origin, which was less tolerant of complaints against those in authority.

[Students feel] that there might be an implication for themselves; that they might not be believed; or they might be uncertain about what will happen after they make that complaint. With the international student body there is a cultural element and [there are concerns about] the ramifications of complaining.

England, Low Tariff

Some institutions felt that the solution to this problem lay with facilitating anonymous reporting of racial harassment complaints. One institution felt that anonymous reporting had had a positive effect on levels of confidence in the reporting process, particularly among students.

Another institution offered alleged victims the opportunity to either record an allegation in their own name or to have the complaint lodged by the institution itself.

One barrier is that people don't like to be seen as 'that person', one way we overcome this is by taking this on as an institution – we become the complainant. ...another reason...awful to say...is that they may have gotten used to it [the harassment]...part of our campaign is to say 'we are not ok with this; we want to deal with it'...as a HEI we will always uphold ourselves and take care of people in these [situations]. The HEI taking on complaints is removing a barrier but we need to make students and staff aware of this.

England, Medium Tariff

One institution pointed out that they felt that it was difficult to build confidence in an internal process for handling racial harassment when there was an absence of a strong track record in upholding complaints. They also discussed the negative impact of the ‘whistleblower effect’ on staff working in equality and diversity across HEIs. The interviewee described ethnic minority EDI leads being pushed out of their roles after handling confidential information about institutional cases of racial harassment – with a non-disclosure agreement included in their severance packages.

Institutions are becoming very clever at hiding these things ... it's very difficult to evidence racial harassment in Higher Education ... they close ranks ... there isn't any respect for data protection ... at a national and international level ... when I first started [the HEI equality and diversity sector] was highly populated with BAME people dealing with equality and diversity. Now, there are 5 or 6 of us ... when the Equality Challenge Unit (now Advance HE) introduced the Race Equality Charter, the institutions that took part in the trial, all of those who are BAME and led on the trial themselves ended up being subjected to bullying on the grounds of race and take voluntary severance or agreed compromise agreements ... they recycle around the institutions and eventually get burned out and leave.

England, Medium Tariff

8. Conclusions

HEIs had more oversight of staff than students

Generally universities felt that their relationship with staff was stronger and clearer than their relationship with students. As a result, they usually found it easier to handle complaints made against members of staff than complaints made against students. With staff, universities had a clear contract of employment and a formal code of conduct. They could also mandate certain activities, such as training, as a response to complaints of racial harassment. In contrast, most universities did not have a similar agreement with students. Universities also felt that there were parts of the student experience that they could not influence. For example, their treatment by landlords or incidents that occur in student accommodation. In general, universities did not have the same frequency and consistency of contact with students in comparison with staff, and therefore understanding the context of racial harassment incidents was often more complex.

The nature of university relationships with staff meant there were many more opportunities to communicate policies and influence behaviours than was the case with students. With staff, universities included information on racial harassment policies in their induction but they were also often reinforced through regular staff communications and training programmes. Most universities tried to communicate this information to students as part of freshers' week, alongside a large amount of other information relating to their studies. After this, universities generally relied on their website as the mechanism for communicating information on policies to students.

Reporting systems were fragmented and staff practice inconsistent

The range of reporting routes made it challenging for universities to ensure consistency of complaints handling. For staff, there tended to be a single, obvious place for lodging formal complaints (usually the HR department), although the initial complaint may have been referred from their line manager or head of department in some instances. For students, there was an even wider range of possible contact points. This included members of staff but also student support services, often run by fellow students on a voluntary basis. Several universities were worried that the advice and support that a victim (student or staff) might receive could depend heavily on who they initially approached with their complaint.

The range of potential reporting points (and the fact that some complaints were resolved at the initial reporting point) made it hard for some universities to understand the scale of racial harassment at their institution. Where racial harassment complaints were reported via a range of different routes, it was often difficult for the university to establish the overall volume of complaints that they received and to monitor trends in the issues. Sometimes universities had only anecdotal evidence on which to base their decision-making.

Several universities had sought to establish a better level of oversight through creating a single ‘portal’ for reporting. Typically, institutions had invested in the Report and Support tool developed by the University of Manchester. Universities that had done this had not yet been operating it long enough to understand its impact.

Where reporting tools allowed for ‘multi-coded’ recording of all the protected characteristics relevant to a case, this allowed for a more sophisticated assessment of the volume of all harassment cases in which race was a factor. However, this was relatively uncommon. Most universities would have had to review verbatim descriptions of all cases to establish whether or not race was a factor in those cases in which it had not been identified as the key driver of the complaint.

Some institutions had introduced anonymous reporting tools (typically online), although attitudes towards anonymous reporting were mixed overall. Those HEIs that were using such tools felt that allowing anonymous reporting was important for them to learn about the culture at their institution and accepted that there were some victims who would only be prepared to make a complaint if they could so anonymously. Others were concerned that anonymous reporting could encourage vindictive accusations and/or that it could be difficult to manage the expectations of victims placing anonymous reports (because of the limited action that the university could take).

HEIs had tried out different initiatives – with mixed results

Networks of ‘diversity champions’ were a common approach to providing information and advice about racial harassment but there were mixed views about their effectiveness. Some universities were extremely positive about the network of diversity champions that they had been able to build. Others pointed out that these networks were often run by individuals alongside their day jobs and that the amount of time that they were able to dedicate to the role could vary a lot. Some universities recognised that the amount of support and training that they were able to provide to diversity champions was inadequate. In universities without a standard obligation to record all incidents of racial harassment, it was difficult for the institution to be confident in the consistency of approach across their network of advisors. This was particularly the case for informal resolution of cases which would sometimes not involve any other staff, such as members of HR or the Equality and Diversity team.

HEIs' views differed on whether or not informal resolution was the best way to deal with cases. Some universities were pleased that nearly all cases were resolved informally. Others, however, felt that the lack of formal complaints showed that the process was not working as effectively as it might. Some institutions were concerned that there was too big a gap between their 'informal' process (typically meaning the complaint was resolved by a diversity champion without any documentation/reporting) and their 'formal' process (typically lodging a formal complaint with the HR or Student Services departments and following through a multi-stage resolution process). Some of these institutions specifically mentioned a need for advice and guidance on an appropriate middle ground.

Few universities had a standard package of support to offer either alleged victims or alleged perpetrators of racial harassment. Most universities, however, had forms of general counselling services that could be made available if required.

Universities generally separated alleged victims and alleged perpetrators while cases were investigated. However, they were concerned about the impact that this had. Universities felt that separation was difficult to achieve without the risk of others assuming guilt. Participants felt that suspending staff on full pay was an appropriate and fair way to allow an allegation to be investigated, pending disciplinary action if the complaint was upheld. For students, however, they felt that there was a risk that any form of suspension could lead to irreparable damage to their likely academic grade and could cause financial hardship (if funding was withdrawn as a consequence). This damage could not be easily undone even in cases where the investigation found the student not guilty of the allegations.

Some universities had sought to tackle the environment that had enabled racial harassment. They had done this through a programme of cultural change which celebrated diversity. In some cases, universities had extended this activity beyond their own students and staff to the wider community in which the university was based.

Appendix

Introduction (5 minutes)

INTRODUCE SELF AND IFF RESEARCH

- **Aim of the research:** Thank you for completing the recent IFF survey, which was conducted on behalf of the Equality and Human Rights Commission (EHRC). The information you supplied will help inform the EHRC's inquiry on how the sector responds to reports of racial harassment. As part of this research, IFF are conducting a number of qualitative interviews with UK HEIS in order to provide further detail and insight into experiences on how institutions respond to reports of racial harassment.
- **The interview will focus on:**
 - Your institution's process for dealing with racial harassment complaints from staff and students
 - The challenges faced in providing appropriate and timely routes to redress
 - Future plans for mitigating racial harassment at your institution
 - The barriers for students and staff in making complaints
 - What helps you to inform institutional policy.
- Your responses will help share learning and information about good practice across the sector to help drive positive change.
- The interview will take around 45 minutes to complete depending on what you have to say.
- **MRS Code of Conduct and Confidentiality:** IFF Research is an independent market research company. Please be assured that anything you say during the interview will be treated in the strictest confidence, interview recordings and summaries will be saved on a restricted-access area of our server.

- IFF research is fully compliant with GDPR legislation; you have the right to view, change or delete any of the data we collect at any point (refer to [IFF Research GDPR](#) if required). Your data will be stored for 12 months before deletion. Whilst as previously mentioned, your responses will be shared with the EHRC, all responses will be anonymised in the published report, so that they cannot be linked back to you.

Firstly do I have your permission to record this? We would like to record all interviews for quality and monitoring purposes, and so I can revisit the detail of what you said without having to take lots of notes. Only the research team at IFF will have access to the recording, and it will be deleted in 12 months' time.

[INTERVIEWER - PLEASE RECORD]

Yes	1	Only record if 'yes'
No	2	Notes only
Don't know	3	Notes only

- To confirm your earlier responses over the phone, please can you confirm that you understand the following statements, and if applicable, indicate that you are happy to continue with the interview on this basis:

1. I understand that my organisation's name, contact details and interview responses will be shared with the EHRC.

[INTERVIEWER TO ASK WHETHER RESPONDENT IS HAPPY TO CONTINUE WITH THE INTERVIEW]

2. Optional: I consent to my organisation being named as an interview participant in an appendix to the EHRC's published report (no individuals will be named)

3. Optional: I consent to my organisation being identified as an example of good practice in the narrative of the report or in an associated case study report for the inquiry (you will be given the opportunity to review the content prior to publication, and have the case anonymised at that point if you prefer).

[INTERVIEWER TO ASK WHETHER RESPONDENT IS HAPPY TO CONTINUE WITH THE INTERVIEW]

If you wish to change or delete any of your responses after the interview, please contact Daniel Salamons at IFF Research. Would you like to take down his contact details?

[Interviewer to read out phone no.: 020 7250 3035 and email address: daniel.salamons@iffresearch.com]

A. Confirmation of Quantitative responses (0 minutes)

A1. Interviewer to note from survey responses:

- Number of racial harassment complaints received from staff
- Number of racial harassment complaints received from students

B. Current process for complaints of racial harassment from staff and students (5 minutes)

B1. One element that the inquiry is hoping to gain a better understanding of, is how well the processes and policies that Higher Education Institutions use to address racial harassment complaints from staff and students are working, and what can be done to improve them.

It would be extremely useful if you could very briefly walk me through the institutional process and policies for dealing with complaints of racial harassment **from staff and students**, from initially receiving a complaint, to achieving a definitive outcome.

- Interviewer to probe around differences between dealing with complaints of racial harassment from staff and students.
- Potential prompt: does anyone look across **all** complaints to see if there are elements of race within these (academic appeals etc)? This may raise issues of racial harassment / racism even though they weren't formal racial harassment complaints.

C. Efficacy of process/policy (15 minutes)

C1. Thinking about the range of racial harassment complaints that you receive, are some types of racial harassment complaints, easier to deal with than others?

- Why is this? Interviewer to prompt around different parts of the process, or general policy areas mentioned in Section B in dealing with different complaint types, that make things more difficult e.g. difficult to move specific type of complaint to an outcome. Does it make a difference if the harassment is student-on-student, staff-on-student, third party etc?
- How, if at all, does the channel of complaint effect the type of outcome that can be achieved? Note for interviewer to probe: channel of complaint examples: through line manager/ tutor, directly through formal complaints process, students union / trade union, via someone witnessing racial harassment, rather than the direct victim of it.
- Are some complaint channels more effective than others in terms of securing an appropriate outcome? Why is this? Is there a variation across schools / faculties? Do complaints go through a central hub? Is anonymous reporting possible?

C2. How well do you think your institution's current policies and complaints process deal with the range of racial harassment complaints that occur?

- Why is this?
- Do you think there are any gaps in policies and process that prevent your institution in dealing with certain types of complaints effectively?
- If yes, how do you think your institution could breach these gaps?
- Are there any groups of students or staff, that current process or policy addresses more successfully than others?
- Interviewer to probe around international students / post-graduate/under-graduate / research vs taught / staff vs home students / staff, different ethnic groups, nationalities etc if brought up by the respondent.

C3. Are their parts of the process that you think might take too long, or are not long enough?

- Why is this? What impact does that have on delivering an appropriate outcome?

C4. Thinking generally about your current process and policies for dealing with complaints of racial harassment from staff and students, what elements do you feel work particularly well?

- Why is that? Potential prompts:
 - How long the process takes; whether or not the police are involved. What happens if the police find out there is no conclusive evidence. Where does that leave the HEI and victim in terms of an effective process?
 - Use of the Pinsent mason guidelines - how effective are they?
 - What are the roles of staff other than complaints officers and HR officers? E.g. pastoral care, wellbeing officers?

- Where do they learn how to handle harassment complaints? UUK? Advance HE? Anywhere else? Are they part of any working group?
- Can you give me an example of how this helped to deliver an appropriate outcome?

C5. Thinking generally about your current process and policies for dealing with complaints of racial harassment from staff and students, do you feel there are elements that could be handled more effectively?

- Why is that?
 - Potential prompts: What would make them respond better? The threat of funding cuts? Regulators' involvement? Stronger reporting obligations? Reporting to the Vice Chancellor? Do they (if so who / when) do they use info on racial harassment to set priorities around the PSED?
- What impact do you think that has on delivering suitable outcomes?
- Can you give any examples where you feel a complaint may have been managed poorly, or was not solved satisfactorily?

D. Communication (5 Minutes)

D1. How are your institution's policies and processes around racial harassment communicated to staff and students?

- What communication channels do you think works well in ensuring students and staff are aware of the complaints process and policies?
- Can you provide any examples of communication that has worked well?
- What do you think isn't working so well?
- Do you evaluate what is working in terms of ensuring students and staff are aware of the complaints process and policies?

- If yes, how do you do that?

D2. How aware do you think students and staff are of the institution's policies and process around racial harassment?

- How do you think your institution could better improve awareness amongst students and staff?

E. Support (5 minutes)

E1. How is victim safety and well-being taken in to account throughout the complaints process? Interview to also prompt around signposting to external agencies

- Are victims given information about what happened to the perpetrator?
- How well do you think this works currently?
- How does support for the victim work in difference situations? For example, if there is an instance where an alleged perpetrator may come in to regular contact with the victim of racial abuse?
- How do you ensure that the victim support is appropriate for different individual?

F. Barriers to making complaints (10 minutes)

Thank you for your answers so far. One key element of this inquiry is to try to better understand why complaints regarding racial harassment from staff and students, do not get made, and how staff and students can feel more encouraged to make a complaint when they feel they have witnessed or been a victim of racial harassment.

F1. What do you think are the main barriers for staff and students in reporting cases of racial harassment at your institution?

- How does the institution identify these barriers?

- What do you think are main elements that contribute to these barriers?
- To what extent do you think your institution helping or preventing the formation of these barriers?

F2. What is your institution doing currently to encourage staff and students to more widely report instances of racial harassment?

- How well do you think this is working? Why is that?

F3. Do you have future plans to better encourage staff and students to more widely report instances of racial harassment?

- How do you think these plans can address current and future barriers to reporting instances of racial harassment?

G. Examples of best practice (10 minutes)

Thank you for you all your insight so far. In this final section it would be really useful to look at what your organisation is already doing well and whether and how you feel your institution has improved in regards to dealing with racial harassment complaints. I'd also like to hear about your plans for dealing with complaints better in the future, if any.

G1. Thinking about the last few years, what initiatives or policies do you think have been particularly successful in responding to racial harassment complaints? Have you made any notable improvements?

- What made these successful? Interviewer to probe around evidence of success.
- How do you feel these initiatives or policies have positively influenced the institutional culture around reporting racial harassment complaints over the last few years?
- Why is that?

G2. Looking to the future, can you elaborate on any plans you have to deal with racial harassment complaints?

- How do you plan to implement them?
- What would be the markers for success?

G3. To finish up our discussion, it would be excellent to know if there are any specific internal or external guidance documents that are used to inform your institutional policy in this area.

H. Conclusion and wrap up (2 minutes)

H1. Thank you for time today, your answers have been extremely useful to the EHRC inquiry. Is there anything that you would like to mention regarding racial harassment complaints from staff or students that we have not been able to cover today?

[THANK RESPONDENT AND CLOSE INTERVIEW]

I declare that this survey has been carried out under IFF instructions and within the rules of the MRS Code of Conduct.

Interviewer signature: XX

Date: XX

Finish time: XX

Interview length: XX mins