Preventing gender based violence in UK universities: the policy context

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Since the turn of the millennium across the UK, increased public and political awareness of the nature, extent and impact on women of all forms of gender based violence (GBV) has led to a significant expansion of the national policy framework and of funding for GBV prevention and specialist service provision. GBV occurring in higher education contexts has also gained attention among researchers, the government, the media and higher education institutions (HEIs) in recent years (see for example, National Union of Students (NUS) 2011, 2012; Jackson and Sundaram, 2015). Notably, national and international media coverage has highlighted universities as 'sites of violence' against women, with particular emphasis on sexual violence and harassment (Fenton et al, 2016: 5).

Research into campus-based GBV in the UK has tended overall to reflect experiences within English HEIs. In the 2011 National Union of Students UK survey *Hidden Marks* (NUS, 2011) on campus-based sexual violence, harassment and stalking, of the 2,058 responses, 88% were UK students and 12% from overseas students. Responses from students across the four home nations broadly reflected the distribution of student numbers across the four home nations (England: 85%; Wales: 10%; Scotland: 5%; Northern Ireland: 2%). Of the 62 institutions that contributed to the Universities UK Task Force's consultation on violence against women, harassment and hate crime in 2016, the vast majority were from England with five from Scotland, three from Wales and one from Northern Ireland. In 1998 the national governments of Northern Ireland, Scotland and Wales assumed responsibilities for a range of devolved matters (Home Office, 2013). Political and policy priorities emerged which were distinct from each other and from those in England meaning it is no longer accurate to refer to a UK response without reference to the differences between the four nations, as illustrated through the evolution of GBV policy in each of the home nations. GBV is a policy area that shows a degree of variation across

the UK and merits examination for the impact this may have on how universities address this issue on campus sexual violence. This chapter will begin by outlining the current situation facing UK universities as they develop their responses to GBV. It will then contextualise this by examining the key factors influencing GBV policy in each of the home nations using a three point conceptual framework. The chapter will then summarise current developments in universities' approaches to the issue in their national context. The chapter will conclude by offering some observations on the opportunities and challenges facing the UK higher education sector as it develops its approach to GBV prevention.

Gender based violence in UK universities

In 2014–15 there were 2.3 million university students in the UK, of whom 56% were female and 44% male, with 45% of all students aged under 21 years. The distribution of UK university students across the four home nations during that period was 81% in England, 10% in Scotland, 5.9% in Wales and 2.5% in Northern Ireland . UK universities employ a total of 410,130 staff, of whom 54% are female and 46% male; while 55% of academic staff are men and 62% of non–academic staff are women (Universities UK, 2015). Despite the significance of these figures in relation to gender inequality there is a growing research base that points to concerns around women's wellbeing in the educational sector being traditionally 'marginalised' in research and policy (Phipps and Smith, 2012). National statistics show that gender and age are key determinants increasing the risk of experiencing GBV, with young women aged 16–25 more likely to be affected than other age groups (Rape Crisis Scotland, 2015). In the UK, one in seven women students have experienced serious physical or sexual assault; 84% knew their attacker; and 25% have experienced unwanted sexual behaviour (Phipps and Smith, 2012: 363). As a result, there has been increased scrutiny of the ways in which universities are responding to, and preventing, GBV, and in particular, sexual violence against, and by, students.

A growing body of work, including a number of high profile inquiries, have been influential in identifying best practice and providing recommendations to this complex issue in UK higher education contexts (Durham University, 2015; Bows et al, 2015). This developing field of research has also highlighted the often poor and inconsistent responses of HEIs, particularly surrounding reporting pathways (or lack thereof); inconsistencies in universities' approaches when dealing with victims/survivors of GBV; and gaps in students' knowledge of services available locally or on campus. As a distinct

issue, GBV requires a distinct institutional response. Within UK higher education however, only a minority of institutions have specific GBV and/or sexual violence misconduct policies or procedures, though a growing number are beginning to implement such measures. Moreover, it has been argued that the primary concern of HEIs may be with the reputational and financial damage associated with reports of violence (Phipps and Young, 2015). There is growing acknowledgement that HEIs have a responsibility and duty of care to maintain the safety and wellbeing of the university, staff and student, community and by extension, to effectively address GBV. Institutions also have a role to play in challenging the attitudes that underpin GBV, as the harassment, abuse and violence on university campuses and education contexts both reflect and influence those of wider society.

A gendered framework

During the 1970s and 1980s, preventing violence against women (VAW) became a progressive social policy issue in the UK, Europe and the US as a result of feminism and women's social activism (Htun and Weldon, 2012). This drew public and political attention to the physical and sexual abuse of women (Dobash and Dobash, 1992; Hanmer and Maynard, 1987), deepened knowledge of women's lived and common experience of violence, and offered directions for prevention strategies (Walby, 2011; Walby et al, 2014). Feminist research looked beyond individual pathology and scrutinised VAW in its wider social and historical context. Definitions of violence derived directly from women's lived experience were developed, forms of VAW were reconceptualised as gendered phenomena and reframed within a matrix of embedded public and private social controls which maintained women's historic social subordination (Hanmer, 1978, 1996; Littlejohn, 1978).

In the 21st century VAW has been described as a 'concrete manifestation of inequality between the sexes' (Garcia-Moreno et al, 2005: 1282*)* which presents a significant impediment to women's equality. There is also recognition that most women experience more than one form and that the negative and cumulative impact can reach beyond the home, across social space, and throughout the lifespan (Scottish Government, 2009). Research on VAW policy development worldwide has shown that the most effective strategies are those that adopt an ecological perspective to instruct action across society at macro and micro levels and that interact with levels of power in society both vertically and horizontally and across public and private

space (Heise, 1998; Samarasekera and Horton, 2015; Stockdale and Nadler, 2012). Hearn and McKie (2008) suggest a three point gender framework for examining VAW policy development which includes: a gendered definition and analysis of violence and abuse in all its forms; a recognition of the social norms and material conditions that facilitate the exercise of male power and privilege; and acknowledgement of the varied locations and context where such violence occurs. The extent to which VAW policy developments in the UK since the late 1990s have adhered to this conceptualisation in current UK frameworks will be examined. These will be contextualised within the constitutional changes which have taken place in the UK since 1998.

UK GBV policy

The majority New Labour administration which came to power in the UK in 1997 stressed its commitment to being 'tough on crime and the causes of crime' (Home Office, no date). The policy rested on reforming the criminal justice system, reducing offending and developing police and public sector partnership approaches to crime prevention. Phipps (2010) and others have noted that this approach to VAW policy individualised criminal behaviour in order to improve detection and prosecution rates, and it also led to increased reporting and better support for women crime victims (Ball and Charles, 2006; Phipps, 2010). This focus on the criminal aspects of VAW and on improving criminal justice responses was welcomed by the women's movement and feminist campaigners. However, the crime prevention focus depoliticised the issue and diverted attention from women's wider experiences of gender power relations, structural inequalities and the links to the pervasive continuum of gendered sexual violence which women faced in public and private life (Kelly, 1988; Stark, 2007). According to Phipps' research, this reframing of women's experiences of sexual and domestic violence in discourses of crime and victimhood was still evident in the Labour government's approach ten years later despite a more overt acknowledgement of the wider structural roots of VAW in women's social inequality in the 2007 cross government *Action Plan on Sexual Violence and Abuse,* for example (Phipps, 2010). While the Conservative/Liberal Democrat coalition government elected in 2010 continued to emphasise crime and community safety in its approach to VAW, there was an acknowledgement by the then Home Secretary, the Right Hon. Theresa May, that 'For too long government has focused on violence against women and girls as a criminal justice issue – dealing with the fallout of these terrible crimes' and that it was

necessary to work on measures to prevent violence from happening in the first place (HM Government, 2010: 3).

In its 2010 *Call to End Violence Against Women and Girls*, the coalition government adopted the definition of violence against women and girls (VAWG) outlined in the United Nations Declaration of the Elimination of VAW (1994), noted the UK's ratification of the UN Convention on the Elimination of all Forms of Discrimination against Women (CEDAW) and acknowledged that this was the first time the government had agreed to work to a single definition. The Conservative government elected in 2015 published its *Ending Violence Against Women and Girls Strategy* for the period 2016–20 and committed £80 million to the *Violence Against Women and Girls Service Transformation Fund* for the period (HM Government, 2015). On a more regressive note, the single UN definition outlined in the coalition strategy was omitted and replaced by a gender-neutral working definition and new measures and legislation were introduced. Paradoxically, the new measures covered specific offences which all disproportionally affect women and are clearly gendered phenomena, such as stalking, forced marriage, FGM, and revenge pornography. The new domestic abuse offence captured coercive or controlling behaviour in an intimate or family relationship; and the Strategy also referred to the Modern Slavery Act; Domestic Violence Protection Orders (DVPOs), the national Domestic Violence Disclosure Scheme (DVDS), FGM Protection Orders and an FGM mandatory reporting duty. Again, somewhat paradoxically, there was an acknowledgement of the need to change attitudes through prevention work across society and especially with young people. While commitments to improving criminal justice responses aimed at apprehending and prosecuting offenders remained, wider work to prevent and address offending or abusive behaviour was not emphasised. Ishkanian (2014) argues that Conservative notions of the 'Big Society' and neoliberal policies have continued the depoliticisation of VAW by maintaining the emphasis on crime prevention and value for money. Service commissioning strategies, together with austerity economics, encourage the marketisation of civic society through the expansion of voluntary sector service provision and the commission of services that lack the expertise and feminist analysis of GBV (Berry et al, 2014; McCarry et al, 2017). This threatens to neutralise the ability of longstanding feminist-inspired VAW voluntary organisations such as Rape Crisis and Women's Aid to provide specialist local services, and contribute to progressive policymaking aimed at reducing women's inequality (Ishkanian, 2014). In a more recent development, The Preventing and Combating Violence against Women and Domestic

Violence (Ratification of Convention) Bill received Royal Assent on 27 April 2017 and is now an Act of Parliament in the UK. This ratifies the Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence 2011 (also known as the Istanbul Convention) in UK law. The Convention recognises the links between structural inequalities and VAW and commits signatories to creating coordinated national responses. The Act commits the UK to creating minimum enforceable standards to protect victims/survivors and a comprehensive legal and policy framework for preventing VAW (UK Parliament, 2017).

Since devolution, the national VAW strategies of Wales, Scotland and Northern Ireland have shared a focus on improving the criminal justice response to VAW, in line with that in England. However, distinctions in the way the issue has been conceptualised are evident. The genesis of these devolved nations' strategies lay in civic and political campaigns for increased women's representation in the proposed new national parliaments in the 1990s. The opportunity to develop political systems and structures in the new governments which supported equal representation of women was seized upon by feminist and women's organisations, politicians and trade unionists. The introduction of quotas and other measures to support the increased participation of women in the new political structures resulted in what has been described as the 'feminisation' of politics, whereby women's increased participation also promoted the advancement of issues affecting women's lives in the political agenda (Lovenduski, 2012; Mackay and McAllister, 2012). Women's political representation in the new Welsh and Scottish parliaments exceeded that of Westminster and Northern Ireland: in 1997, women were 18% of Westminster MPs, while 37% of those elected to the new Scottish Parliament and 40% of those taking their seats in the National Assembly of Wales were women. These improvements in gender parity have been attributed to the application of gender quotas, particularly in the Labour Party (Ball and Charles, 2006; Mackay and McAllister, 2012). The changing gender landscape in the political life of Scotland and Wales has been credited with achieving a new emphasis on the mainstreaming of equality and in the development of national policies on domestic abuse and VAW (Ball and Charles, 2006; Breitenbach and Mackay, 2001; Mackay, 2010). The role of feminist campaigning and service providers such as the established network of Women's Aid and Rape Crisis organisations have also had a significant impact on the development of GBV policy in Scotland and Wales through closer access to the policymakers and the development of successful lobbying strategies. Consistent and

careful management of the tension between crime prevention focused strategies, survivor-informed approaches, and clearly linked strategies to structural gender inequality has resulted in the gendered framework adopted by Wales and Scotland (but which is lacking in the gender-neutral approach of Northern Ireland).

Northern Ireland

Despite a strong women's movement in Northern Ireland and clear statements of the need for a more equal society in the Good Friday Agreement, the progress of gender equality and gender mainstreaming in Northern Ireland has been slow (Brown et al, 2002; Gray and Neill, 2011). Only 15% of those elected to the new Assembly were women and the low numbers, in comparison to those of the new Scottish and Welsh parliaments, have been attributed to the more varied political landscape where 'political priorities are informed by ethno-national differences' (Ward, 2004: 1; see also Connolly, 1999). Northern Ireland's seven-year strategy *Stopping Domestic and Sexual Violence and Abuse in Northern Ireland,* published in 2016, for example, adopts a gender-neutral definition. Replacing the existing 'Tackling Violence at Home' and 'Tackling Sexual Violence and Abuse' strategies, this new overarching framework has the strategic vision of 'a society … in which domestic and sexual violence is not tolerated in any form, effective tailored preventative and responsive services are provided, all victims are supported and perpetrators are held to account' (DHSSPSNI and DoJNI, 2016: 34). The Strategy does not highlight, however, that most victims are women and girls and most perpetrators are men. This gender-neutral approach is reflected in the emphasis that domestic and sexual violence 'affects all members of society', that 'it knows no boundaries with regard to age, gender identity, marital status, race, ethnicity or religious group, sexual orientation, social class, disability or geography' and that '*anyone can be a victim*' (DHSSPSNI and DoJNI, 2016: 7, 20, emphasis added). Statistics are provided on the incidence and prevalence of crimes and offences but not on the gendered nature of victimisation and perpetration. Women are rendered somewhat invisible within this strategy as a result, and domestic and sexual violence and abuse is not contextualised within wider structural inequalities. Overall the strategy takes a crime prevention approach similar to that in England and makes clear links to other NI Executive strategies and policy areas including the *Building Safer, Shared and Confident Communities – A Community Safety Strategy for Northern Ireland 2012–2017*, published in July 2012, and the 2013 *Making a difference to*

victims and witnesses of crime – Improving access to justice, services and support – a five-year Strategy. Moreover, the wider backdrop for the *Stopping Domestic and Sexual Violence and Abuse* strategy is the Northern Ireland Executive's Programme for Government 2011–15, with priorities in crime prevention, and improvement planning focused on community safety, access to justice and safeguarding outcomes for children and vulnerable adults (DHSSPSNI and DoJNI, 2016).

Within the new strategy for *Stopping Domestic and Sexual Violence and Abuse* and its implementation plan there are five key strands: Cooperation and Leadership, Prevention and Early Intervention, Provision, Support Protection and Justice. Overall, the strategy emphasises the importance of collaborative approaches with prevention described as 'fundamental' to reducing incidence, promoting increased knowledge and understanding, and in changing societal attitudes. The implementation plan emphasises the key role of schools, supports the development of effective educational programmes and partnership working between local councils, employers and health and social care services, including a preventative school curriculum centred on encouraging healthy relationships. This involves providing teachers with the necessary skills and resources to teach about issues of violence and abuse, as well as training to support and respond appropriately to pupils in distress. The national strategy makes no reference to the contribution of further and higher education to wider implementation.

Wales

Under the terms of The Government of Wales Act 1998, devolution was limited to health, education and local government services, with responsibility for policing and criminal justice retained by the UK government. The Welsh Assembly recognised its statutory duties under the Equality Act 2010 to promote equality of opportunity and established structures to ensure these were met (Ball and Charles, 2006). The first Welsh strategy published in 2005 – *Tackling Domestic Abuse* – adopted a rights based framework and, in 2010, *The Right to be Safe Strategy* set out an integrated, cross government programme of action to tackle all forms of VAWG. Moreover, in 2015 the Welsh Government passed two pieces of legislation with significance for addressing GBV: the Violence Against Women, Domestic Abuse and Sexual Violence (Wales) Act 2015 and the Well-being of Future Generations (Wales) Act 2015. These set out the Welsh Government's vision and goals for Wales and place clear legal requirements on public bodies to ensure their strategic planning, actions and outcomes contribute to the wider

wellbeing of the population in the long term across a number of areas, and make clear provision for their accountability to the Welsh Government. In this legislation, the Welsh Government has recognised the gendered nature of VAW as well as acknowledged that it is a cross-cutting issue which requires action across a number of policy and service areas. The 2015 Violence Against Women, Domestic Abuse and Sexual Violence (Wales) Act, for example, highlights 'gender-based violence, domestic abuse and sexual violence as mostly perpetrated against women and girls by men, and … is both a cause and consequence of gender inequality' (Welsh Government, 2015: 10).

The overall aim of the new legislation is to improve the public sector response to GBV and make prevention of VAW a measurable priority. It places a legislative requirement on public bodies to produce national and local strategies for tackling GBV, and in doing so attempts to promote awareness of GBV and improve consistency and quality of service provision in Wales. Moreover, the Act confers Welsh Ministers with powers to issue guidance to public bodies, including local education authorities and further and higher education institutions, on how they might contribute to the pursuit of the purpose of the Act. The Act also provides for the appointment of a national VAW Adviser to the Welsh Government to drive improvements in planning and delivery of services for victims and survivors of GBV. Within this role, the Adviser will brief Ministers, improve joint working among public bodies and, most importantly, measure accountability (Welsh Government, 2015).

The Welsh Government's *National Strategy on Violence against Women, Domestic Abuse and Sexual Violence 2016–2021*, which sets out what the Welsh Government will do to contribute to the pursuit of the purpose of the 2015 Act, aims to improve prevention, protection and support for people affected by GBV. Three of the six main strategic objectives focus on prevention and include increased awareness and challenging attitudes of GBV across the Welsh population; increased awareness in children and young people of the importance of safe, equal and healthy relationships; and increased focus on holding perpetrators to account and providing opportunities to change their behaviour (Welsh Government, 2016a: 20). The *Good Practice Guide: A Whole Education Approach to Violence against Women, Domestic Abuse and Sexual Violence in Wales*, published in 2016 and developed in conjunction with Welsh Women's Aid, provides a guide for schools and FEIs (further education institutions) on how to develop and deliver a whole education approach to challenging GBV, including ways to integrate this into existing practices and by providing examples of effective

practice. This guide highlights the importance of education settings as environments where positive attitudes towards gender equality may be fostered and acknowledges that in the prevention of GBV, a focus on raising awareness among children is central. In recognition that children and young people are educated within other learning settings, guidance for HEIs will be issued separately (Welsh Government, 2016b: 2). The Welsh Government also works with schools, local authorities and regional education consortia to implement and evaluate the implementation of the *National Training Framework on Violence against Women, Domestic Abuse and Sexual Violence*, which outlines the government's requirements for training on these subjects across the public service and specialist third sector. Published in 2016 and one of the key mechanisms for delivering the 2015 Act, the Framework aims to create 'a consistent standard of care' and an 'unfailing standard of service' for victims/survivors of GBV through high quality, standardised public sector training (Welsh Government, 2016c: 5, 6). This ensures that teaching professionals, alongside other service professionals, are aware of the signs of GBV and can respond appropriately, and that effective safeguarding procedures and support services are in place (Welsh Government, 2016a). Overall, the progressive legal framework adopted by the Welsh Government provides a basis from which GBV can be addressed in the round and is an approach unique in the UK.

Scotland

The Scotland Act 1998 gave the Scottish Parliament power to encourage equal opportunities and to ensure the observation of equal opportunity requirements and also the power to impose duties on Scottish public authorities and cross border public bodies operating in Scotland. The Scottish Government's statutory obligations in relation to gender equality derive from the UK Human Rights Act 1998, the Equality Act 2010, the Public Sector Equality Duty 2011 and the more specific requirements of the Gender Equality Duty 2007 (Engender, 2014). VAW is listed as a Ministerial priority in Scotland under the *UK Gender Equality Duty* (Scottish Government, 2010). The Scottish Government has articulated an aspiration to achieve true gender equality in society and to address deep-rooted structural inequalities that prevent women and girls thriving as equal citizens.

Towards this aim, inequality and VAW are addressed through the National Outcome Framework (Scottish Government, 2016b) using a national strategic approach to VAW outlined in *Equally Safe*, the Scottish Government's national strategy for tackling VAWG (Scottish

Government, 2016a). In *Equally Safe*, the Scottish Government and the Scottish Convention of Local Authorities (COSLA), acknowledge the significant individual and social costs of VAWG and the extensive benefits to wider society of effective prevention strategies, and the direct links to gender inequality. From the outset, the Scottish Government policy framework incorporated the UN's gendered definition of VAWG and utilises a gendered analysis of abuse, emphasising the inter-play between gendered power relations and inequalities. In *Equally Safe*, the Scottish Government conceptualises GBV as both a cause and consequence of gender inequality:

> By referring to violence as 'gender based' this definition highlights the need to understand violence within the context of women's and girls' subordinate status in society. Such violence cannot be understood, therefore, in isolation from the norms, social structure and gender roles within the community, which greatly influence women's vulnerability to violence. (Scottish Government, 2016a: 10)

The Scottish Government identifies a broad range of public and private forms of gendered interpersonal violence and abuse including physical, sexual and psychological violence. *Equally Safe* maintains this gendered analysis and articulates a pivotal emphasis on institutionalising its national approach across the country. This national approach has been recognised as a progressive and identifiably 'Scottish Model' for the prevention and elimination of GBV (Coy et al, 2008; Coy and Kelly, 2009). The approach stresses partnership working and outlines medium- and long-term goals for achieving gender equality through primary and secondary prevention, early intervention and a robust criminal justice response to perpetrators. For the period 2016–17 the Scottish Government committed over £30 million of central funding to support the implementation of *Equally Safe*. This continues its longstanding commitment to provide central funding for specialist domestic abuse and rape crisis services, national helplines, VAWG prevention and research, and reforming the justice system.

GBV in UK universities: current developments

The prevalence and impact of GBV experienced by women and girls in UK higher education contexts has remained a neglected topic until very recently (Bows et al, 2015). Due to increasing national and international attention focused on the issue of sexual harassment and

violence in recent years, alongside a growth in student campaigning, there is growing pressure on UK universities to respond to GBV and increasing scrutiny of the ways in which they are currently doing so (Goldhill, 2015). In 2015, Durham University's Sexual Violence Task Force examined existing policy and practice in relation to sexual violence prevention and response, while the University of Sussex recently published an independent review into a high profile domestic abuse case between a student and member of university staff (Westmarland, 2017). With a broader remit, the 2016 *Changing the Culture* report published by Universities UK scrutinised VAW, as well as harassment and hate crime, affecting university students and its findings support a crime prevention focus. Collectively, this work marks a turning point in HEIs attention to GBV. Though the primary focus has been sexual violence among student populations, sexual violence interconnects with, and influences, other forms of gendered violence, harassment and abuse (Stockdale and Nadler, 2012) and is not limited to students. University staff are also affected by such violence as both victims and perpetrators (Westmarland, 2017).

This growing body of work has also revealed that, all too often, universities lack a consistent, effective and systematic response to incidents of GBV. Issues of sexual harassment and violence tend to be dealt with within broader and more general harassment policies (Bows et al, 2015). Without specific codes for sexual misconduct, evidence suggests that students are often unaware of the correct procedure to report incidents or how universities will manage them, placing a significant barrier to seeking help (Universities UK, 2016a). Furthermore, how HEIs manage issues of sexual misconduct under internal regulations has also been subject to criticism, as there have been ongoing concerns about the contemporary relevance of what is commonly known as the Zellick guidelines. Created in 1994 by the Council for Vice-Chancellors and Principals (CVCP, now Universities UK) in a response to a high profile case rape case, it provided advice to HEIs on handling alleged student misconduct which may also constitute a criminal offence. One of the most contentious issues in relation to the Zellick guidelines was the recommendation that rape and sexual assault should never be investigated via internal disciplinary procedures until the complaint is formally reported to the police (NUS, 2015). While not strictly legislation, these non-statutory guidelines are what some universities continue to use as a basis for internal disciplinary procedures (Universities UK, 2016b). However, due to increased criticism, including a campaign by the NUS launched in November 2015 (#StandByMe) which called upon HEIs to reject the Zellick

guidelines and called for the creation of new robust reporting and disciplinary guidelines and survivor support, these original Zellick guidelines have recently been updated, as detailed below (NUS Connect, 2015; Universities UK, 2016b).

A further rationale for the update was that there has been tremendous social, cultural and technological developments since 1994, including the role and use of social media in contemporary society, specifically in relation to online abuse and harassment, as well as significant legislative changes, such as the Human Rights Act 1998 and Equality Act 2010. The recommendation that HEIs should never investigate or conduct internal disciplinary procedures until an incident has been reported to the police and outcomes are concluded could be classed as discrimination under the latter, in which universities are required to give 'due regard' to advancing equality of opportunity and to eliminating discrimination, harassment and victimisation (Equality and Diversity Forum, 2010). A ruling under the Equality Act 2010 confirmed that this includes HEI decisions about their policies and practices on VAW (which includes bullying and harassment), governance of student societies and sports teams, campus security, housing, bars and social spaces. The duty applies to decisions on individual cases, as well as policy decisions.

The 1994 Zellick recommendations also demonstrated a lack of understanding of the nature of GBV and the different forms which may affect students, including partner violence/abuse, revenge porn, commercial sexual exploitation and forms of violence such as FM (forced marriage) (Chantler et al, 2017). Evidence shows that the vast majority of incidents or experiences of sexual violence are not reported, and those that are reported can involve protracted and often distressing legal proceedings (NUS, 2015). Under the original Zellick guidelines, the majority of victims of sexual violence could expect no action by their institution if they did not report to the police. The outcome of this approach is that the victim becomes responsible for managing any potential and ongoing risk posed by the alleged perpetrator. By failing to respond effectively, or at all, HEIs are also leaving other students and staff potentially at risk (NUS Connect, 2016). Moreover, statistical and anecdotal evidence suggests that victims of sexual violence consider leaving and often do leave their studies: the NUS (2011: 4) found that 13% of victims of serious sexual assault reported that they considered leaving their course. When women and girls are denied access to education due to acts, or threats, of violence, this contributes to the maintenance of wider female equality (and is prohibited under UK law, see Whitfield, Chapter Seven in this volume). A further

criticism of the original Zellick guidelines was that there seemed to be an emphasis on HEIs protecting themselves from legal challenges and reputational damage rather than recognising their duty of care to create a safe environment for students (and staff). This remains an important, and unresolved, issue in the context of the increasing marketisation and pursuance of a neoliberal agenda within the HEI sector (Phipps and Young, 2015) and the construction of students' rights as consumers under consumer protection law (HE Consumer Compliance Team, 2015).

In response to some of the criticism discussed above, Universities UK have reviewed the Zellick guidelines and issued new guidance for HEIs on handling alleged student misconduct which may also constitute a criminal offence, with some specific recommendations in relation to sexual misconduct (Universities UK, 2016b). Significantly, the new recommendations emphasise that universities have a duty of care to all students whether or not they choose to report to the police (Universities UK, 2016b). A clear distinction is drawn between internal university disciplinary processes and external criminal procedures and stresses that universities cannot determine criminality, but can invoke disciplinary procedures on the balance of probabilities (Universities UK, 2016b).

Concluding remarks

Theoretical frameworks

HEIs in the four nations of the UK are governed by both national and local policy guidelines. We recommend the adoption of the theoretical framework that conceptualises these forms of abuse/violence as gendered behaviours and manifestations of gender inequality, as that taken by the Scottish and Welsh Governments. Only a gendered analysis and a whole sector response can ever provide a truly effective response to both supporting victim/survivors and challenging perpetrators. Individual level change will be harder to achieve without wider attitudinal change and shifting of social norms and values to a truly inclusive society with genuine equality. We therefore endorse a gendered definition and understanding of GBV and argue that this must not be diluted in a misguided attempt at inclusivity.

It is apposite to be reminded that violence and abuse against women and girls continue because wider cultural beliefs support this behaviour and because in the majority of cases, perpetrators act with impunity. Therefore, universities must challenge wider sexist norms, problematic

'lad cultures' and gender inequality to send out a clear message that GBV is incompatible with these wider cultural norms. Furthermore, as Kelly (1988) argued, often these acts of abuse and or violence are not isolated or discrete events. HEI policies must genuinely cover the wider forms of GBV including, for example, intimate partner abuse, forced marriage, commercial sexual exploitation and homophobic violence in addition to the narrower focus on sexual violence (Stockdale and Nadler, 2012). HEIs must also be mindful that staff as well as students must be equally protected and have clear and supportive reporting pathways and institutional response.

Intervention

We suggest that universities must learn from good practice by becoming involved in local coordinated community responses to GBV. This ranges from ensuring that HEIs are involved in local VAWG partnerships and services; that the expertise of specialised services such as Women's Aid and Rape Crisis must be protected and supported and sought by universities; that the criminal justice model is mindful of the special dynamics involved in GBV, is supportive of victims and punitive towards perpetrators, and works with the local HEIs. Furthermore, HEIs must be proactive, rather than reactive, in developing progressive policy responses which involves strategic leadership. Equally, this must be joint activity with student and staff representatives and bodies. The ultimate aim is to have clear student and staff GBV misconduct procedures that are accessible to all staff to enforce. This is crucial as it is clear that a crime focused approach is not sufficient. On a contextual level, HEIs must address wider gender inequalities and culture/s which sustain GBV whether this is challenging problematic 'lad cultures' in the union bar or structural inequalities such as the lack of women in senior management positions and the gender pay gap.

Prevention

One of the positive prevention strategies being emphasised is the adoption of a whole systems approach to GBV. For example, the authors are currently working to implement *Equally Safe* in a higher education setting at the University of Strathclyde. This project will: develop research tools for investigating campus-based GBV in HEIs; review the extent of GBV prevention work in Scottish universities; identify examples of good practice and incorporate these into a national *Equally Safe in HE* Toolkit. This will be made freely available across

Scotland and has the potential to be adapted for use in further education and other organisational settings. This whole-system approach to prevention presents opportunities for curriculum-based GBV education and prevention work. Perhaps a more entrenched barrier to overcome is created by prevailing social norms which prevent a wider public recognition that GBV occurs across public and private space, across the life span and is pervasive and insidious.

Next steps

Within an emerging field of research into GBV on campus, the essential elements of an effective approach to preventing and responding to GBV in university settings is emerging. Fenton and Mott (2015), for example, argue that universities need to address policy, prevention and intervention; provide and signpost specialist support, and foster cultural change through training and bystander programmes, all in partnership with student unions, other student-led organisations and the VAW sector (Fenton and Mott, 2015; Fenton et al, 2015; Fenton et al, 2016). This might include a distinct policy that specifically addresses all forms of GBV, and that outlines reporting and recording procedures, support pathways and the sanctions perpetrators will face. Other strategies might include first responder training and support for all/relevant staff, and on campus specialist support. The *Changing the Culture* report likewise provided recommendations to support universities effectively and strategically in addressing sexual harassment and violence. Suggestions include a commitment from senior leadership and an institution-wide approach to addressing the issue, evidence-based bystander intervention programmes, clear and accessible disclosure responses, staff training, and partnerships with local specialist services. To respond effectively, universities are recommended to consider the various immediate and long-term support needs of reporting students and alleged perpetrators, and to ensure that their response is flexible and tailored to the individual and often complex circumstances of each case, irrespective of the age, gender identity, ethnicity and sexuality of the victim/survivor (Universities UK, 2016a). Overall, HEIs have a clear responsibility and duty of care to respond effectively and sensitively to any student or member of staff affected by GBV, and a systematic, all-encompassing and joined up institution-wide approach is recommended.

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