

CHANGING THE CULTURE IN HIGHER EDUCATION:

UNIVERSITIES UK'S RESPONSE
TO EHRC INQUIRY ON RACIAL
HARASSMENT IN HIGHER
EDUCATION



Universities UK

Introduction

1. Universities UK (UUK) is the collective voice of 136 universities in England, Scotland, Wales and Northern Ireland¹. Our member universities' core purpose is to maximise the positive impact for students and the public both in the UK and globally through teaching research and scholarship. UUK is led by its members and acts on behalf of universities represented by their heads of institutions.
2. We welcome the opportunity to respond to this important inquiry which will help to increase our understanding of the types of racial harassment experienced by staff and students in higher education and the effectiveness of the sector's response. This evidence will complement the work individual universities and students' unions have been undertaking to move the sector forward on this important agenda. However, given national data on the nature and scope of racial harassment in higher education is limited, the inquiry should provide a rich evidence base on the policies and practices implemented by institutions and offer a valuable resource for sharing examples of 'what works', while creating a baseline against which to measure change in the future. Hearing directly from students and staff about their experiences enables the sector to enhance our understanding about what good practice looks like from an individual's perspective, and what this means for enhancing institutional policies and processes.
3. Since 2016 when UUK published [Changing the culture](#) - a strategic framework to support the sector in addressing all forms of harassment - we have seen a dramatic increase in the level of public awareness of both racial and sexual harassment, with universities often in the spotlight. The response by the sector, illustrated in this response, has been strong with institutions stepping up, owning their problems and investing in their strategic ability to drive cultural change. The collective commitment to seek change at both institutional, and sector level, is clear; ensuring a sustained focus on this agenda is now critical. To support this, UUK's President (to August 2019), Professor Dame Janet Beer, Vice-Chancellor at the University of Liverpool has publicly stated that:

“The safety and wellbeing of staff and students is vital. I encourage universities to think carefully about how they can make their institutions safer places to live, work and study so that no student or member of staff is

¹ We note that your inquiry does not include institutions in Northern Ireland.

subject to any form of harassment, intimidation or threatening or violent behaviour in our universities. Such an abuse of power is categorically at odds with our values and the standards of behaviour expected in the sector.”

4. As well as driving changes to the sector’s own culture we also believe that universities have an important role to play in driving wider cultural change in our society. The higher education sector with its community of 2.3 million students and 420,000 staff² is in prime position to change perceptions and culture and have a far-reaching and positive impact on society.
5. This response sets out the statutory context within which universities must operate to prevent racial harassment. However, as indicated by Professor Dame Janet Beer, universities have set sector standards to support students and staff *beyond* minimum legal responsibilities. To support this, reference is made to UUK’s ‘Changing the culture; a strategic framework’, developed by a taskforce consisting of NUS, experts and sector leaders. The framework builds on activity already taking place across the sector, but provides universities with a more consistent, systematic and coherent approach across the whole institution. Emerging findings from UUK’s survey on sector progress to embed the framework are also referenced³.
6. Attention is also drawn to a forthcoming UUK project to develop further practical guidance for the sector. This will build on the principles of the Changing the culture framework but focus specifically on preventing and responding to racial harassment and racial micro aggressions. This complements a programme of work already undertaken by UUK to address sexual violence.
7. Reference is also made to other UUK initiatives which complement this work, including new sector guidance to address online harassment and a joint project with the National Union of Students (NUS) to address the BME (black and minority groups) attainment gap at UK universities.
8. To date, UUK’s activities have focused on addressing racial harassment and micro aggressions occurring between students. However, the inquiry also

² Source: Higher education in facts and figures, 2018 (UUK)

³ Please note that this information is not yet in the public domain; we aim to publish a full report on the survey outcomes in May 2019.

refers to staff, in view of this, UUK has sought input from a range of other sector bodies and professional groups to highlight initiatives and guidance available for supporting staff. UUK is grateful to support from the Universities and Colleges Employers Association (UCEA), Advance HE, Academic Registrars Council (ARC), and the Association of Universities Legal Practitioners.

9. The last section highlights some considerations that the EHRC may wish to refer to when reviewing the evidence from the sector and in drafting the recommendations.
10. Our response is structured as follows:

A summary of key messages

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| Section (a) | The statutory context for addressing racial harassment, paras. 13-18 |
| Section (b) | UUK initiatives to support the sector in establishing sector standards beyond legal obligations, paras. 19-43 |
| Section (c) | Future plans: development of new sector guidance, paras 44 |
| Section (d) | Information on other initiatives from UUK and higher education sector agencies, paras. 45-53 |
| Section (e) | Considerations in addressing racial harassment in higher education, paras. 54-62 |

Concluding remarks

11. We welcome the acknowledgement by the Equality and Human Rights Commission (EHRC) to make the inquiry as useful as possible to the sector and the commitment to work with universities and UUK to shape the final recommendations. This, along with the different policy and legislative contexts across the UK this will be critical in ensuring that these are as meaningful as possible to universities across England, Scotland and Wales.

Executive summary

12. The key messages we wish to make in this response are as follows:

- The safety and wellbeing of staff and students in higher education is vital and our members aim to do their very best for their students and staff. Many have a version of this ambition as a mission statement or say it is at the core of what they do. The sector cannot reach its full potential unless it can benefit from the talents of the whole population and until individuals from all ethnic backgrounds can benefit equally from the opportunities it affords. Furthermore, any form of harassment against students or staff represents an abuse of power and is categorically at odds with the values and standards expected in the sector.
- Despite this collective commitment by members, evidence suggests that more needs to be done to tackle the pernicious problem of racial harassment and hate crime in universities and wider society. In view of this Professor Dame Janet Beer has highlighted the importance of maintaining a sustained focus on addressing this agenda.
- To support our members to deliver on this, UUK has developed a strategic framework, 'Changing the culture'. This framework, which goes beyond the sector's statutory duties, sets out five key principles to prevent and respond to all forms of harassment and can be customised by each university to suit their cohort of students and specific context. The framework also recognises that having policies and processes in place are not enough and that these must be underpinned by long-term institutional culture change.
- Since the publication of 'Changing the culture' UUK has developed a programme of work to support universities to embed the framework. This includes a range of promotional activities and other initiatives including a survey, targeted at supporting institutions to assess progress and to identify where further support and guidance is required, both internally, and at sector level. Initial survey findings indicate that good progress in embedding the framework has occurred within the sector, with progress more likely to occur with visible and active leadership commitment and when changes are fully embedded within existing governance, policies, structures and processes.

- Changing the culture considered harassment in all its forms, but prioritised issues of sexual misconduct and harassment. It is therefore unsurprising that many institutions have focused initially on improving their policies and practices to address sexual misconduct and gender-based violence. Tackling racial harassment and other forms of hate crime, including online harassment, have tended to have a lower priority with policies and campaigns being less well developed in these areas. However, initial findings from UUK's survey indicate that this is beginning to change as institutions move to the next stage in their journey to address all forms of harassment. Round 2 of the Catalyst funded projects in England provide examples of some innovative activity to address racial and online harassment. It is also encouraging to see that 52 universities have signed up to the Race Equality Charter. Notwithstanding this, it is likely that tackling these issues will require further support and time to achieve the same level of prominence and priority status as that of addressing sexual misconduct. UUK will continue to work with the sector to achieve this outcome.
- To support this process, UUK is embarking on a new project to develop practical guidance for the sector. This will be developed in collaboration with students, the NUS and sector experts, both inside and outside the sector and build on the 'Changing the culture' strategic framework. Specific reference will be made to establishing what an effective operational response looks like for preventing and responding to racial harassment. The EHRC inquiry will provide a valuable evidence base to support this work, as well the evaluation and learning from the Catalyst funding projects to address racial harassment.
- During our discussions with the sector a number of issues have been raised which we would also like to bring to the Commission's attention. This relates to the clarification of aspects of the legal framework which could support institutions in addressing racial harassment; the use and consistency of terminology in this area and the importance of raising an awareness that increased reporting, at least initially, is a necessary prerequisite towards seeking cultural change.
- Finally we endorse the acknowledgement by the Equality and Human Rights Commission (EHRC) to make the inquiry as useful as possible to the sector and the commitment to work with universities and UUK to shape the final recommendations. Given the different policy and legislative contexts across

the UK this will be critical in ensuring that these are as meaningful as possible to all universities.

Section (a) Statutory context for addressing racial harassment

13. Within the context of harassment, universities in England, Scotland and Wales have specific safeguarding duties stemming from the [Equality Act 2010](#), and specifically from the [Public Sector Equality Duty](#) (sub-section 149)⁴. The latter requires that public bodies, or those who exercise public functions, must, in the exercise of those functions ‘...*have due regard to the need to eliminate discrimination and harassment and the need to foster good relationships between different groups when they formulate policies and practices in areas such as: sexual 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 to policy decisions.*’⁵ The Act emphasises the importance of institutions having robust policies and procedures in place for responding to racial harassment.
14. Other relevant legislation includes institution’s statutory obligations in the context of the [Human Rights Act 1998](#)⁶ and data protection legislation including the Data Protection Act 2018 and the General Data Protection Regulations (GDPR). The latter is relevant in terms of issues around confidentiality and the sharing of information given incidents of harassment are likely to involve sensitive personal information which will require careful management by institutions. Information on some of the challenges that could arise from this are set out in Section (e).

⁴ We note the remit of the inquiry does not extend to Northern Ireland.

⁵ Outlined in: House of Common Library. (December 2017). *Briefing Paper Number 08117: Sexual Harassment In Education*. Available at <http://researchbriefings.files.parliament.uk/documents/CBP-8117/CBP-8117.pdf>.

⁶ See also the Legal Briefing prepared by Louise Whitfield and Holly Dustin in: End Violence Against Women Coalition. (Jan 2015). *Spotted: Obligations to Protect Women Students’ Safety & Equality Using the Public Sector Equality Duty & the Human Rights Act in Higher and Further Education Institutions to Improve Policies and Practices on Violence Against Women and Girls*. Available at: <http://www.endviolenceagainstwomen.org.uk/wp-content/uploads/Spotted-Obligations-to-Protect-Women-StudentsEy-Safety-Equality.pdf>.

15. Alongside the legislative framework, as autonomous institutions, universities also owe a duty care towards students and staff. Details on what is meant by ‘duty of care’ are set out in [UUK’s guidance on protecting students’ mental health and well-being](#), which states that universities have a ‘...*general duty of care at common law: to deliver their services (for example teaching, supervision, pastoral) to the standard of the ordinarily competent institution; and, in carrying out their services and functions as institutions, to act reasonably to protect the health, safety and welfare of their students*’.⁷ This is related to contract law, where universities have a legally binding contract with each of their students, which ‘*is regarded in law as a consumer contract and, as such, will be subject to the application of consumer legislation including the principles of fairness and reasonableness interpreted in favour of the student*’⁸.
16. English universities are also subject to the OfS regulatory framework. The OfS has a ‘*duty to have regard to promote equality and diversity across the whole student lifecycle and to ensure that ‘all students from all backgrounds, with the ability and desire to undertake higher education, are supported to access, succeed in and progress from higher education*’.
- Thus, although the responsibility for collecting data on incidents of harassment, sanctions, and the monitoring of outcomes remains with individual institutions, if the OfS identifies evidence of suspected systemic breaches or weaknesses in how an institution meets its duty of care towards students, it has powers to investigate. The OfS has also stated that they would not hesitate to take action if necessary, to protect students’ interests.⁹ Furthermore, OfS have now incorporated safeguarding and mental health into their updated [Guidance for Access and Participation Plans](#) published Feb 2019. This is now part of the whole institutional approach to addressing gaps in equality of opportunity, alignment of strategies, and consideration of intersectional issues. This sits alongside their role to champion and shape sector wide debate on specific areas such as harassment and to encourage the dissemination of good practice and ‘what works’ which has already been helpful in supporting change in this important agenda. The latest [Strategic Guidance](#) from the Secretary of State to the Chair

⁷ Universities UK. (Feb 2015). [Student mental wellbeing in higher education: Good practice guide](#). This is also referenced in the [Higher Education Code of Governance](#), for governing bodies prepared by the Committee of University Chairs (CUC), updated 2018: appendix 1 Statement of Primary responsibilities 13.

⁸ Universities UK. (Feb 2015). *Student mental wellbeing in higher education: Good practice guide*. Annexe 2: Legal implications. Available at: <http://www.universitiesuk.ac.uk/policy-and-analysis/reports/Documents/2015/student-mental-wellbeing-in-he.pdf>.

⁹ See OfS Press Statement 26 September 2018.

of the OfS, published February 2018, also asks for a continued focus on supporting universities to counter harassment and hate crime.

17. In Scotland, the Scottish Funding Council considers equality and diversity within all its priorities. It asks institutions to demonstrate their commitment to upholding the legislative duties, for both staff and students in colleges and universities, by using information from their most recent Equality Outcomes and Mainstreaming reports in their outcome agreement with the Funding Council which set out what universities plan to deliver in return for their funding.
18. In Wales, the Welsh Funding Council considers equality and diversity within all its priorities. They recognise that the benefits of improving equality and diversity and insuring inclusive approaches goes beyond higher education institutions as their actions will contribute to social justice and making Wales a fairer society. The Council asks institutions to evidence how they are meeting legislative duties by developing and publishing a Strategic Equality Plan. The latest [guidance](#) on the Funding Council priorities from the Cabinet Secretary for Education, published March 2018, also highlights a continued focus by the Council on supporting universities to counter harassment and hate crime.

Section (b) UUK initiatives to support the sector in establishing sector standards beyond legal obligations

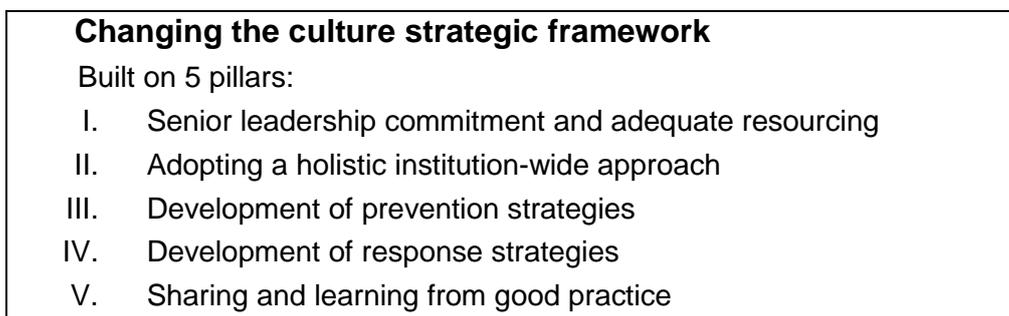
Changing the culture: a strategic framework for higher education

19. Since 2015 UUK has had a programme of activity to support our members to prevent and respond effectively **to all forms harassment and hate crime** that students may experience. This goes beyond the statutory obligations to looking at what constitutes effective practice. These activities support institutions to develop their own strategies which will be customised to reflect the needs of their student cohorts, and their local context. This area of work remains a priority for UUK.
20. The programme for 2018-19 focuses on development of strategic frameworks, knowledge exchange and the dissemination of 'what works'; the impact of

which will provide the foundations for a **change programme** in universities to drive continuous improvement in addressing harassment and hate crime.

21. UUK's programme also includes working with other organisations to develop a **positive narrative** around the benefits of positive preventative and responsive activities when combatting harassment. This is important in terms of alleviating concerns that these activities may have a negative impact on recruitment and reputation particularly when numbers of reported incidents are published.
22. Our programme is a continuation of the work of UUK's Taskforce which was set up in 2015 to consider the evidence and provide support to the sector to address all forms of harassment, as well as examining what more could be done by universities to ensure an inclusive, safe and tolerant environment for students.
23. The Taskforce found that there was '*a visible commitment to protecting students and providing appropriate and effective support, however, institutions could be more systematic in their approaches and not every university had all the necessary building blocks in place for effective prevention and response*'. To support meaningful change, the Taskforce developed a strategic framework. This was published in 2016 in a report titled [Changing the culture](#). The good practice framework is non-regulatory and is built on 5 pillars as set out in Figure 1. The framework represents general principles but does not include prescriptive detail; this enables each university to decide how best to apply the principles to their specific context.

Figure 1: Changing the culture strategic framework



24. The framework recognises that having policies and processes in place are not enough; these must be underpinned by a change in institutional culture. The taskforce recognised that this takes time to become apparent and is difficult to measure, however, the framework promotes positive behaviours from leaders, staff and students with a view to extending inclusive, tolerant and safe

environments on campus, online and in the wider community. Having a culture that promotes a 'sense of belonging' and zero tolerance to all forms of harassment will be critical in encouraging staff and students to come forward to make a complaint. This is particularly important for addressing racial harassment where low levels of reporting are well documented across society.

25. Alongside Changing the culture, the Taskforce published, '[How to handle alleged student misconduct which may constitute a criminal offence](#)'. This was prepared by Pinsent Masons LLP and replaced the 1994 'Zellick Report'. This report provides a framework for addressing all forms of misconduct occurring between students which has the potential to be criminal.

Funding to support the embedding of Changing the culture

26. To support the implementation of the recommendations across universities in England, HEFCE and now the OfS has provided funding via three [Catalyst funding calls](#). This funding has been incredibly helpful in maintaining the momentum in the higher education stemming from the Changing the culture report. Moreover, the scale of the funding across 119 projects, of which 45 have focused on tackling hate crime and online harassment, has meant there is safety in numbers for institutions and leaders to be more confident in openly tackling these issues. This has been instrumental in supporting change at a sector level.
27. An initial analysis of the 45 Round Two projects' aims and objectives by Advance HE has enabled a categorisation of the projects into five thematic groupings as set out in Figure 2.

Figure 2: An analysis of the themes from the Catalyst funded projects

- **Online harassment and hate crime** - projects with a specific focus on addressing harassment and hate crime taking place online.
- **Innovative approaches to awareness raising campaigns** - projects primarily focussed on educational and awareness raising campaigns or the production of media and resources for use in campaigns.

- **Internal / external community relations** - projects involving elements of dialogue between different groups with the aim of improving relations and enhancing understanding.
- **Projects with a strong training focus** - projects with a significant element of training for students and / or staff. Projects may involve research to inform training design.
- **Enhancing systems for reporting incidents and management information** - projects introducing or improving a reporting system (or third-party reporting centre) for incidents of hate crime and harassment, and / or enhancing the use of management information in addressing these incidents.

28. To support the dissemination of learning from these projects, UUK welcomes the appointment of Advance HE to evaluate the impact of the projects. A report on the impact and learning from the Catalyst projects addressing hate crime will be available in late spring 2019. This will further support the exchange and dissemination of innovative and good practice and 'what works' in this area.

Evidence on sector progress to address racial harassment and reflections on what constitutes effective practice

29. In 2017, UUK initiated research on the sector's progress in implementing the recommendations in the Changing the culture framework. This was part of UUK's support package to the sector to determine progress and to identify what further information, action or support may be required. A two-stage approach was taken as follows:

- Stage One was a short qualitative study conducted by Advance HE based on a sample of 20 universities across England, Wales and Northern Ireland.¹⁰ The outcomes from this study were published by UUK in a report '[Changing the culture: one year on](#)'

¹⁰ Scottish HE institutions did not take part as a cross-institutional approach funded by the Scottish Government was pursued through the [Equally Safe in Higher Education project](#) based at the University of Strathclyde.

- Stage Two consisted of a survey to all UUK members. The survey was designed to provide a mechanism for institutions to assess their own progress in safeguarding students as well as informing progress across the sector.

30. Evidence from both stages indicate that there is a clear commitment from the sector to address harassment in all its forms. Emerging findings from the survey are set out in Table 3. A full report publication will follow.

Table 3: Progress against the Taskforce recommendations

<p>Emerging findings indicate:</p> <ul style="list-style-type: none"> • Changing the culture report, and Catalyst funding in England have provided a considerable impetus in speeding up progress to address sexual harassment and hate crime occurring between students, and increased the status and focus of the work taking place • An increased commitment and buy-in from senior leaders and resources allocated to tackling these issues • Changes are being embedded into university governance systems, structures, policies, practices and processes to support sustainability of this work and an institution wide approach • An increase in prevention strategies, such as <ul style="list-style-type: none"> ➤ updating disciplinary procedures ➤ revising student codes of conduct or charters ➤ holding preventative campaigns and awareness raising around expected behaviours and sanctions where these are breached - often with the students' unions ➤ development of bystander initiatives • Increase in response strategies including: <ul style="list-style-type: none"> ➤ use or development of online reporting tools and support hubs ➤ training of staff (this varies with some universities prioritised training for support and front-line staff and others adopting a multi-tiered approach) ➤ the collection, recording and storing of data, although only half record data centrally ➤ strengthening of partnerships with local and regional partners
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- Varied progress in embedding the UUK's /Pinsent Mason's framework, with mixed approaches being adopted including a case-management approach, a risk management approach, or a mixture of the two.

31. A key finding is that progress was more likely to occur with **active senior leadership**. This was evidenced by most progress being achieved in institutions where senior leadership was accountable and visible in driving change. Adopting a whole institution approach and embedding changes within governance, policies, structures, systems and processes was also a critical success factor in facilitating and sustaining change.
32. Respondents from both the research study and the survey highlighted an increase in the number of disclosures by students and reported this as an indication of cultural change. The increase in reporting was also reflected in an increase in the volume of disciplinary procedures and a subsequent strain on resources. This could be particularly challenging for an institution where support and interventions had not been embedded in existing roles and structures. Several institutions emphasised the importance of ensuring policies and practices were in place to support students *before* a campaign was initiated to encourage students to come forward.
33. Although numbers of disclosures had risen more broadly, several institutions noted that reports on hate crime/harassment by students tended to be low and there was a perception among some practitioners that there is under-reporting in this area, reflecting the situation in wider society. A number of reasons were proposed as to why this may be the case such as:
- some behaviours having become normalised in society making it less likely that a student would make a report
 - a lack of understanding of what constituted racial harassment or a hate incident by students
 - a lack of consistency in the language used by the sector.

Further reference to the impact of terminology is set out in paragraph 59-61 in Section (e).

34. Some institutions also noted that who was reporting required further consideration, particularly in terms of whether certain groups were less likely to

report incidents of racial harassment. Evidence obtained from the EHRC inquiry may be helpful here.

35. Attention was also drawn to concerns from staff who suggested further guidance on how to define types of behaviours would be helpful. This was particularly the case when responding to incidents of racial harassment between students which could be highly nuanced and complex in nature. Guidance on bystander training for staff on hate crime was suggested as one way of supporting staff to have the confidence to respond when witnessing an incident.
36. Emerging findings show good progress has been made in responding to sexual harassment and gender-based violence, however, less priority has been afforded to tackling other forms of harassment including racial harassment and other forms of hate crime. This is evidenced through an unequal prioritisation of issues from some leadership teams, and initiatives which are generally less well advanced and understood. There were also fewer examples of interventions to improve preventative strategies to address racial harassment and other forms of hate crime, such as awareness raising, campaigns and or improved reporting strategies.
37. The focus on tackling sexual harassment is unsurprising as UUK's Taskforce prioritised issues of sexual misconduct and harassment among students, following a request by the Higher Education Minister at the time Jo Johnson for a prominent stream of work to address violence against women and girls. Similarly in Scotland, the Scottish government has actively encouraged all public sectors including universities to implement [Equally Safe](#), the Scottish government's strategy for preventing and eradicating violence against women and girls. This request was supported by the granting of funding to the University of Strathclyde to develop an Equally Safe Toolkit to support implementation by universities in Scotland. In Wales policy has been driven by the Violence against Women, Domestic Abuse and Sexual Violence (Wales) Act 2015.
38. Although the survey indicates that institutions are beginning to address other forms of harassment, including racial harassment, it is also evident that there is not a straight transfer when implementing the Changing the culture framework to responding to incidents of racial harassment and hate crime. This suggests that these issues will require further support and time to achieve

the same level of prominence and effort to drive change as has occurred with addressing sexual misconduct and gender-based violence.

39. The need to enhance understanding of what constitutes racial harassment or a hate crime in higher education mirrors the situation in wider society. The Government's hate crime awareness [campaign](#) is an important initiative to help address this in wider society, along with the campaigns led by students' unions and universities in higher education.
40. In Scotland, some of the universities welcomed further clarification or guidance on differences between the Scottish and legal frameworks when responding to incidents which had the potential to be criminal. Universities Scotland is currently embarking on a review of the UUK/Pinsent Mason guidance on the basis of the Scottish policy context and legal framework.

Desk-based research to understand racial harassment and incidents of hate crime in higher education

41. To support universities in responding to the challenges in tackling racial harassment in 2018, UUK undertook some desk-based research. This included a review of current knowledge as well as theoretical and methodological contributions of research on hate crime. An analysis of national and global issues, strategies and outcomes of anti-crime hate work was also considered which highlighted the correlation between political narratives around immigration and increases in reported hate crime. The research also showed that sensationalism from media coverage could serve to desensitise populations to hateful speech.
42. The review formed the basis for a roundtable discussion, chaired jointly by Professor David Richardson, Vice-Chancellor at the University of East Anglia, and Amatey Doku, Vice-President (Higher Education), during National Hate Crime Awareness Week in October 2018¹¹. This was an important opportunity for UUK to connect voices from across the sector who share a common goal. From this it was evident that further guidance on an effective operational response for addressing racial harassment would be helpful to improve institutional policies and practice in this area.

¹¹ Professor Richardson's blog on the event is available [here](#).

Reflecting race within the curriculum and creating an inclusive learning environment

43. In 2006, Universities Scotland first produced the Race Equality Toolkit as a resource to support Scottish higher education institutions to mainstream race equality into learning and teaching. It was then revised to take account of the Equality Act 2010. The 2010 edition of the Toolkit was more sharply focused on the academic requirements of an ethnically and culturally diverse student population in Scotland. The Toolkit was not designed to be prescriptive and does not provide a blueprint for mainstreaming race equality in learning and teaching but invites the academic staff to self-evaluate their practice and to review the curriculum and teaching and assessment methods to create as inclusive a learning environment as possible.

Section (c) Future plans

Developing practical guidance based on the Changing the culture framework to address racial harassment

44. Building on the feedback from the roundtable, and the survey to all UUK members, UUK will develop practical guidance for staff based on the strategic framework set out in the 'Changing the culture'. This guidance will set out what an effective operational response looks like for preventing and responding specifically to racial harassment and race-based hate crime across the institution. It will comprise of 'real-life' case studies, guidance on measuring impact and mitigating risk through assessment tools and improving reporting procedures. This complements chapter 5 of the 'Changing the culture' report which provided specific guidance on responding to incidents of sexual harassment and violence. Evidence obtained from the EHRC inquiry and the evaluation of the impact of the Catalyst funded projects will also be used to inform this process.

Section (d) Information on other initiatives from UUK and sector agencies

45. This section highlights other activities which complement this work, from UUK and from higher education sector agencies.

(i) A joint UUK-National Union of Students project to address the Black and minority ethnic attainment (BME) gap

46. In 2018, UUK embarked on a joint project with the NUS to address the BME attainment gap in universities. Although not directly related to racial harassment this work complements UUK's work to address harassment through recommendations which seek to achieve university wide culture change. This project focuses on understanding the issues which lie underneath the attainment gap, including the impact of institutional structures on the university experiences of BME students and a student's 'sense of belonging'¹². It is well documented that a sense of belonging is an important factor in students reaching their potential. Racial harassment can erode that sense of belonging and thus impact on student attainment.

47. Through extensive engagement with students and staff across the sector UUK/NUS have identified five of the most significant steps for success in reducing the attainment gap. These provide a framework for universities to address their own BME attainment gap and are set out in Table 4 below. A report on the project will be published in April 2019. To support the report UUK will also publish student case studies which will bring the report's findings to life by showcasing individual student stories, demonstrating the positive changes universities are making, and discussing what more can be done to remove BME attainment gaps.

¹² A series of blogs on this project are available on this work including Baroness Amos, Chair of the collaborative initiative, [here](#); Professor Alex Cameron, Vice-Chancellor at Aston University, available [here](#), and Professor Steve West, Vice-Chancellor and Chief Executive, University of the West of England, Bristol, available [here](#).

Table 4: A framework to tackle the attainment gap

<p>1. <u>Accessing evidence and data on the attainment gap</u></p> <p>Universities need to take a more scientific approach to tackling the attainment gap – gathering and scrutinising data in a far more comprehensive way than they may currently be doing, to inform discussions between university leaders, academics and students.</p> <p>2. <u>Having conversations about race</u></p> <p>Universities and students need to make more opportunities to talk directly about the attainment gap, identify what students think is causing it, and move towards a clear institutional message that issues of race are embedded within wider strategic goals.</p> <p>3. <u>Developing inclusive/diverse environments</u></p> <p>BME students’ sense of belonging can affect their university experience and attainment, and greater focus is needed on how to ensure university leadership teams are more representative of the student body and on curricula which do not reflect different minority groups’ experiences.</p> <p>4. <u>Knowing what works</u></p> <p>Universities can collectively work to address gaps in the evidence base by using applied research to ensure evidence on 'what works' is high quality and share evidence of what works and what does not. As a first step, UUK is creating a case study repository.</p> <p>5. <u>Providing leadership</u></p> <p>This needs to be underpinned by strong leadership, with university leaders and senior managers leading by example. To support this UUK has developed a checklist for Vice-Chancellors</p>

48. UUK and NUS have also recommended that the OfS Evidence and Impact Exchange should systematically review 'what works' in this space as a priority to inform universities' investment and strategies to address the attainment gap. We have also recommended that the UK government's Race Disparity Audit should consider how it could support different parts of UK civic society – including universities – that are addressing similar structural inequalities and draw together evidence on how different types of organisations have achieved success.

(ii) Development of sector guidance to respond to online harassment

49. In the call for evidence by UUK's Taskforce report, many universities highlighted the growing problem of online harassment and the inherent complexity of managing this now that students use social media extensively in everyday life. This was echoed in evidence to the Taskforce from the NUS and wider stakeholders including Jisc and Tell MAMA, all of whom had highlighted that social media is becoming a more prominent vehicle for harassment and hate crime.

50. In view of this UUK is working in partnership with Dr Emma Short at the National Centre for Cyberstalking Research at the University of Bedfordshire to develop guidance for the sector on responding to online harassment and bullying. The guidance builds on the Changing the culture framework and highlights the importance of:

- tackling online harassment as a component of the wider strategic work to tackle violence, harassment and hate crime
- raising awareness of online harassment on campus by initiatives to support digital literacy
- engaging students in developing interventions
- understanding the value and limitations of technological tools in promoting online welfare.

(ii) Other sector-wide initiatives/ guidance

(a) Advance HE's 'Race Equality Charter Mark' and reflections from this

51. Advance HE¹³ has developed a Race Equality Charter (REC) for the higher education sector which aims to improve the representation, progression and success of black and minority ethnic staff and students within higher education. The Charter provides a framework through which institutions work to identify and self-reflect on institutional and cultural barriers standing in the way of black and minority ethnic staff and students. By becoming a member of the Charter, institutions commit to following [five fundamental guiding principles](#) in how they approach race equality and address their institutional culture. To date, **52 universities have signed up to the Charter.**

52. UUK invited Advance HE to review the 'grievances and disciplinaries' sections of the applications submitted by Race Equality Charter Mark award holders to see if it would be possible to identify any trends in the responses. Unfortunately, due to limited numbers it has not been possible to conclusively identify trends, however, Advance HE has made some observations across current members and these are set out in Table 5.

53. Table 5 Observations from the Race Equality Charter

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| <ul style="list-style-type: none">• The need for consistency in recording and reporting of incidents of racial harassment of staff.• The importance of robust equality monitoring of grievance and disciplinary cases. Regular reporting of this information to management and senior leadership can support the identification of themes/patterns or over-representation of certain ethnic groups and highlight areas that may need addressing and focus attention on underlying systemic issues. |
|---|

¹³ Advance HE is a higher education sector agency Advance HE supports universities in putting institutional strategy into practice for the benefit of students, staff and society.

- Universities acting on the data collected, for example, if data suggests there is over-representation of BME staff being disciplined compared to their white peers or if there are disproportionately more grievances from BME staff, universities can further explore this by using a variety of methods that are appropriate to the university; for example, small focus groups; consulting with race equality/BME staff networks; test, consult and review current dignity and respect policies; and in general ensure that policies and process are robust, transparent and fit for purpose.
- The importance of training for staff particularly for those conducting investigations or leading investigations around race inequalities and unconscious bias. To support the sector in this area UUK is currently holding a series of workshops on how to conduct investigations.

54. The REC is complemented by other important initiatives, including Advance HE's [Diversifying Leadership programme](#) for BME staff. The diversifying leadership alumni network is very active and influences the current and future programmes. A longitudinal impact research will also inform and shape Advance HE's work to support BME staff progressing into more senior leadership roles.

Section (e) Considerations in addressing racial harassment in higher education

(i) Ensuring clarity in an institution's responsibilities which may impact on their response to tackling racial harassment

55. UUK is aware that the Commission is interested in understanding whether there are any barriers, constraints or challenges that may hinder universities in addressing complaints of racial harassment by staff or students. This includes reference to legal and higher education frameworks and whether these provide adequate clarity in terms of an institution's responsibilities or cause tensions by creating contradictions in an institution's obligations. Clearly a core component of effective safeguarding is for institutions to ensure a balance between the legislative responsibilities that are placed on them.

56. Following consultation with practitioners and groups within the sector several areas have been raised including:

- The potential tension between the different legal obligations universities have in relation to staff and students under equality legislation and the translation of this into the expectation of common treatment for both groups in relation to harassment. We recognise that the legal requirements in relation to staff and students is currently different and this potentially creates issues when trying to implement common systems (particularly where these carry resource implications).
- The impact of the laws around data protection where institutions need to strike a balance between not deterring students or staff from seeking redress or support for racial harassment (or any form of harassment or bullying), and not being in a position to guarantee confidentiality. For example if there are concerns towards the welfare and safety of other students, or staff confidentiality has to be breached.
- Whether to allow anonymous reporting. Although it is recognised that for some students having options to make a disclosure or report anonymously is critical in encouraging reporting, this could pose a risk to the institution holding data which the institution may not be able to act on.

57. Given the technical nature of these discussions, we suggest it would be useful to hold a round table discussion with representatives from the sector and the EHRC. If helpful, UUK would be happy to convene such a discussion.

(iii) Balancing freedom of speech and academic freedom and the rights of individuals to be protected from discrimination, harassment or fear of violence

58. Alongside their commitment to academic freedom, institutions have legal obligations in relation to equality, human rights and security. Although there may be occasions when these two positions could be in opposition, it is our view that the sector is clear regarding the need to balance commitments around freedom of expression and encouraging tolerance of diverse views and beliefs along with fostering good relations. Support in managing this process is available in guidance by Advance HE, [Promoting good relations \(2013\)](#), which

highlights the importance of close working with key groups both on and off campus, including the students' union.

59. UUK worked with the EHRC on [freedom of speech](#) guidance published in February 2019 and has promoted this guidance to the sector. It provides a valuable resource by setting out legal rights and obligations around free speech and the occasions where free speech can lawfully be limited.

(iii) The use and consistency of terminology across the sector

60. As noted in paragraph 33, respondents to UUK's survey highlighted concern, particularly in relation to racial harassment, around the absence of common definitions or criteria for describing types of behaviour that could constitute an incident. It was reported that this could create an ambiguity on the behalf of a bystander or the person experiencing the harassment on whether and how to respond.
61. In view of this, there was support for establishing a common terminology in language across the sector. This could act as a critical enabler in prevention by supporting both staff and students to recognise which 'everyday' behaviours and language warranted action rather than 'normalising' such behaviour and to support staff to distinguish between a breach of misconduct and a criminal offence. This could also support a more joined-up approach between raising awareness of racial harassment and identifying and responding to incidents.
62. Building on this, there was also a call to support some standardisation of the categorisation of misconduct offences and sanctions used across the sector, along with clarification of the legal status of sanctions and the extent to which these could be enforced. This will be considered in UUK's project to develop guidance on addressing racial harassment. UUK recommends that institutions use the term racial harassment as opposed to hate-crime/race-based hate crime.

(iv) Acceptance of the narrative that increased reporting is initially a 'good thing'

63. UUK is working with the sector to promote the sector's work to counter racial harassment and to demonstrate that success is likely to lead to spikes in

reported incidents, at least initially. UUK's President has commended those institutions that have published their figures, highlighting that it is only through knowing about instances of harassment that universities can address the issue properly and provide appropriate support for the victim or survivor. Clearly the EHRC's request for numbers of incidents will garner media interest but we hope the EHRC will support the sector in acknowledging this is to be expected, at least initially, if we are to seek a shift in institutional culture across the sector.

Concluding remarks

64. All universities aim to do their very best for their students and staff. Many have a version of this ambition as a mission statement or say it is the at the core of what they do. Despite this widespread commitment, evidence suggests that more needs to be done to tackle the pernicious problem of racial harassment and hate crime in universities and wider society.
65. The key principle for dealing with hate crimes and intolerance on campus is to understand that all staff and students have the right to work, study and live without fear of intimidation, harassment and threatening or violent behaviour. However, as the research shows political and social climates will inevitably filter into university campuses impacting the experiences, actions and prejudices of staff and students. Clearly there is no quick fix to eradicate racial harassment or any type of harassment, or racial inequalities in universities or wider society. However, to maintain our position as a world leader in research, teaching, and learning, it is vital that the sector continues to work with students, staff, the local community and external partners to ensure an environment free of racism and racial harassment.
66. We welcome the Government's commitment and that of the EHRC to support the sector in this important endeavour. The government's refresh of the hate crime Action Plan and their campaign to highlight a better understanding of hate crime among wider society complements the sector's campaigns to raise awareness of racial harassment and micro aggressions. We look forward to working with the EHRC to share effective practice and to develop recommendations to enhance policies and practices where appropriate.
67. Lastly, as UUK's evidence shows, progress is more likely to occur with active commitment from senior leaders. As Professor David Richardson has stated

“Leadership matters. As a University Vice-Chancellor it is important that I, and others, provide clear and visible leadership on these issues both on our university campuses and in our university cities and regions.” To this end, UUK will continue to support members to create a more inclusive environment through initiatives that aim to create a more open, tolerant and supportive culture across the whole university. This will not only combat racial harassment, but address injustices faced by ethnic minorities, whether students or staff.

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