

Year 3 Public Description of Work for Action Collaborative on Preventing Sexual Harassment in Higher Education

The 1752 Group Interim Measures During an Investigation

Relevant Rubric Area:

- Improved Policies
- Preventing Remediation
- Other Remediation

Description of Work:

This description of work introduces our guidance on *Precautionary measures on receiving a report of staff sexual misconduct, bullying or discrimination*. The authors previously collaborated on publishing *Sector guidance to address staff/faculty sexual misconduct in UK higher education* (also published as a Description of Work, 2021). Following the publication of this guidance, our further research, activism and advocacy within the sector led us to note a further gap in knowledge in the UK: around interim or precautionary measures that institutions can take when receiving a report or disclosure of staff/faculty sexual misconduct. While many higher education institutions have well-developed protocols for implementing interim measures in relation to student-student reports, these do not appear to be taking place for reports where staff/faculty are the alleged perpetrator. This is a problem because without precautionary measures in place, there are many more risks for reporting parties. By contrast, precautionary measures can help guard against victimization or retaliation towards the reporting party from the reported party and/or their allies; they can help build trust so that reporting parties feel safer to report; and they can minimize attrition of reporting parties from the formal process. This briefing therefore drew on our research (Bull and Rye, 2018; Bull and Page, 2021; Bull and Page, 2022) as well as practitioner expertise to develop good practice guidance.

Precautionary or interim measures refer to any measure that is reasonable for a higher education institution (HEI) to take in order to secure the safety of a reporting party during a complaints/disciplinary process, and to ensure their work/studies are not adversely affected by it. The briefing note outlines measure that should be taken on receiving a disclosure or report of staff/faculty sexual misconduct, bullying or discrimination from a student or another staff member. The measures outlined should be discussed, alongside any other requests the reporting party makes. We note that in some cases, a full risk assessment carried out by a staff member with appropriate expertise will also be needed to explore and mitigate the risks of harm to the reporting party and/or other students/staff. We also outline the institutional frameworks that should be in place in order to deal with these precautionary measures, such as a Precautionary/Interim measures panel.

Key findings

The [briefing note](#) outlines potential precautionary measures that might be appropriate in cases of staff/faculty sexual harassment:

- **A no-contact agreement.** This is a mutual agreement to protect the staff member and the reporting party from coming into contact with each other. It is voluntary on both sides, but once entered into, if it is repeatedly breached, it may be used as evidence in a disciplinary process.

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We outline possible changes to teaching or supervision arrangements that may be needed, as well as other possible measures that may be included in such an agreement.

- **Ensuring that marking/assessment of a reporting student is not carried out by the responding staff member.**
- In a situation where there are multiple complaints and/or one very serious and credible complaint, **the staff member should be removed from contact with students and/or other staff and may be suspended from work entirely for a period.**
- For postgraduate students who are working on shared datasets or other intellectual resources with the responding staff/faculty member, **an agreement should be implemented** by the relevant head of department to regulate access to this data, intellectual property, and publication plans.
- **There may be other requests for precautionary measures made by reporting parties.** They should be accommodated as far as possible.

We also note that the reporting party/ies and responding staff/faculty member need to be clear as to who they should notify about breaches of this agreement, and who is responsible for taking action if breaches occur.

Confidentiality measures

Alongside the precautionary measures outlined above, we suggest that **confidentiality measures need to be discussed explicitly with the reporting and responding parties at the outset of a complaints process** and/or on receiving a disclosure. The precise extent of confidentiality required during the investigation should be discussed with the student reporting party(s) and responding party staff member. This discussion should also clarify how breaches of confidentiality will be dealt with.

It should also be explained that after the investigation is closed, the HEI should not request any lasting confidentiality about the reporting party's allegations. Anyone is free to speak about their own experience, subject to the usual constraints (i.e. defamation, harassment). **Blanket confidentiality requirements should not be imposed.** During an investigation, reporting parties should still be allowed to talk about what happened to them as long as they do not give detail about the incident or name the reported party. It is also good practice to provide information for friends of the reporting party around what to do/not do, including guidance around confidentiality and social media.

An agreement should be made about what communication is appropriate between the reporting party and other potential reporting parties and witnesses.

Further measures

The briefing note also discusses support that should be put in place or continued for the reporting party as well as the reported party. Finally, we note that some **research funders require that grant holding organisations notify them** when an investigation is launched relating to bullying or harassment by a PI.

To read the full briefing note on precautionary measures see [this link](#).

Website for further information: www.1752group.com/briefing-notes/

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References and further reading:

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