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Discourses of violence: an analysis of the construction of power and impact in university sexual harassment policies

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Abstract:

Sexual harassment prevention within universities is a critical issue that is influenced through the framing of institutional policies. This study employs a feminist discourse analysis to examine the construction of sexual harassment in the policies of 30 English universities. The analysis focuses on how these policies describe power dynamics and the impact of harassment. The findings reveal a dominant discourse in line with the Equality Act 2010 that frames sexual harassment as harassment against a protected characteristic, with limited attention to the role of power or the image of the perpetrator. Alternative discourses present sexual harassment as either gender-based violence, focusing on power and perpetration, or as workplace aggression akin to bullying. Additionally, the study highlights that policies primarily emphasize the negative effects on individuals' psychological and work-related wellbeing, often overlooking the adverse impacts of reporting harassment on both individuals and the broader community within a sexually hostile environment. Implications for policy are discussed.

Key words/short phrases:

sexual harassment policy, UK higher education, power, victim impact, policy discourse analysis

Wordcount: 7,214

Key messages

1. University policies often focus on individual wellbeing impacts rather than broader power dynamics in perpetration
2. Institutional betrayal is rarely acknowledged in policies, despite evidence of its harm, highlighting the need for explicit recognition and mitigation.
3. Gender-based violence policy can complement harassment policy and bridge gaps.

Introduction

The term 'sexual harassment' was first used over fifty years ago, arising from women's discussions of the sexualised behaviour they were encountering from men in their workplaces (Farley, 1978). Whilst a common phrase today, there is ongoing tension between academics, policymakers, and activists about its precise definition and contextual uses, such as the context of cyber sexual harassment (Iroegbu et al., 2024). Crouch (1998) argued that because the development of this term has been so public, its social construction was particularly evident. It is still so today.

In the United Kingdom, the introduction of the *Equality Act 2010* provided protection from harassment within institutional contexts such as workplaces, universities, hospitals, businesses and public authorities for people with specific characteristics. This legislation uses a broad definition of sexual harassment as "conduct of a sexual nature" that encompasses a range of sexualised and sexist behaviours, including verbal sexual harassment (such as derogatory comments or sexualised jokes), physical sexual harassment (such as groping and assault), and digital sexual harassment (such as posting revenge porn and rape threats). However, because this definition is so broad, differences in institutional interpretations may exist. In this study, we examine how, within the context of English universities, the experience of sexual harassment is understood in policies, drawing attention to how power dynamics and the impact of sexual harassment have been conceptualised.

Institutional sense-making of sexual harassment and power

A growing body of research suggests that sexual harassment and violence in universities is a sustained pattern of abuse that involves a wide variety of harmful acts and behaviour (see Jones et al., 2024; Addington et al., 2021 for review). As with other large organisations, universities face a 'clarity-complexity tension' (D'Enbeau, 2017) in simplifying ambiguous and complex phenomena such as sexual violence to codify it in policy and practice. This complexity, however, must be recognised rather than oversimplified if successful interventions are to be established.

The role of power in sexual harassment and violence

Our collective understanding of the dynamics of how power, gender, and harassment co-occur are still developing (McLaughlin et al., 2012), with power central to, but relationally unclear within, harassment. For example, popular characterisations of sexual harassment often portray male supervisors harassing female subordinates. This is known as the vulnerable-victim theory of power (Wilson & Thompson, 2001) and there is evidence that low organisational and sociocultural power are associated with an increased risk of harassment (Harned et al., 2002). Conversely, research also demonstrates that women in supervisory roles experience harassment at greater rates (McLaughlin et al., 2012), an experience

1 explained by the power-threat model (Burn, 2019). This model suggests that sexual
2 harassment may be a reaction to an individual challenging their status position (Medeiros,
3 2021). Iverson & Issadore (2018) argue that our assumptions about power frame our
4 understanding of how and why sexual harassment occurs: is it because a woman is
5 vulnerable, or because she is a threat? Together, these theories help explain a complex
6 cyclical pattern where women are more likely to be targeted for both having and not having
7 power.

8 *The framing of policy in institutional sense-making of sexual harassment*

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11 An organisation's chosen framing of sexual harassment and violence can influence the
12 nature of policy solutions offered, making it vital that these assumptions be deconstructed
13 (Allan & Tolbert, 2019). For example, if a university frames the problem around women's
14 vulnerability rather than perpetrators' behaviour, harassment is treated as something that
15 happens to women because they are at risk. Iverson (2015) highlighted this trend of the
16 'disembodied misconduct' of the perpetrator in campus sexual violence policies in the US
17 and argues that this policy framing absolves perpetrators of accountability for their own
18 actions. The impact of perpetrator absence in the language used by news media has also
19 been shown to affect readers' perceptions of the abuse and diminished their ability to
20 correctly identify the perpetrator's accountability for the harassment (Meluzzi et al., 2021).
21 These examples illustrate that the language organisations use to frame sexual harassment
22 has an influence on public sense-making. Further, differences in policy framing can influence
23 behaviour. An experimental study by Jacobson & Eaton (2018) found that zero-tolerance
24 policies were significantly more likely to encourage bystander reports than traditional or
25 compliance-oriented harassment policies, particularly in cases of ambiguous sexual
26 harassment. How an organisation positions itself toward sexual harassment can influence
27 how teams approach viable responses (D'Enbeau, 2017), and in some instances,
28 organisational responses can even suppress conversation around the meaning and impact
29 of disputed, sexualised incidents (Taylor & Conrad, 1992). Therefore, if policy is to act as
30 part of the university's response to sexual harassment and violence, it must facilitate
31 appropriate organisational sense-making by effectively discussing perpetrators and power
32 dynamics.
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38 *The pervasive impact of sexual harassment*

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41 The harmful repercussions of experiencing sexual harassment in the workplace are well
42 documented and are not exclusive to academic workplaces. However, a series of
43 investigations into sexual violence within universities in the United Kingdom (UK) between
44 2010 and 2019 (see Brunk, 2022 for a full review), and Jones et al., (2024)'s recent
45 systematic review highlights that sexual harassment and violence are still major concerns
46 within academia.
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48 *The impact of experiencing sexual harassment directly*

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51 Sexual harassment is psychologically stressful, and can cause increased depression,
52 anxiety, nightmares, sexual dysfunction, lowered self-esteem, and post-traumatic stress
53 disorder (Willness et al., 2007). It can cause disruptions to academic and working life,
54 through decreases in overall performance and productivity, less satisfaction and commitment
55 to the organisation, and withdrawal from work or study in order to avoid perpetrators and
56 unsafe environments, all of which can derail victim's career goals and aspirations (Fitzgerald
57 et al., 1997). Sexual harassment can also have debilitating effects on physical health due to
58 chronic exposure to unsafe environments, causing maladaptive nervous systems and
59 'diseases of adaptation' which include headaches, gastrointestinal disorders, sleep
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disturbances and sapped health conditions (Chan et al., 2008). The impact on victims who experience sexual harassment directly can be immense, with women and LGBT+ people experiencing sexual harassment most frequently (Galop, 2022; Stripe, 2023).

The indirect impact of sexual harassment

The impact of sexual harassment also extends beyond those who are directly victimised by perpetrators, to those who witness or know about the sexual harassment. Research by Glomb et al., (1997) identified that indirect exposure to sexual harassment can have similar negative impacts on the psychological, job-related, and physical health of bystanders. The work of Hitlan et al., (2006) also highlights the strong negative effect that witnessing sexual harassment has on bystanders, which showed that women who have been sexually harassed may also be negatively affected by the sexual harassment of others. Further, after controlling for women's personal experiences of sexual harassment, Schneider et al., (2001) found that indirect exposure to sexual harassment was related to both dissatisfaction with co-workers and lower life satisfaction. Research indicates that men are also negatively affected by this indirect exposure to sexual harassment (Miner-Rubino & Cortina, 2004; 2007). This body of work demonstrates that the effects of sexual harassment are more pervasive than widely understood, and environments where sexual harassment proliferates are harmful to everyone.

The impact of institutional betrayal

Finally, an organisation's mishandling of allegations of sexual harassment can also exacerbate harm, above and beyond the initial harm caused by the perpetrator. The negative effect this has on people who choose to report sexual harassment to their organisation is known as *institutional betrayal trauma* (Smith & Freyd, 2013). Rosenthal et al. (2016) found that institutional betrayal exacerbates the negative post-trauma symptoms of sexual harassment, even when controlling for victims' previous experiences of sexual assault, dating violence, and stalking. Freyd has argued that institutional betrayal should be considered a negative outcome of experiencing sexual harassment due to how frequently they co-occur, and a recent study by Smidt et al., (2023) confirmed this. Smidt's study found that of the participants who experienced sexual harassment at work, nearly 55% had also experienced at least one form of institutional betrayal. This institutional betrayal was significantly associated with worse psychological (e.g. depression, anxiety), physical, and work-related outcomes (e.g. job satisfaction, organisational commitment). There is evidence that institutional betrayal is also a problem in UK universities (National Union of Students & 1752 Group, 2018; Shannon, 2022).

Whilst the negative effects of sexual harassment for the victim are well known, this data paints a picture of a working environment that can be continually stressful for victims, well after the point of the initial harassment.

The Current Study

Power relationships within, and the wider impact of, sexual harassment are acknowledged in broader literature but are absent from the definition provided by the *Equality Act 2010*. This leaves a significant and concerning gap in which organisational policies for sexual harassment may be absent of power and may include oversimplified codifications of a far more complex suite of behaviours and effects. Without attention to power and complexity, institutional responses may be ineffective and risk causing further harm beyond the point of the initial harassment.

Policies function as one public organisational response to sexual harassment and violence, therefore to understand current practice in reference to problem framing and acknowledgement of its impact, we asked two guiding questions: 1) how do English universities' policies describe the problem of sexual harassment? and 2) what are the predominant images of the impact of sexual harassment that emerge from these policies?

Methodology

For this investigation, the feminist postmodern method of policy discourse analysis (Allen, 2019) was used to consider what assumptions are made about sexual harassment during the policy process that guide policy development. Through ongoing cultural discussions of sexual harassment, assumptions become embedded to the point where they are no longer questioned and become normalised. When this occurs, these assumptions form 'dominant discourses' (Allan & Tolbert, 2019), for example choosing a 'one bad apple' narrative (where sexual harassment is treated as an individualised problem of one inappropriate person) over framing sexual harassment as symptomatic of broader gender inequality (McDonald & Charlesworth, 2013). This study deconstructed the concept of 'sexual harassment' as presented in policies to understand what assumptions are made about the experience of sexual harassment, upon which policy is formulated. This enabled us to understand how sexual harassment is understood by universities, the dominant discourses in use, and the overshadowed alternative perspectives which may offer different solutions.

Methods

Data Collection

Freedom of Information (FOI) act requests were used to gather policy documents related to sexual harassment and misconduct from 30 universities in England (for a full list of policies, see Table 1). This sample included universities covering a range of mission groups (e.g. Russell Group, MillionPlus, Cathedrals Group), research activities, teaching quality, economic resources, and academic selectivity. Universities were chosen using the categories derived from Boliver (2015)'s analysis of status in UK universities. This method of data collection gathered 65 policies. 28 universities had a policy of some kind, ranging in length from shorter (1-3 pages) to much longer (23-37 pages), with an average length of 11 pages. A wide range of policies were collected from the universities for this analysis (Table 2). Using FOI ensured that policies were current and available beyond what are provided on public University websites.

Data Analysis

NVivo was used to conduct a line-by-line analysis on the 65 policies, following the five-step guidance provided by Allan & Tolbert (2019) for policy discourse analysis (Appendix). The first step of this analysis involved descriptively coding policies in response to the research questions. This phase of analysis considered what type of policies sexual harassment was included in, the definitions of sexual harassment provided, and where any mention of power or the impact of sexual harassment existed in policies. In the second step, data was examined away from its original source material (the policies) and interpretive coding was conducted following the method of Watts (2014) to further deconstruct the concepts of sexual harassment, power and impact and identify the variety of ways they were constructed within the descriptive codes established in the first step. In the third step, the interpretive codes related to sexual harassment and impact were clustered deductively and inductively into themes according to the similarities of the ideas they represented. In step four, a careful

[Insert Table 1. Policies collected from university FOI responses]

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[Insert Table 2. Summary of policies collected from FOI requests]

reading of these themes against the original source material was done to examine the relationships between the constructed images of sexual harassment, power and impact in policy, and to identify predominant themes (what is assumed or taken-for-granted) and policy silences (what is missing or absent; Allan, 2009). These first four steps were conducted at the individual document level. At step 5, the frequency of these themes was examined at the university level to determine which discourses were dominant or alternative across the sample.

Findings

The investigation of the questions of how power and impact are represented in these policy documents revealed two dominant discourses. In response to the first research question on power, the analysis identified a dominant discourse informed by the *Equality Act 2010*, where unequal power is represented as a 'risk factor' to sexual harassment but the idea of the perpetrator was invisible in policy (as well as two accompanying alternative discourses; see Table 3). In response to the second research question on impact, the analysis identified a dominant discourse centred on the impact of the individual who experienced sexual harassment (with two accompanying alternative discourses; see Table 4). We begin this discussion on how sexual harassment and power are conceptualised in policy, followed by a discussion on how the impact of sexual harassment is understood in these policies.

[Insert Table 3. Summary of representations of sexual harassment identified in policy sample]

[Insert Table 4. How the impact of sexual harassment is represented in the policy sample]

Discourses of Sexual Harassment and Power

The analysis identified three inter-related discourses based on how sexual harassment is constructed within universities' policies, with the idea of power expressed differently in each. The dominant discourse viewed sexual harassment as one form of harassment within a cluster of different types of harassment based on specific protected characteristics of the *Equality Act 2010*. Alongside this were two alternative discourses: sexual harassment as gender-based violence (positioning it along a wider spectrum of sexualised behaviour related to an individual's gender) and sexual harassment as a form of workplace aggression (positioning it alongside bullying and often simply depicting it as 'harassment').

In the following section, we will analyse the workplace aggression discourse first (where the concept of power is relatively absent), followed by the dominant protected characteristic discourse (where the concept of power is present but perpetration is not), ending with the gender-based violence discourse (where the concept of power and perpetration are both present and described in relative depth).

Sexual Harassment as Workplace Aggression

Sexual harassment as a form of workplace aggression occurred in about a third (29%) of the sample (seven universities). This discourse represents an alternative or minor discourse, as it is the least frequently occurring discourse within the sample. This representation connected sexual harassment to other forms of antisocial work behaviour such as bullying and victimisation, frequently occurred in 'Harassment and Bullying' policies and were most likely to house their procedures for responding to sexual harassment within general grievance procedures, complaints procedures and disciplinary procedures designed for other types of workplace issues. In these policies, it was common for sexual harassment, bullying, specific types of discrimination and a general description of harassment to be grouped together as 'unacceptable behaviour'. Sexual harassment was constructed as one example of harassment, comprising sexualised physical, verbal, and/or online abuse. Where sexual harassment was defined, it might reference language used in the *Equality Act 2010*, highlighting the *unwanted* and *offensive* nature of the behaviour, and its effect of creating a *hostile environment*, but did not categorise different forms harassment based on protected characteristics. This excerpt is an example of such discourse:

"Harassment - defined as unwanted conduct (including unwanted conduct of a sexual nature) related to a protected characteristic which has the purpose or effect of violating a person's dignity, or creating an intimidating, hostile, degrading or humiliating environment." (University 8)

In policies where sexual harassment is depicted as a workplace aggression, power and the abuse of power are not discussed in relation to harassment of any kind. When abuses of power are discussed, they are more frequently attributed to bullying, with the definition of bullying provided by the Advisory, Conciliation, and Arbitration Service (ACAS) as "offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient". The distinction drawn between these terms in university policies is that harassment is defined by law, while bullying is not. However, many policies remark on the similarities between the terms and encourage individuals to seek help even if they are unsure which form their experience constitutes, such as in this policy excerpt:

"The terms bullying and harassment are often used interchangeably within the workplace. In general, they can be defined as behaviours directed towards an individual that are unwelcome, unwarranted and causes a detrimental effect. It is important to remember that bullying and harassment can occur for many reasons. However, there is additional protection within law for people who are harassed due to particular personal characteristics." (University 29)

Although the ambiguity of harassment vs bullying is addressed in some policies, representation of sexual harassment of workplace aggression omits discussion on the influence power and unequal power dynamics have on whether someone experiences harassment. Absent too were discussions of the intersect between harassment and social oppression, perpetration and other types of sexualised violence.

Sexual harassment as Against a Protected Characteristic

This discourse represented sexual harassment as one form of harassment within a larger cluster of possible types of harassment, depending upon the victim, and based on the nine protected characteristics in the *Equality Act 2010*. The representation of sexual harassment as *against a protected characteristic* was the dominant discourse, occurring within 46% of the sample (13 universities). In these policies, specific definitions for sexual harassment were provided alongside definitions of other forms of harassment, such as racial or religious,

sexual orientation, gender-identity, and disability, with bullying also conceptualised as a type of harassment in some policies. This excerpt provides an example of this interconnected description of harassment:

“Unlawful harassment may involve conduct of a sexual nature (sexual harassment), or it may be related to a protected characteristic such as age, disability, gender reassignment, gender expression or identity, pregnancy or maternity (including breastfeeding), race, colour, nationality, ethnic or national origin, religion or belief, sex or sexual orientation.” (University 26)

The issue of power was more frequently discussed in this discourse compared to the ‘workplace aggression’ discourse. Unequal power dynamics within work environments tended to be identified as a risk factor for experiencing sexual harassment, amidst a wider set of factors, as demonstrated in this excerpt:

“In addition, factors that affect the creation of an offensive or hostile environment may include the balance of power, seniority, gender, race and cultural background of the individuals involved.” (University 9)

Dignity at Work and Mutual Respect policies frequently housed the representation of sexual harassment as a ‘protected characteristic’. These types of policies often noted that they had been developed in consultation with university equality committees and provided contact information for support both internal and external to the university. However, these policies do not extend to clarifying how inequality creates unequal power dynamics within the context of sexual harassment. Although the idea of organisational power is brought to the readers’ attention, the image of the perpetrator is still hidden, such as in this excerpt:

“Sexual harassment often, but not always, arises between people of unequal organisational status. The University will regard the abuse of a position of authority very seriously.” (University 25)

In this statement, sexual harassment ‘arises’ between two people, as opposed to a behaviour that is enacted by one person onto another. Although the University clarifies its institutional position toward abuses of power, how these abuses manifest, such as through manipulation, coercion, or intimidation are not articulated. Given the broad definition of harassment provided by the *Equality Act 2010*, which includes a variety of different forms of harassments covered within it, there is a significant amount of complexity needed to address the issue of ‘abuse of power’. However, many policies employing this representation of harassment use short and simple statements about power and inequality as a risk factor, leaving *how* abuses of power manifest in organisational life unaddressed.

Sexual harassment as Gender-based Violence

This discourse represents another alternative discourse within the sample, occurring across 32% of the sample (9 universities). It has a markedly different tone from the first two discourses discussed, which position sexual harassment within the context of the workplace. This discourse, in contrast, locates sexual harassment within gender-based violence, sitting alongside other forms of sexual violence such as stalking, dating violence, sexual misconduct, and sexual assault that occur within a variety of contexts. Policies that represented sexual harassment as gender-based violence in this sample provided the most detailed explanations of what can be sexual harassment, such as from this excerpt:

1 "[Sexual harassment] is unwanted behaviour of a sexual nature. It includes attention
2 that denigrates or ridicules or is intimidating. This may be physical, ranging from
3 unwanted touching, groping or the invasion of personal space to sexual assault,
4 rape, or indecent exposure. Sexual harassment can be verbal and may include
5 unwanted personal comments or sexual slurs, belittling, suggestive, lewd or abusive
6 remarks, explicit 'jokes' or innuendo, and compromising invitations, including
7 demands for sexual favours." (University 18)

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9 Not only did these policies provide more detail in defining sexual harassment, but policies
10 utilising this form of representation also engaged more thoroughly with the concept of power
11 within sexual harassment experiences. Instead of language focused on how the sexual
12 harassment makes the victim feel (e.g. the behaviour is unwanted or offensive), these
13 policies were more likely to identify the specific behaviours that perpetrators use. This
14 excerpt provides an example of how this language provides a more balanced understanding
15 of sexual harassment, as it includes both the language of the *Equality Act 2010* (the focus on
16 unwanted behaviour) but accompanies this description with examples of power can be
17 wielded in situations where sexual harassment is occurring (e.g. coercion, intimidation,
18 manipulation, force):

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21 "Sexual misconduct is a broad term encompassing any unwanted behaviour of a
22 sexual nature that is committed without consent or by force, intimidation, coercion, or
23 manipulation. Sexual misconduct can be committed by anyone of any gender/non-
24 gender and can occur between anyone, whether they are the same or different
25 gender/non-gender." (University 4)

26
27 This provides a more nuanced understanding of the dyadic nature of sexual harassment –
28 simultaneously occurring to someone whilst being perpetrated by someone else. Policies
29 that constructed sexual harassment within the gender-based violence framework were also
30 more likely to construct an image of the perpetrator, which was noticeably absent in other
31 policy representations. In the previous excerpt, both perpetrator behaviour and perpetrator
32 gender are discussed with gender neutral terminology, whilst other policies pointed to men
33 as the most frequent perpetrators. The excerpt below illustrates how the gender-based
34 dynamics of power related to perpetration were most extensively outlined in gender terms:

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38 "Many forms of gender-based violence derive from gender inequality and the different
39 power relations based on gender and sexuality. However, acknowledging this does
40 not mean that women and gender and sexual minorities cannot be perpetrators of
41 gender-based violence or that men cannot experience gender-based violence".
42 (University 11)

43
44 Specific contexts where unequal power dynamics occur are also a focus in this
45 representation. In some instances, the term 'sexual misconduct' has been adapted to
46 address the unequal power that exist between staff and students within higher education
47 and the need for specific prevention measures to address it. Within this representation of
48 sexual harassment as *gender-based violence*, policies provided specific procedures for
49 addressing sexual violence, offering guidance for receiving disclosures, and making
50 statements discouraging personal relationships between staff and students, as the excerpt
51 below demonstrates.

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54 "The term 'sexual harassment' captures only some of the possible abuses of power
55 that may occur. Sexual misconduct more specifically raises issues of unequal
56 relationships, consent, and the prevention of equal access to education,
57 opportunities, and career progression. Intimate relationships between staff and
58 students are strongly discouraged as detailed in the College's personal relationships
59 policy." (University 17)

These examples demonstrate a distinctly different voice in policy to describe sexual harassment compared to the language used to describe sexual harassment alongside other forms of harassment and bullying (Figure 1). These policies were more frequently designed in partnership with local rape crisis centres to create procedures that returned choice, agency, and power to victim/survivors when possible and were more likely to challenge common sexual violence myths within the documents themselves than either of the other two harassment discourses.

[Insert Figure 1. Dominant and alternate discourses of sexual harassment]

Discourses on the Impact of Sexual Harassment

In contrast to mentions of power in policies, less than half the universities included in this sample discussed the impact of sexual harassment in at least one of their policies (13 universities). Universities refer heavily to the authority of the *Equality Act 2010* to define and describe acts of harassment and violence; however, these descriptions fall short on emphasising the widespread effects suffered from experiencing sexual harassment, witnessing it, or tolerating it within the institution. This analysis found three discourses related to the impact of sexual harassment within policies – *direct impact to the individual*, *indirect impact* to other people (problems for bystanders and the wider working environment), and *institutional impact* (including reputational damage and institutional betrayal). Unsurprisingly, the dominant discourse related to impact was the direct impact to the individual, with alternative discourses related to the indirect impact on others and institutional impact (Figure 2).

[Insert Figure 2. Dominant and alternate discourses of the impact of sexual harassment]

Direct Impact to the Individual

The impact of sexual harassment was most frequently discussed as the impact of sexual harassment on the individual, occurring in 85% of the sample (11 universities). Where the impact of sexual harassment was described in policies, it was most frequently conceptualised as the negative effects that the individual experiences. This ranged from descriptions of psychological (e.g. stress, anxiety), and physical (e.g. ill health, sickness), to emotional (e.g. low morale, loss of confidence) and work-related distress (e.g. low productivity, absenteeism), all of which are present in the following excerpt:

“The University believes harassment, bullying or hate incidents within any working, learning or social environment has a potential detrimental effect on the confidence, morale, wellbeing, health and performance of those affected by it.” (University 9)

Interestingly, although discussions of impact occurred within less than half of the universities sampled, the majority of these references occurred within universities that utilised the representation of sexual harassment as *against a protected characteristic*.

Indirect Impact to Others

The impact of sexual harassment was also discussed as the indirect impact it has on others, or what we conceptualised as impact at the interpersonal level (face-to-face interactions).

These statements were not as frequent as those addressing the negative effects of those who directly experienced harassment, occurring in 31% of the sample (four universities). This was represented in policies in two ways: as the impact *on bystanders* and *on the working environment*. In the policies that focused on the impact on bystanders, bystanders were a broad category which included those who saw the harassment occur, heard about it occur within the workplace, or attempted to offer help to the victim. These references to the impact on bystanders accompanied explanations of its impact on victims, such as in this excerpt:

“Often the impact [of sexual harassment] is not felt or witnessed immediately. The impact may go beyond the recipient to people who see or hear what happens or who try to offer support.” (University 17)

In addition to the psychological, physical, emotional and work-related impacts discussed previously, this excerpt also identifies a time dimension to the effects that come from experiencing or witnessing sexual harassment. Policies referred to the problem of sexual harassment for the ‘working and learning environment’, which also has this dimension in that harassment experiences can accumulate over time to create a hostile environment. This idea of the working environment being impacted by sexual harassment was also present in policies, such as in this excerpt:

“The University believes that Harassment pollutes the working and learning environment and has a detrimental effect upon the wellbeing, health, confidence, morale and performance of those directly affected by such behaviour or who are witness to it.” (University 3)

The working environment is often described using similar language to what is used by the *Equality Act 2010*. This description of sexual harassment identifies both unwanted behaviour from individuals and the creation of a hostile environment that is degrading, humiliating, or offensive. However, only one university in this sample had a policy that attempted to explain how sexually aggressive behaviours link to the creation of a *hostile environment*, describing how unwanted words, conduct or behaviour can have “the purpose of or the effect of” creating this environment – a nuance in the definition of the *Equality Act 2010* that isn’t shared across policies.

Institutional Impact

Finally, 23% of the sample (three universities) also included discourses around the institutional impact of sexual harassment. This impact was discussed as both the impact to the reputation of the university and impact on victims when they engage in institutional processes in response to their experiences. References to reputational risks were contextualised within universities values such as fairness, inclusion, openness, and excellence, such as in this excerpt:

“Ultimately, harassment or bullying can interfere with working and learning and can adversely affect our university’s reputation. We have a reputation for being a friendly and inclusive place to work and study, and we don’t want to compromise this.” (University 21)

Two policies also made references to institutional betrayal, the impact the institution has on the victim when reports are mismanaged. In the below excerpts, these policies identified the significant impact that the institution itself can have within sexual harassment experiences – beyond the indirect impact of a hostile working environment.

1 “The way in which we deal with their complaint may have a significant impact on the
2 complainant, their ability to recover from the incident, and their perception of the
3 University. A proactive and supportive response can do much to help the individual to
4 feel better and to redeem the reputation of the University.” (University 29)

5 “If bullying and harassment situations are handled badly, or if we ignore them, it can
6 be stressful and damaging to all those concerned, the morale of those around them,
7 and the working environment.” (University 21)

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10 These excerpts reference how the management of reports in proactive and supportive ways
11 are beneficial to both the victim and the institution, providing a justification for the institution
12 to behave morally through using language that engages with both compassion and self-
13 interest. The final excerpt also provides examples in policy of how negative institutional
14 impacts can occur: through mishandling or ignoring sexual harassment. This
15 acknowledgement of the direct impact that the institution can have on victims occurred in
16 only two policies within the sample.
17

18 19 20 **Conclusions**

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22 This paper has analysed policy discourses across the UK Higher Education sector and
23 supports previous studies highlighting the relative absence of policy discourses which
24 problematise sexual harassment in relation to power. Although discourses around power
25 were present in varying degrees within the 65 policies, only those framing sexual
26 harassment as *gender-based violence* extended beyond naming power as a general risk
27 factor and into fuller recognition of how perpetrators use power. In contrast, framings of
28 sexual harassment as *against a protected characteristic*, organisational power was a risk
29 factor, but policies lacked an explicit engagement with the concept of ‘the perpetrator’.
30 Framings of sexual harassment as *workplace aggression* positioned power as fundamental
31 to understanding the experience of bullying but not to harassment, with no mention of
32 perpetration. Further, we identified that overwhelmingly, universities’ policies focus on the
33 direct impact to the individual, with little discourse on indirect impacts to bystanders,
34 workplace culture, or institutional betrayal.
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37 38 *Implications*

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40 This research has three primary implications. Firstly, this study identified a gap in current
41 policy formation around engagement with power relations and perpetration within sexual
42 harassment. With our data showing that policies oriented toward sexual and/or gender-
43 based violence provided the most detail on perpetrators’ use of power, institutions could
44 extend policies to recognise the actions (not just the existence) of unequal power and create
45 gender-based violence policies to complement policies oriented toward the *Equality Act*
46 2010 compliance. Gender-based violence policies identified in this study were notably
47 developed in collaboration with experts, and universities could benefit considerably from
48 drawing on the combined expertise of their own academic specialists in gender-based
49 violence and wider sexual violence experts.
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53 Secondly, institutions can build in recognition of, and processes to avoid, institutional
54 betrayal within their policies. The relative absence of institutional betrayal in policies (only
55 2/30 articulating the potential harm to victims from the institutional response), combined with
56 the evidence of institutional betrayal in UK universities (Brunk, 2022; National Union of
57 Students & 1752 Group, 2018; Shannon, 2022) highlights the need for institutional betrayal
58 to be overtly considered in policy formulation.
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1 Thirdly, institutions must take steps to embed recognition of the wider impact of sexual
2 harassment. This analysis demonstrated a predominantly individual-oriented framing of the
3 impact of sexual harassment, but half of the universities in this sample did not discuss the
4 impact of sexual harassment at all in policies. Sexual harassment and violence are
5 inherently embodied experiences and therefore Phipps (2010) argues that an explicit focus
6 on the body is needed in policy production to bring the emotions and needs of victims to the
7 forefront of policy sense-making. Further, gender-based violence is not an individualised
8 experience. It has wide-reaching consequences within the community, as it not only affects
9 those who experience it, but also all people who experience their bodies as at risk of
10 violation and who adjust their behaviour and self-images accordingly (Cahill, 2001). Sexual
11 harassment is constructed in law as discrimination against a group in part *because* of this
12 wider impact (MacKinnon, 1979), but current research shows both that reports from those
13 other than direct victims can be dismissed (Bull & Page (2022)), but bringing an allegation as
14 part of a group can act as a catalyst and a protective barrier for victims (Bull, 2022). Unless
15 individual-oriented reporting processes are rethought, bystanders may feel hesitant
16 reporting, perpetrators may be enabled to continue to target multiple victims, and victims
17 may not be able to draw on the collective strength of shared reporting.
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21 *Limitations*

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23 There are three main limitations to the study. Firstly, this analysis was not a census of all
24 English universities, so it is possible that other ideas and narratives may appear in other
25 documents. However, the sample included universities from a range of 'mission groups'
26 within higher education and therefore is representative. Secondly, this analysis looked at
27 written policy documents by design, as such documents are formal reflections of policy and
28 practice within each institution. However, attempts to consider how the day-to-day
29 implementation of the policy matches formal guidance, or how familiar staff may be with
30 formal policies was outside the scope of this study. Thirdly, policies evolve over time. While it
31 would be instructive to look at how these documents have changed since earlier versions,
32 this was also outside the scope of the study. Returning to look at policies in a few years
33 would offer insight into the evolution of policy formulation in sexual violence
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37 *Concluding Remarks*

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39 This study highlights the absence of, and need to actively address, power and impact in UK
40 university sexual harassment policies. Our analysis expands our understanding of these
41 concepts and provides support for the growing body of academic literature on the need to
42 extend beyond policy statements, into policy informed action. Finally, this paper highlights
43 the need for deeper reflection within universities on how institutional power operates both in
44 preventing and responding to sexual harassment, misconduct and violence.
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48 **Funding details**

49
50 This work was supported by the Engineering and Physical Sciences Research Council, as
51 part of the "Advanced strategic platform for inclusive research environments" project, under
52 grant number EP/SO12001/1.
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56 **Conflict of Interest**

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58 The authors declare that there are no conflicts of interest.
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Acknowledgements

The research team would like to thank the Freedom of Information officers for providing the necessary data for this analysis, as well as the reviewers and editors of the Journal of Gender-based Violence and the audience at the 2023 LEX conference "Thinking *Theory, Research, and Practice: The Feminist Politics of Social Justice*" for their thoughtful feedback.

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[Insert Appendix. Process of coding the 5 steps of policy discourse analysis]

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Figure 1. Dominant and alternate discourses of sexual harassment

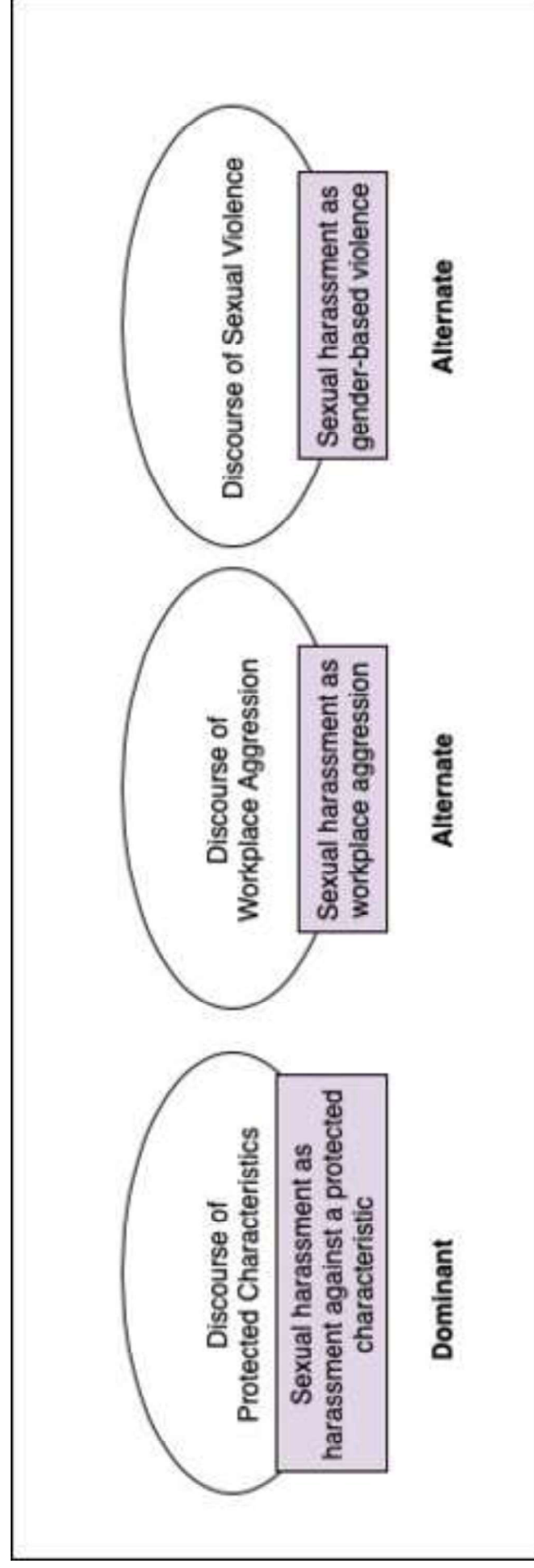


Figure 2. Dominant and alternate discourses of the impact of sexual harassment

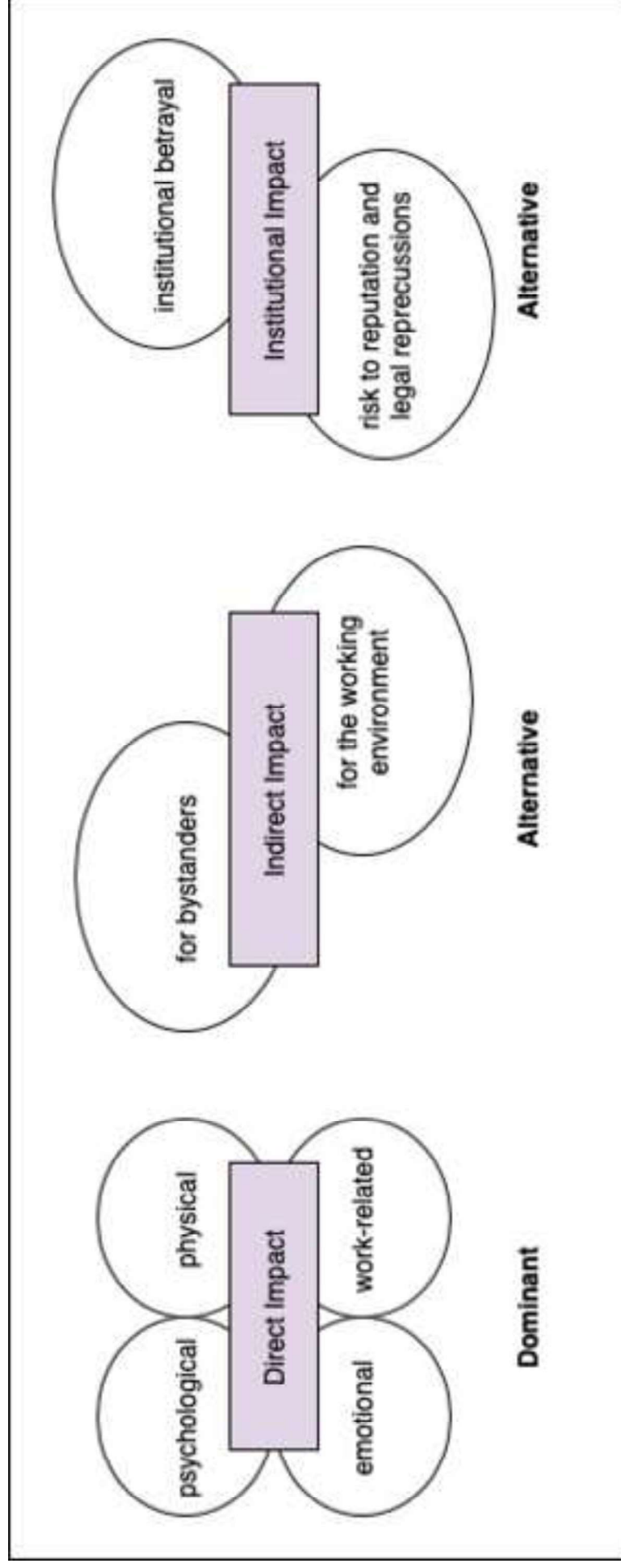


Table 1. Policies collected from university FOI responses

University	Policy
Anglia Ruskin University	Dignity at Work and Study Policy, Treating People with Courtesy, Sexual Assault protocols
Aston University	Prevention of Harassment Policy & Procedures, Reporting Mechanisms, Speak Up Policy, Student Complaint Policy
Birmingham City University	Withheld
Bolton University	Harassment & Bullying Policy
Coventry University	Bullying & Harassment, Sexual Assault Policy for students, Employee Behaviour Policy, Disciplinary Procedure
Imperial College London	Sexual Harassment, Sexual Misconduct and Sexual Violence Policy
Leeds Trinity University	Dignity and Respect Policy
Liverpool Hope University	Dignity and Respect Policy
London Metropolitan University	Safeguarding Procedure
Oxford Brookes University	Policy and Procedure on Harassment and Bullying
University of Arts London	Dignity at Work Policy, Safeguarding Students, Staff Charter, Staff Disciplinary Code
University of Birmingham	Harassment & Bullying Policy
University of Cambridge	Dignity at Work, Reporting harassment or sexual misconduct policy, Student reporting of harassment/misconduct policy
University of Cumbria	Bullying & Harassment Policy, Whistleblowing Policy
University of East London	Bullying & Harassment Policy
University of Essex	Complaints of Harassment and Bullying Procedure
University of Kent	Dignity at Work, Sexual Assault & Harassment, Guidance for Staff responding to disclosure
University of Leeds	Mutual Respect & Dignity at Work Policy, Staff Code of Conduct
University of Lincoln	Gender & Sexual Violence Policy, University Regulations
University of London, Goldsmith	Policy on Sexual Harassment, Misconduct and Violence
University of Manchester	Dignity at Work and Study Policy
University of Nottingham	Dignity At Nottingham Policy
University of Oxford	Harassment Advice, Staff-Student Relationship Conduct, Complaints Procedure
University of Portsmouth	Dignity and Respect Policy
University of Sheffield	Disciplinary Policy
University of Sussex	Definitions of Violence, Dignity and Respect, Statement on Violence, Relationships Policy
University of Warwick	Dignity at Warwick, University Disciplinary Procedure
University of Wolverhampton	Withheld
University of York	Harassment & Bullying Policy
York St. John's University	Dignity at Work Policy

Table 2. *Summary of policies collected via Freedom of Information requests*

Type of Policy	N	% of sample
Dignity & Respect policies	15	23.0
Anti-harassment & Bullying policies	11	16.9
Sexual Violence protocols	7	10.7
Complaints & Disciplinary procedures	6	9.2
Staff and Student Relationship policies	4	6.1
Sexual Harassment protocols	4	6.1
Guidance on Handling Disclosures	3	4.6
Whistleblowing policies	2	3.0
Safeguarding policies	2	3.0

Table 3. Representations of sexual harassment identified in policy sample

Representation	Characteristics	Evidence
As Workplace Aggression	<p>Discourse: sexual harassment by the EQA2010, may mention protected characteristics but doesn't expand definition supplied. Examples of harassment include behaviour of a sexual nature.</p> <p>Power: is discussed in relation to bullying, and not in relation to harassment of any kind.</p> <p>Policy examples: Harassment & Bullying policies</p>	<p>"Harassment is defined as unwanted conduct (including unwanted conduct of a sexual nature) related to a protected characteristic which has the purpose or effect of violating a person's dignity, or creating an intimidating, hostile, degrading or humiliating environment."</p> <p>University 08</p>
As Against a Protected Characteristic	<p>Discourse: sexual harassment by EQA2010 and includes other forms of harassment in policy (in addition to sexual harassment). May provide specific examples of different types of harassment and may note a link to equality and diversity issues.</p> <p>Power: is discussed as one factor that can contribute to risk of harassment</p> <p>Policy examples: Dignity & Mutual Respect</p>	<p>"Sexual harassment is illegal under the Equality Act 2010 and is considered a form of sex discrimination. The University considers sexual harassment to be the inappropriate introduction of sexual comments or activities into teaching, learning, working or social situations."</p> <p>University 14</p>
As Gender-based Violence	<p>Discourse: sexual harassment in relation to other forms of sexualised violence, such as sexual assault, rape, sexual misconduct and stalking, and perpetration is discussed.</p> <p>Power: is discussed as it relates to gender inequality and specifically in the context of academia and staff sexual misconduct.</p> <p>Policy examples: Sexual Misconduct & Violence, Safeguarding</p>	<p>"The University views sexual misconduct as sexual violence and harassment, which can include a range of unwanted physical and nonphysical sexual behaviours affecting members of the University community."</p> <p>University 06</p>

Table 4. *How the impact of sexual harassment is represented in policy sample*

Representation	Characteristics	Evidence
Direct Impact to the Individual	<p>Direct impact is represented in policies as the emotional, psychological, physical and work-related toll that experiencing sexual harassment takes on the individual.</p> <p>Policy examples: 13/30 policies refer to the direct impact on the individual.</p>	<p>“The University believes harassment, bullying or hate incidents within any working, learning or social environment has a potential detrimental effect on the confidence, morale, wellbeing, health and performance of those affected by it.”</p> <p>University 09</p>
Indirect Impact to Others	<p>Indirect impact is represented in policies as an acknowledgement of impact on either people who witness, hear about or support a victim of sexual harassment, or on the working or learning environment.</p> <p>Policy examples: 4/30 policies refer to the indirect impact on others.</p>	<p>The University believes that Harassment pollutes the working and learning environment and has a detrimental effect upon the wellbeing, health, confidence, morale and performance of those directly affected by such behaviour or who are witness to it.”</p> <p>University 03</p>
Institutional Impact	<p>Institutional impact is represented in policies as either the reputational damage the university can occur from sexual harassment or the institutional betrayal the victim can experience from how the institution handles the situation.</p> <p>Policy examples: 3/30 policies refer to the institutional impact of sexual harassment.</p>	<p>“The way in which we deal with their complaint may have a significant impact on the complainant, their ability to recover from the incident, and their perception of the University. A proactive and supportive response can do much to help the individual to feel better and to redeem the reputation of the University.”</p> <p>University 29</p>

Appendix 1. Process of Coding the 5 steps of Policy Discourse Analysis

Steps in PDA	Codes	
	For RQ1. How do English universities' policies describe the problem of sexual harassment?	For RQ2. What are the predominant images of the impact of sexual harassment?
<p><u>Step 1.</u></p> <p>Relevant documents were descriptively coded based on research questions.</p>	Sexual harassment, power	Impact of sexual harassment
<p><u>Step 2.</u></p> <p>Interpretive coding of descriptive codes was done both deductively and inductively away from the original source material for further deconstruction.</p>	<p>Sexual harassment as:</p> <p>Sexual harassment, sexual misconduct, harassment, bullying, a protected characteristic, sexual violence, gender-based violence, unacceptable behaviour, discrimination, victimisation, mention of perpetrator, mention of equality act of 2010</p> <p>Power as:</p> <p>an abuse of power, a risk factor, bullying but not harassment</p>	<p>Impact of sexual harassment as:</p> <p>Psychological harm, physical harm, emotional, harm to institution's reputation, affecting work, a negative impact to the person, unwanted and offensive, creating a hostile environment, impact on witnesses, institutional betrayal</p>
<p><u>Step 3.</u></p> <p>Codes were clustered into related themes inductively and deductively.</p>	<p>As workplace aggression (harassment, bullying, unacceptable behaviour)</p> <p>As harassment of a protected characteristic (mention of equality act of 2010, a protected characteristic, discrimination, victimisation)</p> <p>As gender-based violence (sexual violence, sexual misconduct, gender-based violence, mention of perpetrator)</p>	<p>Individual impact (psychological harm, physical harm, emotional harm, affecting work, unwanted and offensive, a negative impact to the person)</p> <p>Interpersonal impact (creating a hostile environment, impact on witness)</p> <p>Institutional impact (harm to the institution's reputation, institutional betrayal)</p>
<p><u>Step 4.</u></p> <p>Relationships between themes, predominant themes and policy silences were identified.</p>	Predominant themes: as harassment of a protected characteristic (with power represented as risk and a silence on perpetration), as workplace aggression (with a silence on power dynamics related to harassment)	Predominant themes: discourses on individual impact (with relative silence on institutional betrayal and impacts on witnesses), most likely to occur in constructions of harassment of a protected characteristic
<p><u>Step 5.</u></p> <p>Dominant and alternative discourses were identified at the university level across the sample.</p>	<p>Dominant discourses: sexual harassment as a workplace aggression, and a violation of the equality act of 2010</p> <p>Alternative discourses: sexual harassment as a form of gender-based violence</p>	<p>Dominant discourses: Sexual harassment as primarily impacting the individual experiencing it.</p> <p>Alternative discourses: sexual harassment as having broader impact (on those who witness it, through reputational damage to the institution, on perpetrating institutional betrayal)</p>