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TRANSCRIPT OF “FILE ON 4” – “HARASSED STUDENTS ‘RE-VICTIMISED’ BY
UNIVERSITIES”

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“FILE ON 4”

Transmission: Tuesday 17th September 2019

Repeat: Sunday 22nd September 2019

Producer: Kate West

Reporter: Fiona Foster

Editor: Carl Johnston

ACTUALITY AT GRADUATION

GIRLS: Three, two, one – wooooo!

GIRL: One more time, please.

WOMAN: Do you want me to zoom in? Let me turn it this way.

FOSTER: It’s graduation day and everyone’s trying to capture that perfect shot for the mantelpiece.

WOMAN: Yeah, smile, lovely lady.

MUSIC – LIVE BAND

FOSTER: Groups of students wearing black caps and gowns are gathered around the campus, chatting excitedly over the sound of the band. And just like the thousands of others attending these ceremonies up and down the country this summer, Aleysha’s family are brimming with delight at her achievement.

ALEYSHA'S MUM: Really proud. It's been challenging, but she's done it. You know, many people decide to give up, but she's persevered. We'll always be proud of her - she's just a beautiful, beautiful young lady, inside and out.

ACTUALITY OF CAMERA SHUTTER

ALEYSHA: It's weird looking at, like, pictures. Obviously it's such a memorable day, so they'll be for life.

FOSTER: But this picture perfect moment and Aleysha's big smile for her mum don't tell the whole story. I'll start by saying that Aleysha's not her real name. We've changed it to protect her identity. And although she's been looking forward to graduating, it's partly because she can't wait to leave the University of Manchester.

ALEYSHA: Honestly, I wanted it over and done with. Everyone's like, regardless of what's happened, it's like, oh graduation's such a milestone like, you've finished uni, it's such an achievement, and I'm like yeah, yeah, okay, that's true but it doesn't feel like something to be celebrated. It just feels like, just get the day over and done with.

FOSTER: For many, graduation is a chance to say a fond goodbye to a place that has given them their first taste of freedom. But for a number of students across the country, their supposedly carefree university years have been anything but. During her studies, Aleysha made two complaints to her university about other students. One was for sexual assault, the other was for rape.

ALEYSHA: It just felt like everything in my room is different. I remember it smelling of him so strongly and I just did a deep clean. I washed my bedding, I had a shower, I scrubbed myself and then I got ready and I left. And I walked all the way to the city centre and all the way back, and the sun was coming up and I acted like it was a new day. I acted like everything was fine.

FOSTER: And what did you decide to do about it? Did you think about going to the police? What were your first thoughts about what had happened?

ALEYSHA: I did go on the internet and find out, like, police procedures, and I remember thinking to myself, I've just got rid of all the evidence. And I don't know why, I literally was just like, I came to uni to get a degree and that's what I'm going to do, nothing's going to stop me from doing that. So I acted fine with my friends, I was going to my lectures, I was just trying to keep my life the same, to be honest. So yeah, I didn't tell anyone.

FOSTER: But after a few months, cracks started to appear in Aleysha's facade. Her studies were suffering and, after missing homework deadlines, her lecturer kept her back after class. Aleysha opened up and was referred for counselling. Aleysha had an option other than going to the police. She could make a complaint to her university and have her case examined there, at a disciplinary hearing.

ALEYSHA: I had two meetings. One was just about the general procedures and how things usually go with disciplinary hearings generally, so that can go from damaging property in the university or, like, using foul language to staff or something like that, to the more extreme cases like mine.

FOSTER: Up until three years ago, the guidelines for universities said sexual misconduct should never be investigated internally. But those recommendations were written in the nineties. The new ones, published in 2016 by Universities UK, encouraged universities to take on these cases in-house, with allegations to be examined on the balance of probabilities, rather than the criminal court standard of beyond reasonable doubt. Angela from Rape Crisis supports students through this process as an independent sexual violence advisor.

ANGELA: The students that I've worked with, they've come to university to study. They want to do their study, they want to enjoy all of student life, but a judicial case can be as long as three years before it even gets anywhere near a decision being made by CPS, by which time student life is over and done with. They just want to be able to go to their classes, not to see the offender, not to be triggered by the offender continuously and that is why they don't go to the police.

MUSIC

FOSTER: We'll come back to Aleysha's story later, but before we discover what happened to her, I want to find out more about this system. We're not talking about just a handful of cases here. Over the summer, File on 4 asked 115 universities across the UK how many complaints of sexual misconduct had been made to them. Eighty universities responded. Collectively they've received more than 700 complaints during the last academic year. That's a seven-fold increase over the last five years. But when universities take on these cases, they're not deciding whether someone is guilty or innocent. An investigator is appointed by the university to look into the complaint, witness statements are taken and then a panel made up of staff - and sometimes a student at the university - decides whether the complaint should be upheld or dismissed. Some universities, as well as telling us the numbers of complaints they're dealing with, also disclosed the sanctions meted out in recent upheld cases of sexual misconduct. They ranged from expulsion, bans from uni bars and club nights, to mandatory letters of apology. One university also told us they imposed financial sanctions, including a suspended £250 fine, astonishingly only payable if the student got into trouble again.

EXTRACT FROM NEWS REPORT

NEWSREADER: Warwick University apologises to female students who faced online rape threats. But one victim

FOSTER: There's been one stand out scandal that's thrown this topic into the spotlight.

REPORTER: Five students expelled from Warwick University for being part of an online chat about raping other students.

FOSTER: In May last year, this Facebook group chat was discovered at the University of Warwick. If you're unfamiliar with the story, here's the kind of really disturbing messages the students were sharing.

READER IN STUDIO: Sometimes it's fun just to go wild and rape 100 girls. Rape the whole flat to teach them a lesson.

READER 2 IN STUDIO: Which girl at uni would you like to pin down the most?

READER IN STUDIO: Oh God, I would hate to be in the firing line if I had a vagina.

FOSTER: One of the women named in the chat was a student we're calling Danielle. Along with another student, she decided to make a formal complaint. The university's first move was to put their Director of Press, Peter Dunn, in charge of the investigation, which immediately set alarm bells ringing for Danielle.

DANIELLE: It was straightaway a sign for us that they had appointed someone whose job is to focus on the university's reputation. And for me, that was completely contradictory to having a well-thought-out and fair investigation.

FOSTER: Dr Anna Bull, co-founder of the 1752 research and lobby group on Sexual Misconduct in Higher Education, thinks the scandal at Warwick is just the start.

BULL: Universities are extremely concerned about their reputations. I'm surprised we haven't seen more high profile scandals around this issue, particularly as students who are unsatisfied and unhappy with the complaints process are taking to social media.

FOSTER: For Danielle, the decision to complain wasn't made any easier by those at Warwick she turned to for help.

DANIELLE: We were quite strongly advised by a lot of the people within the university that we shouldn't make a complaint, because people were saying it's really difficult, it's going to be traumatic - think strongly about this. So to have people that you're kind of dependent on in a moment of vulnerability saying to you, actually you might just want to kind of put up with this, it was quite distressing and it meant that immediately you felt like you were going against the grain just by standing up and saying that it wasn't okay.

FOSTER: Tell me about that investigation then.

DANIELLE: We were asked to go through over 90 pages' worth of screenshots quote by quote and explain what we thought it meant, why it was upsetting to us, whether we thought they would actually do the things that were being threatened. But we were also questioned in ways that made us feel like we were to blame for what had happened. Straightaway we were asked, have you ever had sexual relationships with any of these boys? You know, have you had sex with him? Have you had sex with him? Which immediately made us feel like we were having to defend ourselves and kind of come out and say no we haven't, but also why is it relevant?

FOSTER: Following the investigation, several of the men behind the chat received a range of punishments. One of the students was banned from campus for life, two were banned for one year, and one man's case was deemed not proven. Two other men received ten year bans from campus, effectively ending their time at the university. The story might have ended there, but earlier this year Danielle found out – via the press – that those two men had had their punishments reduced on appeal, from ten years' suspension to just one. Outrage began to build.

ACTUALITY OF PROTEST – SHOUTING

GIRL: We won't take it anymore. It was inside this ...

FOSTER: Other women who'd been named in the chat began to speak out, taking to social media to criticise the university. It sparked an uproar online and protests on campus.

GIRL: Every survivor of sexual violence that walks around on this campus. [SHOUTS AND CHEERS] This university has failed in its duty of care, not only to me but to every

FOSTER: The two men who'd had their bans reduced withdrew from the university and Warwick announced an independent review into what had gone

GIRL 2: For me, I found the response of the institution worse than the event itself. They do care deeply, but what they care about is the reputation and finances, etc.

BRADFORD: I don't know if I'll ever get to the point where I'll be able to look back at my time at uni and associate it with much more than that time when I was harassed and then re-victimised by the university.

FOSTER: Dani Bradford graduated this summer from Cambridge University. She's 21 and the first of the women to share her story during our afternoon together. She cradles a mug of black coffee in her hands as she tells us how one of her supervisors started sending her messages. At first she thought he was just being friendly.

BRADFORD: The messages that he'd be sending me kind of got increasingly more inappropriate and kind of like lots of sexual innuendos. I asked him for the WiFi and he was like, 'Are you going to go and watch porn?' He'd send me like five in a row if I didn't reply, being like, 'Can we spoon? Give me attention, attention me, I'm lonely but you don't know that because you're sadly not here. Why have you gone to sleep?' - that sort of stuff.

FOSTER: Dani found herself having panic attacks and on the verge of dropping out because of the harassment and she decided to make a formal complaint to the university. The latest guidelines say there should be a clear, simple and accessible way to report sexual misconduct - there wasn't.

BRADFORD: I contacted various different people in my department. I contacted the office for student complaints and everyone gave me different information, they'd be like, 'You need to fill in this form; you need to fill in that form,' and in the end it turned out I didn't need to fill in a form at all I just had to email the investigator with a statement.

FOSTER: Another of the women, a student we're calling Olivia, starts to tell her story. She also met a number of hurdles when she and two other women tried to complain about the same student to her institution's Sexual Assault and Harassment Advisor.

OLIVIA: The advice we were given was that nothing that we had said was serious enough to go to the police. We were told essentially that the only way that we could see the student face any consequences for his actions was to take matters into our own hands - essentially to take vigilante justice. We were actually explicitly advised that the best thing that we could do would be to try to publicly humiliate this person.

FOSTER: Taking this bizarre DIY advice ended badly for Olivia - she was then accused of harassment for warning others about the student she'd accused. Dani nods at this. She was also told in emails at least eight times by staff at Cambridge that she would be at risk of a harassment complaint if she told anyone what was happening.

BRADFORD: I just felt like I was the one that was on trial. I asked for a screen and they said no, so I had to sit on the same side of the table, just like a couple of seats away from him, whilst I was cross-examined by his lawyer. Because I had screenshot evidence of the text messages, which they couldn't refute, their only case was to try and, like, destroy my character, saying that I was this really horrible person and that I was kind of really troubled. But the complaint was upheld on a charge of harassment, but the sanctions were only no contact and a letter of apology. And in order to enforce the no contact rule, I was not allowed to go in certain buildings. I had to say to people, 'Can we rearrange this, I'm not allowed to go into that building,' but I couldn't tell them why, because even though it had been upheld, I was still told that if I told anyone I would be charged with harassment.

FOSTER: How did it feel to know that you were the one who was having to make the changes, even though you had won your case?

BRADFORD: It just felt like nothing had been accomplished by that hearing. I didn't feel safe and I was kind of like, this can't be it. This can't be where it ends, because I've spent so long going through this process and it's been so horrible, this can't be all that happens.

FOSTER: Dani is now suing Cambridge over the handling of her complaint. Barrister Georgina Calvert Lee is representing her.

LEE: We're looking at the breach of the university's duties under the Equality Act. We argue that the way they treated our client during the complaints process systemically disadvantaged her compared to the person she was complaining about. Universities tend to treat these complaints of sexual misconduct as quasi-criminal proceedings between themselves as the kind of quasi-state and a student.

FOSTER: So it's almost as if the university is playing at the legal system without having all the legal safeguards that the criminal justice system has in place?

LEE: Absolutely, because the people playing those roles are not used to being in criminal court and applying the latest standards. I don't think it would have been appropriate in a criminal trial for our client to have been cross-examined in the way she was on her mental health and her past history.

FOSTER: How many of these cases are you seeing? How many are coming across your desk now?

LEE: We're having a huge number. To give to give you some sort of specific idea, I was away last week and I came back and there were nine new calls from students or staff members at universities and they were complaining about the way the university was handling their complaint.

MUSIC

FOSTER: The university told us that Cambridge places the utmost importance on the welfare of its students, and they recognise that, no matter how well an investigation is handled, it is an extremely difficult experience. They add that in the last three years the university has made a lot of changes, including the introduction of anonymous reporting and the appointment of a specialist Sexual Assault and Harassment Advisor to support and advise complainants.

FOSTER: And Alice didn't stop there. She turned detective, contacting those women and others who'd commented on the post. She ended up speaking to eight women who'd had negative sexual experiences with the same student she was accusing. A trail of emails shows how she kept the university posted on what she found. Alice was waiting for a date for her preliminary hearing with the university when, out of the blue, she was informed her case was being dropped.

ALICE: It was a really dense email. It was all like legal jargon. I was kind of like, I don't understand, so I emailed back being like, can I just check that this is what it means, that my case won't go forward, other people's cases won't go forward because it no longer fits your definition. And then I was like, and like just to let you know now that this means you're complicit in this because you are all fully aware. Do you not want to do anything about it?

FOSTER: Alice, who's now graduated, is angry that a possible serial sexual predator remains on campus, unchallenged - unless a current student decides to mount a fresh complaint under the new rules.

ALICE: I had all of this evidence stacked up to the point where I was like, well, you know, if they don't take this seriously then what was going on? Like, I can, I said to them like two months ago, this guy is a predator. Then I found more evidence, then I found more of it. I've done the work. I've done the work they should be doing.

FOSTER: We also asked Cambridge University why they'd dropped Alice's case. They told us that until they can formally take on sexual misconduct cases from October 1st, they will still investigate, offer students support and a way to complain informally - and that those cases that constitute harassment will be taken forward. Unfortunately for Alice, hers doesn't fit that definition and will therefore not be taken further.

MUSIC

FOSTER: File on 4 sent out an online questionnaire through the website The Student Room, asking for experiences of sexual assault and harassment at UK universities. 352 people responded, with many of them leaving comments, sharing their stories, and many of them told us the incident happened during their first year. We asked if they'd reported to their university. Only 56 students told us they had. But very few said measures were put in place by the university to protect them after they'd made the complaint. Remember Aleysha, who we met at her graduation? She made two complaints - one of rape and one of sexual assault to Manchester University. After a nine month wait, the panel at her sexual assault hearing decided there was insufficient evidence. Her rape complaint had a much faster turnaround and was upheld. Even so, Aleysha was never informed of any sanctions imposed by the university on the other student. She still doesn't know if he was allowed to stay at the university.

ALEYSHA: It was that paranoia and I remember walking down the street thinking like, oh my gosh, that's him, and like then having a panic attack. If I knew, like, okay, he's not going to be in university, at least I can leave my house and know that I'm not going to see him. I had nothing, and that was partly why I didn't leave my house for ages and going to uni was difficult.

FOSTER: Manchester University told us they do recognise the negative impact on Aleysha of some of their processes and are very sorry for any distress she's experienced. They add that lessons have been learned and changes made, including the appointment of a Sexual Violence and Harassment Response Manager to oversee any complaint of sexual misconduct. They say they're now confident they have the robust measures in place to make sure complaints are managed supportively, sensitively, and in a fair and timely manner.

MUSIC

FOSTER: The disciplinary panels we've been hearing about are usually made up of university academics and a student representative. As a student, Lara, not her real name, sat on a sexual misconduct disciplinary panel while she was interning at her university last summer.

LARA: I had very brief training, so I was kind of told about how they run and I read all the regulations and the details about how disciplinary panels are meant to run beforehand. But other than that, I wasn't given any sort of detailed training. I felt definitely unprepared to deal with such a case in that, you know, I don't truly know the effect of sexual assault or, you know, the real implications of that mentally or otherwise, but it was definitely a shocking experience.

FOSTER: And lack of training is what lawyer Aidan O'Brien believes lies at the heart of a flawed process.

O'BRIEN: The fact of the matter is that they're not trained, they're not experienced in assessing evidence, weighing evidence, the principles of natural justice, how to go about these hearings in a fair-handed manner. That's not necessarily their fault. It's because they're quite simply not trained to do that or qualified to do that.

FOSTER: Aidan has represented a number of students who had complaints of sexual misconduct upheld against them.

O'BRIEN: I would say the system is probably failing all parties because of this lack of understanding by the investigators and the panel members.

FOSTER: So for you the answer would be to have a lawyer oversee this process?

O'BRIEN: I think in a perfect world all panels should be chaired by someone who's legally qualified. Not just legally qualified, but also someone who has actually been in practice. It's right to have lay wing members - in my view, they add particular experience to the panel which is useful - but they could be assisted and guided by someone who was able to talk them through the burden of proof, the standard of proof, how one weighs evidence - these types of concepts that come naturally to most trained lawyers.

FOSTER: All universities are independent, autonomous institutions. So who is stepping up to make sure that changes are made at the universities who are failing in their duty of care? The Office for Students is the independent watchdog for the sector. Nicola Dandridge is their Chief Executive.

DANDRIDGE: We have invested over £2 million in initiatives across the sector to work out ways of addressing this issue. We're seeing lots of initiatives that we have funded that we think should be rolled out more widely. We have responsibilities as the regulator to make sure that universities are dealing and managing and leading these sorts of issues effectively, and if we see evidence of a university that's got serious problems in not dealing with this, then we do have the powers to intervene - and we would.

FOSTER: When are you going to intervene though? Because clearly there are a lot of students who feel very let down by their universities, who've been traumatised.

DANDRIDGE: Well, our focus will be on what's in the best interest of the student, and universities are independent organisations, they're autonomous, and it's their responsibility to make sure they're dealing with this effectively. So I think our primary focus has to be to make sure that they have the understanding and know what effective practice would look like, so that they can deal with this, so we don't want to take responsibility ourselves when it's them that should be doing it.

FOSTER: I suppose the trouble is, you are hoping they will take responsibility. But who in the end is holding them to account, because at the moment it seems that that is falling to the students themselves. It seems to be protests. It seems to be social media. It seems to be students kicking up a fuss, which is making universities take action and surely that's your job?

DANDRIDGE: Where there's serious examples of universities failing to address these issues seriously, where our powers are appropriate and where we can intervene.

FOSTER: Do you expect you will be intervening?

DANDRIDGE: Yes, I think we probably will have to, but we will always be focused on making sure that our intervention is appropriate and in the best interests of students. It's not about punishing universities, it's making sure that the appropriate support is given to students, and their interests have to be very much our focus.

FOSTER: But there is work being done at several UK universities to ensure OfS intervention won't be needed.

ACTUALITY ON KEELE UNIVERSITY CAMPUS

PRINCE: So we're pretty much in the heart of campus now. We've got the chapel to our left and student services over to our right. Lots of green space.

FOSTER: Keele University in Staffordshire is trying to improve the disciplinary process for its students - it's already introduced specialist counsellors and compulsory training in sexual misconduct for panel members. Dr Kelly Prince, the Serious Incident Officer, is well aware of the pitfalls.

PRINCE: The issue here is that actually this is an area where it's really easy to get things wrong. I think we're at a point now where we've got more questions outstanding than we have been able to answer so far. I think we can look to the sector in the US and in Canada and look at where they are, because they're probably, you know, five to six years further down the line than we are. They're dealing with a lot of legal cases now, and I think that sector bodies need to come together to help us try and answer those questions and to put standard practices in place.

MUSIC – LIVE BAND

FOSTER: By the time the thousands of freshers starting student life up and down the country this week put on their caps and gowns and line up to accept their diplomas, it's to be hoped that the picture will have improved. But for the women we've spoken to, change will come too late to salvage what's been lost of their precious university years.

GIRL: I would say I've lost my innocence in a way, my carefree, happy nature. My view now in life is a little bit more looking at the worst things that can happen rather than the best things that can happen. My world isn't as bright and as colourful.

GIRL 2: I graduated recently and obviously everyone was posting their photos of graduation, talking about like how much they loved uni and I was like, I really can't relate to that, like, imagine having a time at uni where you can actually focus on your studies and make friends and go out clubbing and really enjoy it. Imagine being able to go to a coffee shop without being scared, like I just, it takes a lot away from you.

GIRL 3: I also recently graduated and it's really hard to write a positive post about, oh yeah, I'm so glad, I'm so happy that I went here and stuff, because when I went to my university, I was half a mark off getting into another university, and I can't help but think if I got that other half mark, my life would be quite different by now, and I might be graduating at this time writing a good post about what an amazing time I had, like all my friends are. [MUSIC] And it's really difficult to look back at university and think, yeah, I definitely wouldn't change anything about that.

FOSTER: Well, that's it for this week's edition of File on 4, but before we go we wanted to share news of something rather dramatic that happened after last week's edition, which was reported by Paul Kenyon.

KENYON: Thanks for that, Fiona . Well, you may remember that last week we revealed how hundreds of sex offenders have gone missing, despite court orders which restrict their movements and require them to report regularly to the authorities. I travelled to Bulgaria to track down a 43 year old British paedophile called Daniel Erickson-Hull. He was on the run after breaching his court order, which barred him from travelling abroad without notifying the police. He'd just served a sentence for possessing hundreds of indecent images of children. Last month we found him working as a self-styled pastor in a poor Roma community in a city called Sliven, where he'd been living since he went on the run two years ago. I confronted him in a run-down church hall.

ACTUALITY IN CHURCH HALL

KENYON: Daniel, Daniel Hull – how are you?

HULL: Fine.

KENYON: Good to see you. My name is Paul Kenyon. You're a paedophile on the run aren't you?

HULL: No.

KENYON: Yes, you are on the run.

HULL: No.

KENYON: And you're a paedophile ...

HULL: I am most certainly not.

KENYON: And you've been here with lots of unaccompanied children.

HULL: No.

KENYON: You have been told by the judge, haven't you ...

HULL: No.

KENYON: ... very specifically that you are a danger to children.

HULL: I am not a danger to children.

KENYON: Did the judge say that?
Hull made for the door.

KENYON cont: Mr Hull, what have you got to say for yourself, because you know that you're breaching two orders by being here and this is totally unacceptable, isn't it? The judge said you could go to prison for a very long time, didn't he? His supporters were becoming agitated.

ACTUALITY OF SHOUTING

MAN: Why you here?

KENYON: Mr Hull?

He slammed the door. We were back on the dark street, surrounded by Hull's followers. There you go that's Daniel Hull – and as you heard, he's in some kind of denial. But this is a serious situation. It tells you something about the alarming difficulties that we have systemically within the legal system in the UK at the moment, because the position.

ACTUALITY OF SHOUTING

KENYON: The crowds began scrabbling on the floor for stones. We were suddenly under attack.

They're throwing bricks – get in the car...

Well, two days after our broadcast, Bulgarian police raided Hull's home at 6 o'clock in the morning and found him with six children. Video cameras and computers were seized, the children were taken into care and Hull was taken into custody. On Friday, he appeared in court and was charged with sexually abusing four boys. The Ministry of the Interior in Bulgaria told File on 4 he repeatedly sexually abused minors whilst pretending to be a pastor preaching Christianity. He's now been remanded in custody and is awaiting trial. And, of course, we'll be keeping a very close eye on the outcome of that trial whenever it happens.