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A qualitative analysis of English universities' policies on addressing students' experiences of hate crime and incidents

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ABSTRACT

The scale, nature and impact of students' experiences of hate crime and incidents have been comprehensively documented over the last decade. There is, however, limited research on how universities are responding to such non-academic misconducts. Therefore, through an in-depth qualitative analysis of policies on addressing students' experiences of non-academic misconducts at 18 English universities, this paper aims to examine current universities' approaches to students' experiences of hate crime and incidents. Through a conventional content analysis of the policy structure, definitions and example of behaviours, findings demonstrate the existence of a hierarchy of non-academic misconducts, limited recognition for hate incidents and a heavy dependence on legislative provisions in existing policies. Guided by theoretical propositions of critical victimology, a reflexive thematic analysis of interviews with 36 members of staff from the professional services and students' union officers at 29 English universities illuminates how power dynamics between policy actors influenced the ways in which universities' policies were developed. Based on the new findings, this paper concludes with recommendations to support the future development of universities' policies for addressing students' experiences of hate crime and incidents.

Introduction

Policies are a central mechanism for the organisation and coordination of actions within an institution (Ahmed 2012). Moreover, as value-laden texts developed through negotiations between policy actors, policies also articulate the values and responsibilities of the institution (Ashwin and Smith 2015). As such, policies are widely used as both a response and a preventative tool for addressing students' experiences of non-academic misconducts across universities in the USA, Canada, UK and Australia (Andrews-Brown 2022; Anitha, Jordan and Chanamuto 2024; Vaill, Campbell, and Whiteford 2020; Waryold and Lancaster 2020). Amongst which, a coordinated effort to address such problems is arguably most evident in the English higher education sector. This is because

under the Equality Act 2010, s.149, the Public Sector Equality Duty sets out that all publicly funded universities in England have a legal obligation to 'eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act'. Moreover, from 1 August 2025, Condition E6: Harassment and sexual misconduct mandates all universities registered with the regulatory body, Office for Students, to publish their policies and procedures for addressing incidents of harassment and sexual misconduct either in a single document or webpage.

Institutional and sector-wide attempts at addressing students' experiences of non-academic misconducts, including hate crime and incidents, can be attributed to the fact that such problems have presented as a longstanding problem across these countries. For example, in a survey of 855 students at the University of Melbourne in Australia, 65 per cent reported experiences of casual racism at least once a month (Yussuf and Long 2024). Moreover, in a survey of 1022 Jewish undergraduate students in the USA, 29 per cent have either witnessed or experienced an antisemitic incident on campus (Ipsos 2023). In addition, based on responses from 845 students at publicly funded universities across England, Wales and Scotland, the Equality and Human Rights Commission (EHRC) (2019) revealed that racial harassment is commonly experienced among students, where 20 per cent of respondents have been physically assaulted, and 56 per cent had experienced racist name-calling, insults, ostracism, and exposure to racist materials. Furthermore, in a survey of 807 students at a university and a community college in Ontario, 61 per cent indicated that they have heard offensive jokes targeted at an individual's ethnicity, nationality, religion, sex, sexual orientation, disability, and political orientation, and 12 per cent have experienced verbal assaults (Perry 2011).

As demonstrated in the existing studies, aside from occasional reports of physical attacks, students' experiences of targeted violence are often non-physical and implicit in nature. This is attributed to the fact that a shift from overt, violent forms of criminal behaviours to covert, subtle expressions of prejudice and discrimination can be observed over the years, as legislative sanctions and changing social norms render blatant discriminatory behaviours unacceptable (Sharrock et al. 2018). And as experiences of targeted violence do not meet the threshold of criminality set out within the legislative framework, hate incidents would thus better reflect victim's experiences of victimisation (Clayton, Donovan, and Macdonald 2016).

Due to the subtle nature of hate incidents, however, such repeated patterns of targeted violence are often unchallenged on campus (Stevenson 2018). This is problematic, as experiences of hate incidents are equally detrimental to student experiences. Although conceptualisations of the student experience in a marketised higher education sector are primarily driven by performance measures such as the league tables and National Student Survey, it is important to recognise that student experience is a multifaceted concept. Amongst which, universities' policy processes for addressing students' experiences of non-academic misconducts are a factor that could affect the overall student experience. For example, the EHRC (2019) found that mishandled informal disclosures and formal reports have exacerbated the emotional and psychological distress experienced by students. And according to Smith and Freyd (2014, 575), the inappropriate management of reports could fuel injustice, accentuate inequality and even result in a sense of 'institutional betrayal'.

Moreover, experiences of hate crime and incidents may be damaging to students' psychological wellbeing. Alongside feelings of anger, frustration and humiliation (Equality and Human Rights Commission 2019), students report higher levels of anxiety, depression and post-traumatic stress, in comparison with victims of similar incidents but were not motivated by the victims' identity (National Union of Students 2011). Students are also reportedly caught off guard by prejudicial behaviours, as public declarations of an institutional commitment to equality and diversity are incongruent with their lived realities (Brown and Jones 2013). Students may also feel unsafe on campus, as their identities as an individual are targeted. For example, Uddin, Williams and Alcock (2022) found Muslim women students who wore religious garments to be more worried about being attacked due to their religious visibility. As exposures to prejudicial treatment could result in rumination over exposure and anticipatory fear, such consequences may have an accumulative effect on students' mental health in the long run (Broad et al. 2018).

Psychological impacts of hate crime victimisations have inevitable implications for student attainment and retention rates. For example, academic performances may be affected by lowered levels of self-esteem, motivation and inspiration (Ogunyemi et al. 2020). Moreover, Williams, Skinta, and Martin-Willett (2021) found that experiences of microaggression may result in the generation of cognitive loads that impede productivity, thus inhibiting students' abilities to perform at full capacity on their programme of study. And as an attempt at self-preservation, students may disengage from their campus, consider the suspension their studies or drop out entirely. For example, in a survey of 9229 university students in the UK, 54 per cent of respondents with experiences of racially motivated hate incidents have considered leaving their course because of such encounters (National Union of Students 2011).

And as a result of their experiences with hate crime and incidents, students may engage in various behavioural modification strategies. For example, in a survey of 522 LGBT students, 42 per cent of respondents indicated that they have concealed their LGBT identity on campus due to the fear of discrimination (Bachmann and Gooch 2018). Students may also be reluctant to disclose their disabilities out of a fear of stigmatisation and unfavourable treatment (Kendall and Tarman 2016). Chaudry (2021) also suggests that Muslim students would downplay their Muslim identities by not wearing any religious garments, including the hijab, niqab and burqa. In addition to the politicisation of religious garments, such alterations to appearances are made in hopes of a better integration into the university community (Chaudry 2021).

Based on findings in the existing literature, it is clear that hate crime and incidents are indeed problems students in universities face. Alongside their experiences of targeted violence, the shortcomings of existing policy processes may also be detrimental to students' psychological wellbeing, attainment and retention rates, as well as their sense of belonging on campus. Therefore, to mitigate the potential impact of hate crime and incidents on students' experiences, it is imperative to examine how universities are responding to such non-academic misconducts.

Importance of tailoring responses to hate crime and incidents

Universities today are tasked with the responsibility of addressing a range of non-academic misconducts experienced by students, including sexual harassment, bullying,

as well as hate crime and incidents. However, the range of non-academic misconducts should not be addressed as identical problems. Before justifications for the development of responses appropriate for the respective forms of non-academic misconducts are presented, overlaps between sexual harassment, bullying and hate crime must also be acknowledged.

In a study with 1034 university students, Donovan and Roberts (2023) found that LGBT students' experiences of verbal abuse could be identified as both sexual harassment and hate incidents. Moreover, in victimisations where gender was a key trigger to anti-Muslim hate crime, victims reported sexual harassment as one of the forms of online abuse experienced (Awan and Zempi 2017). Similarly, overlaps between bullying and hate crime can be observed. For example, sexual orientation has been suggested as a factor that increases the risks of bullying in universities, where LGBT students may be more likely to experience homophobic and transphobic bullying (Rivers 2016). Furthermore, while studies were primarily conducted in school settings, disability has been suggested as another factor that increases students' risks of bullying (Purdy and McGuckin 2015). As such, sexual harassment, bullying and hate crime may not necessarily be separate forms of victimisation, and an intersectional approach would be vital in such cases.

However, while there may be overlaps, the range of non-academic misconducts should not be assumed and addressed as identical problems. This is because the element of sexual harassment is not always present in experiences of hate crime and incidents, and therefore not all responses and prevention strategies for sexual harassment would be relevant to addressing hate crime and incidents. For example, consent-related initiatives are suggested to be an effective prevention strategy for sexual harassment, as such programmes have been specifically designed to initiate conversations on sexual consent amongst students, improve knowledge and dispel myths of sexual consent, and improve awareness towards sexual harassment (Beres, Treharne, and Stojanov 2019). While consent-related initiatives may be effective in preventing sexual harassment, such initiatives have little applicability for hate crime and incidents, where the need to address the biases and prejudice of offenders is key.

Similarly, despite parallels between bullying and hate crime, both forms of non-academic misconducts should not be addressed as identical problems. This is because on one hand, while a universally agreed upon definition is absent, three defining characteristics are suggested to be present in bullying. First, bullying is repetitive, where behaviours occur more than once (Olweus 2013). Second, as an intentional form of proactive aggression, bullying occurs without provocation (Volk, Dane, and Marini 2014). Third, power imbalance exists between the bully and victim, where victims are less likely to defend themselves as a result (Smith 2016). Alongside desires to attain instrumental outcomes including power, popularity and a higher status within peer groups (Myers and Cowie 2013), such intentional acts of aggression amongst bullies in universities have also been suggested to be motivated by relationship difficulties and a history of being a bully at school (Myers and Cowie 2013).

On the other hand, however, victims of hate crime and incidents are targeted based on their perceived or actual differences and vulnerability (Chakraborti and Garland 2012). Moreover, experiences of hate crime and incidents are motivated by the perpetrator's underlying prejudice or bias towards the victim's actual or perceived identity (Iganski and Levin 2015). Therefore, while there may be overlaps between bullying, hate crime

and hate incidents, differences in characteristics and underlying motivations underscore the need for differentiated responses suitable for addressing the respective forms of non-academic misconducts. It is thus important to recognise that responses and preventative measures appropriate for the respective forms of non-academic misconducts must be developed in universities.

Critical victimology as theoretical framework of the study

Built on the works of Mawby and Walklate (1994), critical victimology foregrounds the broader social, political and cultural contexts, as well as the underlying structural processes in which victim statuses are constructed and applied. As such, critical victimology asserts that one's vulnerability to victimisation cannot be solely attributed to the intrinsic qualities of an individual (Mawby and Walklate 1994). Instead, critical victimology argues for the need to question the power of the state and institutions, as well as examine the role of actors with vested interests in how the victim status is constructed (Strobl 2004). Critical victimology suggests that such processes would in turn influence the recognition and visibility of victim groups.

The hierarchy of victimhood is a concept central to critical victimology (Mawby and Walklate 1994). Defined by their innocence and blamelessness, ideal victims are at the top of the hierarchy, thus determined to be deserving of support and the victim status (Jankowitz 2018). At the bottom of the hierarchy, however, victims who deviate from the idealised characteristics would struggle to have their victim status legitimised, as it is assumed that their experiences of victimisation are a result of the choices they have made (McEvoy and McConnachie 2012). Killean, McAlinden, and Dowds (2022, 875) further suggest that differences between 'real' and 'unreal' harms can influence the legitimisation of victim statuses. While the physical manifestations of 'real' harms are observable, 'unreal harms' such as verbal threats and coercive behaviours are non-physical in nature (Killean, McAlinden, and Dowds 2022, 875). And as experiences of unreal harm are trivialised as natural social interactions, individuals would thus struggle to be recognised as victims (Killean, McAlinden, and Dowds 2022). The hierarchy of victimhood has practical implications on how victimisations are responded to. For example, the further an individual deviates from the characteristics of an ideal victim, the less likely will they be able to access the legal and social support mechanisms needed (Moffett 2016).

Applying to the understanding of hate crime, Mason-Bish (2018) argues that targeted groups that are deserving and undeserving of state or institutional protection are determined based on the ability of advocacy groups to lobby for social and political interests. Spencer (2014) further posits that legislations, alongside governmental and institutional policies are tools used in the legitimisation of the extent to which protection may be afforded. Consequently, whilst experiences of racially motivated hate crime have received significant attention in criminal justice responses and the hate crime scholarship (James and Simmonds 2013), disablist hate crime lacked the political representation and lobbying effort needed to challenge and reframe stereotypical perceptions of disabled victims as undesirable and less worthy of legal protection (Ralph, Capewell, and Bonnett 2016). Given the applicability of critical victimology in understanding how hate crime victimisations are constructed and responded to in the wider society, the theoretical framework

will thus be applied to support the examination of how universities' policies have been developed as a response to students' experiences of hate crime and incidents.

Methods

As demonstrated in the discussion thus far, students' experiences of hate crime and incidents are a global problem. However, as legislative provisions and regulatory requirements vary from country to country, this study is focused on English universities only, so as to allow for a concise analysis. Moreover, student population in the English higher education sector is highly diverse. According to the Higher Education Statistics Agency (2024), out of a total of 2,423,010 students enrolled in the 2022/23 academic year, 68 per cent are White, 10 per cent are Black, 15 per cent are Asian. Furthermore, 13 per cent of the students are Muslims, and 16 per cent of the students have known disabilities. And as international students have become indispensable in the maintenance of the financial health of English universities, students from European Union (EU) and non-EU countries account for 26 per cent of the total student enrolment. Given how diverse university campuses are, alongside the fact that university campuses are often the first places where students are confronted with diversity (Michael 2014), unchallenged biases and prejudice towards specific minority groups may explain why hate crime and incidents feature as a significant problem in the English higher education sector. This makes it all the more important to examine how English universities are addressing the problem.

This study was carried out in two phases. In the first phase, a document analysis of policy documents from a sample of 18 English universities was conducted. In the second phase, interviews with 36 members of staff from the professional services and students' union officers were conducted. It was necessary for the document analysis to be completed before the interviews commenced, as findings from the document analysis have informed the interview schedule. Ethics approval for the study was granted on 30 June 2021, by the Criminology and Education Research Ethics Committee at the University of Leicester.

Document analysis of universities' policies

Given that universities' policies have a critical role in shaping institutional practices (Ashwin and Smith 2015), an in-depth analysis of the documents is necessary. However, at the time of study, with the exception of sexual harassment, an overarching policy has been developed to address all forms of non-academic misconducts in English universities. Therefore, this study analysed publicly available policies on addressing students' experiences of non-academic misconducts at 18 English universities, in effect for the 2020/21 academic year. The sample of 18 English universities was selected through quota sampling. This is because the non-probability sampling strategy allows for the division of the target population into mutually exclusive subgroups, where each subgroup is categorised according to characteristics that are significant and of interest to the study (Sarantakos 2013). In the context of this study, the Pre-1992 and Post-1992 divide was of interest.

In 1992, the Further and Higher Education Act established a unitary higher education system in England as polytechnics were granted university statuses (Boliver 2015). Within

the unitary system, however, differences between Pre-1992 and Post-1992 universities remain evident. For example, 'research intensive' Pre-1992 universities continue to be held in higher regard than 'teaching-led' Post-1992 universities (Lehtonen 2023, p.29). Differences in governance structure (Knight 2002), availability of resources (Boliver 2015), receptiveness to change (Huisman and Mampaey 2018), and student demographics and preferences (Crozier et al. 2008) have also been suggested. Therefore, the data gathered in this study was analysed with the intention of understanding if similarities and differences were also observable in such institutional policies. Differences between Pre-1992 and Post-1992 universities suggested in the literature could also function as explanatory mechanisms for any differences identified in the data analysis.

The sample of universities' policies was selected through a seven-step quota sampling framework. First, the target population (complete list of universities in England) was identified through HESA. Second, the target population was classified into two groups – Pre-1992 and Post-1992 universities. Third, using geographical classifications provided by HESA, the respective lists of Pre-1992 and Post-1992 universities were further classified into the nine regions of England. There are now 18 subgroups. To select a university from each of the subgroup, two selection criteria were used – public availability of universities' policies and whether a member of staff expressed interest in supporting the fieldwork during an initial outreach in July 2020. Therefore, in the fourth step of the quota sampling framework, all universities with policies publicly available on their webpages were identified. Fifth, all universities where a member of staff has expressed an interest in supporting the fieldwork were identified. Sixth, universities that fulfilled both selection criteria were identified. In subgroups where more than one university fulfilled both criteria, one university was randomly selected for the study sample. Finally, universities identified from each of the subgroup were then merged into one sample, forming the sample of universities in this study.

It is important to note that both selection criteria were based on practical considerations (i.e. use of publicly available policies was a more time efficient option, selecting universities where a member of staff has expressed interest in supporting the fieldwork was critical in the access and recruitment of interview participants). Moreover, the geographic coverage was integrated as an attempt to improve representation of the study sample. As such, the data was not analysed according to the location of the universities, since the data collected were not sufficiently substantial for geographical-related analysis to be conducted.

A conventional content analysis was conducted to identify the presence and absence of policy content. In accordance with the six-step guidance suggested by Hsieh and Shannon (2005), the analysis began with a familiarisation and development of an overall understanding of the data. Next, the data were read line-by-line, where exact words and phrases that captured key concepts were highlighted. Categories were then developed as the line-by-line coding process proceeded. These categories were derived directly from the text and became the initial coding framework. Next, using the initial coding framework, all data were indexed under the relevant categories. Finally, data extracts in every category and sub-category were reviewed to refine the coding framework while ensuring coherence.

As public documents including transcripts of speeches by public officials and institutional policies are openly accessible, Ehrlich (2018) suggests that informed consent

from the document owners might not be needed. And unlike emails and online forums, institutional documents do not contain personal information (Wilkinson and Thelwall 2011). However, minimising possibilities of the identification of universities remained important, as it was not the intention of this study to bring attention to any university. Therefore, policies were only identified as Pre-1992 University (A-I) or Post-1992 University (J-R) in the discussions. Full sentences from the policies were also paraphrased, since universities may be identified if longer direct quotes unique to a university were copied and pasted into search engines.

Semi-structured online interviews

Semi-structured online interviews with 17 members of staff from the professional services (i.e. Student Services, Student Registry, Human Resources, Legal Services, Quality Assurance Services, Equality and Diversity departments) and 19 full-time sabbatical and part time students' union officers at 29 English universities were conducted between November 2021 and January 2022. The integration of both members of staff and students' union officers was necessary, as universities and students' unions may have differing perspectives on the same subject matter (Shaw and Atvars 2018). Interviews with members of staff and students' union officers could thus support the development of a more holistic understanding towards how universities' policies have been developed as a response to students' experiences of hate crime and incidents. While all interview participants were involved in the policy development process at their respective universities, it is important to note that they were involved in different capacities (i.e. as policy owners, involved in drafting of the policy, involved in the consultation and/or approval processes).

The reflexive thematic analysis of interview data was conducted based on the six-step guidance outlined by Braun and Clarke (2019). First, the dataset was read repeatedly to develop a thorough understanding. Second, initial codes were developed through an iterative process, where all data items that may be of relevance were identified. Third, initial themes were developed from the coded data. Moving on from the interpretation of individual data items to the interpretation of aggregated meanings across the dataset, all coded data were reviewed to analyse how individual codes with similar underlying concepts could be combined to form themes and subthemes. Fourth, all initial themes were reviewed to ensure that the thematic assignment of all coded data were appropriate and sufficiently distinct from other themes to merit separation. Fifth, themes were defined and named according to their representative features and contributions to the overall narrative. Key data extracts to be presented were also identified. Finally, thematic discussions of the data will be presented in the subsequent sections. While the process has been presented in a linear and sequential order, actual navigation of the analysis was a recursive and iterative process. NVivo 12 was used to support all data management and analysis processes.

To ensure that interview participants were fully informed before consent was granted, an information sheet with details on the study purpose, why they have been invited to participate, voluntary nature of participation, what their involvement entail, discussion topics, reassurance of anonymity and confidentiality of participation, rights to withdraw from the study, potential digital risks pertaining to participation, and how the data would be handled was provided. Informed consent was obtained through an electronic

consent form, where all participants signed and returned the form to the researcher either before or after the interview. To safeguard the anonymity and confidentiality of all participants, all identifying information, including names, job titles, and specific university departments were omitted in the presentation of findings. Participants were only identified as member of staff (1–17) or students' union officer (1–19) in the presentation of anonymous excerpts.

Limitations of the study

A number of limitations are present in this small-scale qualitative study. First, the generalisability of findings is limited by its focus on English universities. Moreover, given that the document analysis was based on a sample of 18 universities, findings presented in this paper should not be assumed to be representative of policies across every university in England. Second, the potential presence of social desirability bias in the interview data must be acknowledged. This is because all interviews were based on participants' involvement in the policy development processes at their respective universities, as well as their opinions on current institutional approaches and challenges in addressing students' experiences of hate crime and incidents. As such, there may have been an implicit need for participants to provide representations in line with their institutional interests. And as a result, participants' responses may have been framed and presented in a way that reflected more positively on the universities and even themselves.

Findings

Policy structure

At the time of study, due to the absence of statutory and regulatory mandate for what should be covered in the policies, English universities have full autonomy over the policy content. In other words, universities are able to develop a policy that is tailored to and most appropriate for their specific contexts. Therefore, as illustrated in Table 1, the availability of information varied across the sample universities, where 16 categories of policy content were identified. No significant differences between the sample of Pre-1992 and Post-1992 universities' policies can be observed. Instead, as policies are developed through a series of decisions negotiated between policy actors (Ashwin and Smith 2015), a closer examination of the power dynamics between actors involved in the policy development processes becomes imperative. This could support the understanding of the ways in which such policies have been structured (i.e. the presence and absence of information in the policies).

Power dynamics embedded in policy development process

In response to recommendations within the English higher education sector for responses to be developed through an institution-wide approach (AdvanceHE 2020; Universities UK 2020), participants shared that members of staff from various university departments were involved. This includes the Student Services, Student Registry, Human Resources, Legal Services, Quality Assurance Services, Equality and Diversity, University Executive Board, Students' Union, student committees, Communication Teams, Chaplaincy,

Table 1. Policy sections available in each sample university policy.

		Definitions	Example of behaviours	Policy statement	Reporting procedures	Support information	Linked policies and procedures	Purpose of policy	Scope of policy	Rights and responsibilities	Vexatious complaints	Monitoring of policy	Confidentiality	Reasonableness	Bystander information	Information for individuals accused	Implementation and dissemination
1.	Pre-1992 University A	✓	✓	✓	✓	✓	✓	✓	✓	✓		✓					
2.	Pre-1992 University B	✓	✓	✓	✓	✓		✓	✓		✓		✓				✓
3.	Pre-1992 University C	✓	✓	✓	✓	✓			✓	✓	✓	✓			✓		
4.	Pre-1992 University D	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓					
5.	Pre-1992 University E	✓	✓	✓	✓	✓	✓		✓	✓	✓	✓					
6.	Pre-1992 University F	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓			✓	✓
7.	Pre-1992 University G	✓	✓	✓	✓	✓	✓	✓		✓	✓			✓			
8.	Pre-1992 University H	✓	✓	✓	✓	✓	✓		✓	✓	✓	✓				✓	
9.	Pre-1992 University I	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓		✓	✓	✓	✓	
10.	Post-1992 University J	✓	✓	✓	✓	✓	✓	✓	✓		✓	✓					
11.	Post-1992 University K	✓	✓	✓	✓					✓			✓	✓			
12.	Post-1992 University L	✓	✓	✓	✓	✓		✓					✓				
13.	Post-1992 University M	✓	✓			✓	✓		✓				✓				
14.	Post-1992 University N	✓	✓	✓	✓	✓	✓	✓		✓	✓		✓	✓	✓		
15.	Post-1992 University O	✓	✓	✓	✓	✓		✓		✓			✓	✓	✓	✓	
16.	Post-1992 University P	✓	✓	✓	✓	✓	✓	✓	✓				✓	✓			
17.	Post-1992 University Q	✓	✓	✓	✓		✓		✓		✓	✓	✓				
18.	Post-1992 University R	✓	✓	✓	✓	✓	✓		✓		✓	✓			✓	✓	

Accommodation Teams and members of staff from academic departments. These policy actors were involved in various capacities. For example, policy actors could have been the owner of the policies, involved in working groups established specifically to develop the policies, or were consulted due to their involvement in departments or networks of direct relevance to the policy content.

Drawing upon theoretical propositions of critical victimology, the ways in which victimisation constructed is reflective of the interests of the dominant groups, as such dominant groups are in possession of the power to exert greater influence on the construction process (Mawby and Walklate 1994). Similarly, in the development of universities' policies, participants explained that the '*ultimate power lies with where the policy sits in*'. Policy owners and senior management boards were specifically identified as actors with the greatest power over the development and approval of the policies. Consequently, member of staff 12 recalled how '*some of the staff networks felt that they were in the dark about some things, because the university would just come in and say that we are doing this*'. Member of staff 8 also shared that their proposals were '*hit down at every single step of the way*'. And as universities' policies become an inevitable reflection of the '*values and responsibilities*' prioritised by policy actors with the greatest power, member of staff 3 shared that they '*did not see any of the changes students' union officers wanted in the updated version of the policy*'.

> You are desperately trying to do the right things for students, but actually you are trying to look after the institution as well. And so the policy has to be accurate. I am afraid that is where we have moved to.

As articulated by member of staff 17 in the quote above, the need to manage both students' and institutions' interests further contributed to the power tensions between policy actors, particularly between members of staff from the universities and students' union officers. For example, students' union officer 18 explained that although the students' union '*tried to lobby the university to make changes using information that students have provided*', such attempts were '*often overruled by the governance of the university*'. As such, students' union officer 10 shared that they '*actually do not know how problems with the universities' policies could be changed as a union*'. Insights on the power dynamics embedded in the policy development processes could account for the ways in which existing policy content has been developed – specifically in terms of the hierarchy of non-academic misconducts, lack of recognition for hate incidents and a dependence on legislative provisions.

Policy content

A hierarchy of non-academic misconducts

As illustrated in Table 2, 12 forms of non-academic misconducts have been covered across the sample of universities' policies. Amongst which, sexual harassment is addressed as part of the overarching policy at 11 universities and as a standalone policy at 7 universities. Applying the theoretical propositions of critical victimology, a hierarchy of victimhood is arguably evident through such institutional practices, where sexual harassment is at the top of the hierarchy. The new findings support suggestions in the existing literature, where a survey of 95 universities across the UK found that current institutional responses were predominantly focused on matters pertaining to sexual harassment and gender-

Table 2. Non-academic misconducts covered in each sample university policy.

		Harassment	Bullying	Sexual harassment	Hate crime	Victimisation	Cyber-bullying	Abuse	Hate incident	Discrimination	Coercive and controlling behaviours	Micro-aggression	Physical misconduct
1.	Pre-1992 University A	✓	✓	✓	✓	✓		✓		✓	✓		
2.	Pre-1992 University B	✓	✓	✓	✓		✓	✓	✓				✓
3.	Pre-1992 University C	✓	✓	✓		✓	✓	✓			✓	✓	
4.	Pre-1992 University D	✓	✓										
5.	Pre-1992 University E	✓	✓		✓	✓			✓				
6.	Pre-1992 University F	✓	✓	✓		✓							✓
7.	Pre-1992 University G	✓											
8.	Pre-1992 University H	✓	✓				✓						
9.	Pre-1992 University I	✓	✓	✓		✓	✓						
10.	Post-1992 University J	✓	✓	✓	✓	✓	✓	✓	✓	✓		✓	
11.	Post-1992 University K	✓	✓	✓									
12.	Post-1992 University L	✓								✓			
13.	Post-1992 University M	✓		✓	✓			✓					
14.	Post-1992 University N	✓	✓	✓	✓	✓	✓		✓				
15.	Post-1992 University O	✓	✓	✓									
16.	Post-1992 University P	✓	✓	✓	✓	✓		✓					
17.	Post-1992 University Q	✓											
18.	Post-1992 University R	✓	✓	✓	✓	✓							

based violence (Universities UK 2019). Such new findings also provide evidence for the symbolic functions of universities' policies, where the use of standalone policies can be interpreted as a demonstration of the institution's commitment to addressing such non-academic misconducts.

According to theoretical propositions of critical victimology, victimisation is a socially and politically dependent construct, where acquisition of the victim status changes over time and space (Mawby and Walklate 1994). In terms of how non-academic misconducts are addressed in English universities then, the prioritisation and affordance of attention to sexual harassment can be attributed to the fact that students' experiences of sexual harassment in universities have garnered significant attention in recent years. Following an extensive media coverage (Fazackerley 2023; Hill 2020; Weale and Batty 2016), alongside the galvanisation of lobbying effort by various campaign groups and social movements, including the MeToo Movement, Revolt Sexual Assault online student-led campaign, The 1752 Group, and Everyone's Invited, heightened public demands for universities to address the problem have been observed. A closer scrutiny of institutional actions and inactions has in turn resulted in a sector-wide focus on sexual harassment within universities (McCarry and Jones 2021).

The domination of matters pertaining to sexual harassment was acknowledged by the interview participants. For example, member of staff 9 described students' experiences of sexual harassment as a '*big thing that we have been focusing on at our institution*', and member of staff 17 explained that the form of non-academic misconduct is '*a hot topic at the moment*'. Due to such prioritisation, differences in resources provided for the different forms of non-academic misconducts were observed by the participants. For example, member of staff 10 reflected on the disparities in how sexual harassment was addressed in comparison with other forms of non-academic misconducts:

> When we brought in the policy for addressing students' experiences of non-academic misconducts, we also brought in a specific policy on sexual misconduct. I asked the institution why there was one around student sexual misconduct, and everything else was locked under this one category, they said sexual misconducts were more important. So technically according to our processes at the moment, a sexual misconduct is deemed as a greater priority and will be expedited more quickly than other forms of non-academic misconducts.

While the effort is a positive improvement that must be acknowledged, such prioritisation has an inevitable impact on how other forms of non-academic misconducts lower on the hierarchy would be addressed. For example, Universities UK (2019, 7) acknowledged that current institutional efforts at addressing other forms of non-academic misconducts remain 'relatively underdeveloped'. Baird et al. (2022, 7) also found that 'there is much less emphasis and insufficient focus in the sector' towards students' experiences of hate crime and incidents. Some participants expressed their concerns toward the use of standalone policies to address a specific form of non-academic misconduct. The feasibility of such practices was questioned in particular, where member of staff 12 expressed that '*it is quite difficult and confusing if we end up having a policy around each harassment*'.

Lack of recognition for hate incidents

As illustrated in Table 2, only Pre-1992 Universities B and E, as well as Post-1992 Universities J and N have defined what a hate incident is. Across these universities' policies, hate

incident has been defined as *a 'non-criminal incident'* that is '*perceived by the victim or anyone else, including witnesses, to be motivated by hostility or prejudice*'. A person could be targeted based on their '*actual or perceived characteristic(s)*', and the incident '*should be recorded as a hate incident if is perceived to be the case*'. The policy from Post-1992 University J further stated that the targeting of alternative subcultures, as well as incidents of misogyny and misandry will be '*recognised as forms of hate incidents*'. The coverage of characteristics beyond the five protected characteristics set out in the existing hate crime legislative framework reflects debates in the academic scholarship, where advocacy for the recognition of gender and misogyny (Mason-Bish and Duggan 2019), age (Garland 2012), sex workers (Ellison and Smith 2017), alternative subcultures (Garland and Hodkinson 2014) and homelessness (Al-Hakim 2015) to be legally recognised as protected characteristics have been made.

A reliance on academic definitions was also apparent in the definitions of microaggression. Policies from Pre-1992 University C and Post-1992 University J have defined microaggression as '*brief, commonplace daily verbal, behavioural, or environmental indignities, whether intentional or unintentional, that communicate hostile, derogatory, or negative prejudicial slights and insults*'. As microaggression has not been recognised in any legislative provisions at the time of study, both sample universities' policies directly referenced Sue et al. (2007), and thus have identical definitions of microaggressions. The limited recognition of hate incidents and microaggressions that do not meet the threshold of criminality in existing universities' policies was similarly acknowledged by participants:

> The definitions of hate crime and incidents have not been developed within our university's policy. I think that is something that we certainly need to pay more attention to within defining our policies, so it is clear. – Member of staff 12

> There is nothing that says universities should only act when it officially meets the law for discrimination. Universities are completely within their rights to set their own codes of conduct, but a lot of them do not do it. A lot simply wait until it meets the criminal threshold then they will turn to the students and go, this is the matter of the police. This is lazy in my opinion. – Member of staff 8

> Universities definitely address more of the hate crime because they are more serious, and they have to do something about it. But more should be done to address smaller covert incidents. It is not talked about enough. – Students' union officer 4

> The law has a very specific definition. Hate crime is the worst case scenario, but we as a university need to take action when it falls below a criminal level. And I do not think the university pays enough attention to this. – Students' union officer 15

As seen in the quotes above, the lack of policy focus on non-criminal offences is concerning. This is because most students' experiences of targeted violence do not meet the threshold of criminality set out within the legislative framework and hence cannot be addressed as hate crime. The lack of provision for hate incidents could also explain why existing policies have been criticised for its lack of understanding towards such students' experiences, as well as being tokenistic and performative in nature (Ahmed 2012). Alongside the inability for hate incidents to be addressed since definitions for such non-criminal offences are limited, the lack of policy attention to non-criminal offences could become a barrier to reporting. This is because the perceived triviality of experiences is an enduring reporting barrier (Pezzella, Fetzer, and Keller 2019). The lack of definitions

for hate incidents in universities' policies could therefore reinforce perceptions that hate incidents, as non-criminal offences, are not sufficiently serious to be reported. Based on the reports received at their university, member of staff 3 shared that '*students are likely to suffer in silence in terms of microaggressions because they just normalise it*'.

Member of staff 2 underscored the need for non-criminal offences to be addressed, as '*it is important to keep the students safe*' and universities must create a community in which '*students feel able to participate, to learn both academically and really enjoy the time that they are at university*'. As such, member of staff 14 highlighted the need for universities' policies '*to cover things like microaggressions and unconscious bias, because at the moment students are not getting it*'. Such sentiments were shared by students' union officer 9, as they expressed that '*microaggressions can be hard to define, some people might have different ideas of what counts, and so universities should make it clear what does and does not count*'. The benefits of clearly defining non-criminal offences, including hate incidents, were evident through the experience of students' union officer 17:

> We had an incident where a student was sending emails of Asian memes. There was nothing actively racist about it, they just made a compilation of Asian people just existing and then making fun of them. There were no insulting words, there was nothing outwardly racist or violent. But you could obviously get the tone. So the university decided that it was not appropriate and took action. This was possible because such non-criminal offences are dealt with internally since this incident would not have met any of the legal thresholds. But because we were able to read the nuances and saw the impact it had on students, we decided that even though it does not meet a standard format of a criminal offence, we can clearly see the underlying message and so we knew we had to take action.

While the importance of recognising and defining non-criminal offences such as hate incidents in universities' policies was acknowledged by the participants, challenges and thus reluctance of universities to include such definitions were similarly raised. For example, students' union officer 7 explained that their '*policies on microaggression are a bit lacking because nobody really knows where they sit in law and what action will be appropriate to take, particularly in the context of higher education and freedom of speech at the moment*'. Challenges with managing responses to students' experiences of hate incidents alongside other institutional agendas were similarly experienced by member of staff 5, as they explained that '*with the whole debate that is going on around freedom of speech at the moment, how do you balance that with telling people how to behave and how not to behave*'. Member of staff 17 further expressed that '*it is more difficult to gather evidence for microaggressions*'. Such sentiments were shared by member of staff 11, as they explained how '*even though something has obviously gone on, but when you do not know what it is exactly because there is no actual evidence, in those situations you got very limited room to do anything*'. The lack of legislative and regulatory guidance for non-criminal offences could thus explain why universities' policies have instead focused on hate crime, since legislative provisions are available for such criminal offences.

Dependence on legislative provisions

As illustrated in Table 2, policies at Pre-1992 Universities A, B and E, as well as Post-1992 Universities J, M, N, P and R have included a specific definition for hate crime. Across these eight universities' policies, hate crime has been defined as '*any form of criminal offence*' that is '*perceived by the victim or any other person, including witnesses, as being motivated*

by hostility or prejudice'. Individuals could be targeted based on their '*actual or assumed identity*' and *their 'perceived relationship to the targeted group'*. The definitions further stated that hate crime '*should be reported to the police*', where universities '*reserve the right to report to the police*'. These universities have drawn upon definitions from the Crown Prosecution Service, the College of Policing, and the local police services in the construction of their definitions. Moreover, while Pre-1992 Universities A and E, as well as Post-1992 Universities J, M and R defined hate crime in relation to the five protected characteristics as set out in the hate crime legislative framework, Pre-1992 University B and Post-1992 Universities N and P have referred to the '*protected characteristics as defined by the Equality Act*'. In terms of the other ten universities' policies without a specific definition for hate crime, hate crime has been more broadly defined as a form of harassment.

As presented in the Introduction, all publicly funded universities in England have a legal duty under s.149 of the Equality Act 2010 to address harassment and discrimination. As such, all sample universities' policies have included a definition of harassment. Definitions were directly referenced from s.26 of the Equality Act 2010, where harassment has been defined as a conduct with '*the purpose or effect of violating dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment*'. Differing from the five protected characteristics under the hate crime legislative framework, nine protected characteristics, including age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation, are recognised within the Equality Act 2010. Examples of harassment in the policies included '*physical assault, derogatory name calling and insults, actual or threats of outing, dead naming, deliberate or repeated use of incorrect pronouns, deliberate isolation or exclusion from events or activities without justification and displaying material that is likely to cause offence to others*'.

Alongside harassment, definitions for discrimination, victimisation and physical misconduct were provided in a number of universities' policies. First, in accordance with the Equality Act, c.2, Pre-1992 University A and Post-1992 Universities J and L defined discrimination as '*the state of being disadvantaged because of a protected characteristic*', where a person is '*treated less favourably*', '*intentionally or unintentionally*' and is '*always unlawful*'. Second, in accordance with the Equality Act 2010, s. 27, victimisation has been defined by Pre-1992 Universities A, C, E, F, I and Post-1992 Universities J, N and P as an occurrence where '*someone is subjected to a detriment*' because they have '*in good faith*', '*made a claim about discrimination or harassment*', '*asserted their legal rights in line with the Equality Act*', or supported someone who '*has made or intends to make such an allegation*', either by '*providing evidence or other forms of support*'. These policies further defined victimisation as '*unlawful*', '*will be treated as a form of harassment*' under the policy, and '*could result in disciplinary action*', '*regardless of the outcome of the original complaint*'. Third, Pre-1992 Universities B and F have stated that physical misconduct can constitute a '*criminal offence including common assault, assault by beating, actual bodily harm, or grievous bodily harm*'. These universities' policies further defined that '*harassment can include physical violence*'.

As illustrated in the findings, Equality Act 2010 has been heavily referenced in the definition of harassment, discrimination, victimisation and physical misconduct in universities' policies. Such new findings may support suggestions in the existing literature that

universities' policies are difficult to understand (Vaill, Campbell and Whiteford 2020), as direct references to legal definitions can reduce the readability of policies. Readability may be further reduced with the conflation of 'hate crime' and 'harassment'. This is because on one hand, five characteristics are currently recognised in the legislative framework in England and Wales. Alongside the recognition of racially and religiously aggravated offences under s.28–32 of the Crime and Disorder Act 1998, s.66 of the Sentencing Act 2020 allows for sentences to be uplifted if an offence was motivated by or demonstrated hostility towards race, religion, disability, sexual orientation and transgender identity. On the other hand, however, harassment is covered in the Equality Act 2010, in which nine protected characteristics are recognised in the legislation. Universities' policies could therefore become even more difficult to understand, as the conflation potentially adds to the confusion in the identification of appropriate legislative support in the event of a criminal occurrence.

Use of victim-centred approaches

Despite limitations as a result of the dependence on legislative provisions, the use of victim-centred approaches in the sample of universities' policies must be acknowledged. Such practices were evident through how the policies specified that '*the most important factor when deciding whether harassment has occurred is not the motive or intent of the alleged perpetrator, but the impact on the individual*', in which victims' perspectives were recognised as '*very important*'. Following recommendations from the Macpherson Report, a victim-centred approach to the recording of hate crime and incidents was accepted and implemented across criminal justice agencies in England and Wales (Giannasi 2015). A victim-centred approach is vital for hate crime and incidents, as it acknowledges that while victims may have been targeted for the same identities, the experience and impact of victimisation vary between individuals (Organisation for Security and Co-operation in Europe Office for Democratic Institutions and Human Rights 2022). Therefore, it is positive that universities' policies have mirrored practices in the wider criminal justice system in the use of a victim-centred approach to students' experiences of hate crime and incidents.

Conclusion and recommendations

This paper presented the first in-depth qualitative analysis of how English universities' policies are used as a response to students' experiences of hate crime and incidents. No significant differences between the sample of Pre-1992 and Post-1992 universities' policies were observed. Instead, the power dynamics between policy actors involved in the development process could account for the ways in which universities' policies were structured. As an original contribution to the literature, this paper demonstrated how a hierarchy of non-academic misconducts could be observed in the policies, in which sexual harassment is at the top of the hierarchy. The hierarchy is likely a result of the extensive media coverage on students' experiences of sexual harassment, and the galvanisation of lobbying efforts by activist groups and social movements in recent years. While the effort is laudable, such prioritisation has an inevitable impact on the ways in which other non-academic misconducts lower on the hierarchy are addressed (i.e. affordance of lesser attention and resources to matters pertaining to hate incidents).

As another contribution to the literature, this paper identified the limited recognition for hate incidents across the sample universities' policies. The lack of policy focus on such non-criminal offences is concerning, as the literature suggests that students' experiences of targeted violence often do not meet the legal threshold of hate crime. Moreover, while hate incidents may not be criminal offences, such experiences are equally detrimental to students' wellbeing. Participants attributed the limited recognition for hate incidents in universities' policies to the limited availability of legislative and regulatory guidance on how hate incidents should be addressed. Consequently, a predominant focus on criminal offences significantly limits universities' abilities to address students' experiences of hate incidents. At the same time, the use of legalistic language could also explain why universities' policies have been critiqued for their use of inaccessible language.

Despite the shortcomings of existing universities' policies, this paper has identified the use of victim-centred approaches in the policies as a positive practice. Based on the new findings, this paper puts forward six recommendations to support the future development of universities' policies on addressing such non-academic misconducts. It is imperative for policies to be subjected to continued development, so as to ensure that universities would indeed be a safe and inclusive environment for all. While the analysis in this study focused on English universities, students' experiences of hate crime and incidents are a global problem. Moreover, as knowledge on universities' responses remain nascent in the existing literature, the following recommendations may be applicable beyond the context of universities in England.

Policy recommendations

1. *An explicit recognition of hate incidents should be made in universities' policies.*

First and foremost, it is crucial for hate incidents to be defined in universities' policies. As illustrated in the existing literature, students' experiences of targeted violence often do not meet the threshold of criminality and therefore cannot be addressed as a hate crime. To capture students' experiences of such non-academic misconducts with greater accuracy, hate incidents must be explicitly recognised. This could, in turn, address criticisms that universities do not understand such students' experiences. Moreover, the formal inclusion of hate incidents in the policies could send a clear message to the university communities that although such targeted violence are not criminal offences, neither are such experiences trivial. This could potentially reduce the barriers to reporting.

2. *Differentiated approaches to the respective forms of non-academic misconducts should be developed.*

While an intersectional approach may be needed when there are overlaps in a single incident (i.e. homophobic sexual harassment), universities should ensure that the range of non-academic misconducts (i.e. bullying, hate crime, hate incident, sexual harassment) are not addressed as identical problems. This is because tailored responses could help ensure that universities' responses are fit for purpose. For example, in terms of hate

crime and incidents, the need to address the biases and prejudice of individuals is key. Bystander intervention training programmes have also been suggested to be relevant for addressing hate crime and incidents.

3. *Universities' policies need to be written in a simple and easy to understand language.*

Universities' policies must be easy to understand. Specifically, legislative provisions should be explained in an accessible language, where the use of legalistic terminologies should be minimised. Moreover, policies that are easy to read may also alleviate the anxiety students might experience. This is particularly important in terms of addressing students' experiences of hate crime and incidents, as it is essential that universities' responses do not accentuate the emotional and psychological problems students would have already been experiencing as a result of the victimisation. Improved readability of the policies could also reduce the barriers to reporting.

4. *Reporting and investigation processes could be illustrated through flowcharts and diagrams.*

Through the use of flowcharts and diagrams, step-by-step illustrations of the reporting and investigation processes are likely to improve the readability of universities' policies. This is important, as a clear visualisation of what could be expected when students report their experiences could help to lower the anxiety students may experience.

5. *Power dynamics in the policy development processes must be managed.*

While it is encouraging that universities' policies have been developed through an institution-wide approach, it is vital for the power dynamics between policy actors to be managed. The purpose of involving actors from various departments across the institution is to facilitate the development of a holistic response, since different perspectives on the same matter could be accounted for. However, the purpose becomes defeated when actors with the greatest power do not take into consideration the perspectives of actors with lesser power. At the same time, this paper fully acknowledges that it may be unrealistic for all perspectives to be taken onboard. In such situations, it is essential for the rationale to be fully and openly communicated to all actors involved. This could prevent the escalation of tensions between policy actors and alleviate concerns that universities' policies are merely tokenistic and performative in nature.

6. *A holistic institutional effort must be in place to address students' experiences of hate crime and incidents.*

It is important to understand that whilst policies are an indispensable mechanism in the organisation and coordination of institutional actions, policies as an isolated response will not suffice. Universities' policies need to be developed alongside procedures that could enable informal reports and formal complaints to be handled promptly and appropriately. The embedment of initiatives and support services in the institutional structure, alongside explicit senior leadership endorsement and involvement would also be needed. This is

because without a sustainable institution-wide approach, the institutional policy itself would not be able to address the problem it intends to address, regardless of how well-constructed the document may be. Universities' policies, therefore, should be regarded as only the first step in the universities' efforts at addressing students' experiences of hate crime and incidents.

Suggestions for future research

As knowledge on universities' responses to students' experiences of hate crime and incidents remains in its infancy, further research is needed to support universities' attempts at addressing the problem. In terms of universities' policies specifically, future research will need to consider how universities' policy content are influenced by developments in the higher education sector (i.e. how the introduction of Condition E6 have influenced the ways policies are developed in English universities). However, as highlighted above, the use of universities' policies as an isolated response will not suffice. As such, further research on other forms of response mechanisms (i.e. training programmes, reporting tools and awareness raising campaigns) must be conducted. And as most students' experiences of targeted violence do not meet the threshold of criminality, particular attention should be paid towards understanding how such response mechanisms could address both hate crime and hate incidents. This could ensure the development of a holistic institutional response that is fit for purpose.

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