

From: Freedom of Information

Sent: 07 December 2020 16:56

To:

Subject: Freedom of Information Response (Our Ref: K/20/462)

Dear

Freedom of Information Response (Our Ref: K/20/462)

Thank you for your Freedom of Information (FOI) request dated 9 November 2020, reference K/20/462.

Your request read:

1. "Number of NDAs signed by the university with students or members of staff as part of a sexual assault investigation or settlement in the years 2018/2019/2020.
2. Number of accusations or reports of sexual violence brought to the university (to either welfare staff or academic staff) by students in the years 2018/2019/2020.
3. Number of accusations or reports of sexual violence brought to the university (to either welfare staff or academic staff) by members of staff in the years 2018/2019/2020.
4. Number of accusations of violence brought to the university by a student which resulted in no further action after the initial report had been made to the university in the years 2018/2019/2020.
5. Number of accusations of violence brought to the university by a member of staff which were dropped after the initial report had been made to the university in the years 2018/2019/2020.
6. Number of accusations of sexual violence brought to the university which resulted in some action (removal from college premises, no contact agreement) on the university's part against the accused party in the years 2018/2019/2020.
7. Number of students or members of staff who have been suspended or expelled as a result of allegations of sexual violence in the years 2018/2019/2020."

The University of Leeds holds/does not hold/may hold/holds some of this information.

- 1. Number of NDAs signed by the university with students or members of staff as part of a sexual assault investigation or settlement in the years 2018/2019/2020.**

We do not sign non-disclosure agreements with students.

The HR department at the University of Leeds do not sign non-disclosure agreements. The HR department do, however, sign settlement agreements in a variety of cases, such as in voluntary severance. Some of these will contain confidentiality clauses which aim to protect legitimate business interests, e.g.

protecting intellectual property, but they are not used to prevent individuals raising concerns and/or pursuing proceedings in relation to sexual harassment, sexual assault or sexual misconduct.

The settlement agreements used by the University of Leeds do not include information relating to the reasons for settlement and it is therefore not possible for us to categorically determine whether any agreements signed in the timeframe of your request were signed “as part of” (which we interpret to mean ‘as a result of’ or ‘following’) allegations of sexual harassment, sexual assault or sexual misconduct. Therefore, under FOI we must conclude that no relevant recorded information is held by the University. However, as the University does not currently, nor has it previously, used confidentiality clauses within settlement agreements as ‘gagging clauses’ to prevent public interest disclosure as defined by law, we consider it extremely unlikely that there have been any cases which fall within the scope of your request.

We can also advise that as part of the settlement process, individuals are required to obtain independent legal advice. As such, if an individual had concerns regarding sexual harassment, sexual assault or sexual misconduct (or indeed any other issue) which they had not raised previously with the University, we would expect their legal advisor(s) to provide them with appropriate advice and guidance on how the settlement agreement may impact on any intention to pursue any other avenues (such as criminal proceedings).

2. Number of accusations or reports of sexual violence brought to the university (to either welfare staff or academic staff) by students in the years 2018/2019/2020.

We have interpreted ‘sexual violence’ to refer to allegations of rape or sexual assault. Please let us know if this interpretation is incorrect. The information we hold includes reports of any sexual misconduct, rather than being limited to sexual violence, and includes reports made anonymously.

- 2018 – 30 reports
 - Of these, 25 were made anonymously
- 2019 – 45 reports
 - Of these, 35 were made anonymously
- 2020 (ongoing) – 25
 - Of these, 18 were made anonymously

Please note that this refers to formal reports made to the University. We do not record details of incidental comments which have been made or of allegations which were not pursued. Reports made to counselling or wellbeing staff will be treated in confidence and therefore do not form part of our reporting (but students who make such reports will be signposted to support services where appropriate).

3. Number of accusations or reports of sexual violence brought to the university (to either welfare staff or academic staff) by members of staff in the years 2018/2019/2020.

Four allegations were made between 2018 and the current date. As above, these relate to formal allegations pursued through HR. We do not record information in relation to incidental comments or where allegations were not pursued. Reports made to counselling or wellbeing staff will be treated in confidence and therefore do not form part of our reporting (but members of staff who make such reports will be signposted to support services where appropriate). There is no particular reason that members of staff would make such reports to academic staff, except where there is an existing management relationship.

4. Number of accusations of violence brought to the university by a student which resulted in no further action after the initial report had been made to the university in the years 2018/2019/2020.

On one occasion the complaint was withdrawn by the student who had made it, and no further action was taken as a result. All other reports were investigated, with action taken as appropriate. Please note that it is not always possible to take action in response to complaints made anonymously.

5. Number of accusations of violence brought to the university by a member of staff which were dropped after the initial report had been made to the university in the years 2018/2019/2020.

None

6. Number of accusations of sexual violence brought to the university which resulted in some action (removal from college premises, no contact agreement) on the university's part against the accused party in the years 2018/2019/2020.

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Investigations are still ongoing in some cases and as such these are not included in this figure. Due to the small number, we are withholding any further breakdown (e.g. by year) to protect the identities of complainants, respondents and other parties, under section 40(2) of the Freedom of Information Act.

7. Number of students or members of staff who have been suspended or expelled as a result of allegations of sexual violence in the years 2018/2019/2020

3 individuals have been suspended or expelled. Due to the small number, we are withholding any further breakdown (e.g. by year) to protect the identities of complainants, respondents and other parties, under section 40(2) of the Freedom of Information Act.

As outlined above, investigations remain in progress in a number of cases and as such the outcome is not yet known

In the hope that it is helpful, we can advise that all allegations are fully reviewed, with steps taken as necessary to mitigate risks to students and staff. While it may be necessary to suspend or dismiss/expel an individual, it is also possible that risk can be mitigated via other interventions. As such, even in cases where an alleged perpetrator has not been expelled from the University community, please be assured that appropriate steps will have been taken to protect individuals from future harm.

We hope this information is helpful. If you have any questions about this email, however, please do not hesitate to contact us on foi@leeds.ac.uk

If you are unhappy with the service you have received in relation to your request and wish to make a complaint or request a review of our decision, you can request an Internal Review. Requests for Internal Review should be made in writing using the following contact information:

Post: Mr D Wardle
Deputy Secretary
The University of Leeds
Leeds
LS2 9JT

Email: foi@leeds.ac.uk

Requests for Internal Review should be submitted within 40 working days of receiving the University's response to your request. Further information about how the University manages Freedom of Information requests and about our complaints procedure is also available on our website (www.leeds.ac.uk).

If you are not content with the outcome of the internal review, you have the right to apply directly to the Information Commissioner for a decision. Generally, the ICO cannot make a decision unless you have exhausted the review/complaints procedure provided by the University. The Information Commissioner can be contacted at: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF.

Kind regards

Chloe Wilkins
Freedom of Information Officer

Secretariat
University of Leeds