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Powerful Perpetrators

Professionals (general) and sexual misconduct: A summary of the literature

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Powerful Perpetrators is a five-year project (2023-2028) looking at sexual misconduct and abuse perpetrated by professionals, and the regulatory and administrative justice mechanisms used to investigate and sanction their behaviour. The project team are Dr Natasha Mulvihill (principal investigator); Dr Nathan Birdsall; Dr Emma Yapp and Dr Hannah K. Richards. More information is available at: www.powerfulperpetrators.org

Stage 1 of the project (May 2024 to October 2024) involved searching and synthesising the available literature on professional sexual misconduct. This work is collated in the following open access briefings:

- Yapp, E., Birdsall, N., Mulvihill, N., and Richards, H. 2024. *Doctors and sexual misconduct: A summary of the literature*. Bristol, UK: University of Bristol.
- Richards, H., Yapp, E., Mulvihill, N., and Birdsall, N. 2024. *The legal profession and sexual misconduct: A summary of the literature*. Bristol, UK: University of Bristol.
- Richards, H., Yapp, E., Mulvihill, N., and Birdsall, N. 2024. *The military and sexual misconduct: A summary of the literature*. Bristol, UK: University of Bristol.
- Birdsall, N., Mulvihill, N., Richards, H., and Yapp, E. 2024. *The police and sexual misconduct: A summary of the literature*. Bristol, UK: University of Bristol.
- Mulvihill, N., Richards, H., Yapp, E., and Birdsall, N. 2024. *Politicians and sexual misconduct: A summary of the literature*. Bristol, UK: University of Bristol.
- Mulvihill, N., Richards, H., Yapp, E., and Birdsall, N. 2024. *Religious leaders and sexual misconduct: A summary of the literature*. Bristol, UK: University of Bristol.
- Richards, H., Yapp, E., Birdsall, N., and Mulvihill, N., 2024. *Professionals (general) and sexual misconduct: A summary of the literature*. Bristol, UK: University of Bristol.

The briefings and our 'literature summary interactive tool' to compare our findings for each profession is available on our website: www.powerfulperpetrators.org/publications



What is the nature and extent of sexual misconduct and abuse by professionals in the UK and internationally?

There has been a considerable amount of research on sexual misconduct within individual professions, but little has been written about professionals as a *class* of sexual perpetrator. While there is some limited work linking doctors and clergy (1) or individuals in public office (2), cross-profession comparisons are more rare (3). The studies that do exist often focus on how professionals target and abuse children, rather than adults (4). Indeed, cross-profession comparison is difficult as different membership bodies and professional regulators may have their own definitions of sexual misconduct (5). There is also debate on how sexual behaviour *outside* of work may constitute professional misconduct (6,7).

In the UK, studies have tended to draw on data relating to cases of sexual harassment that are taken to employment tribunal (8). Yet, tribunal data do not always allow easy identification of sexual harassment cases and have been described as “the very tip of the iceberg” (9). A study of public office holders in the UK determined that the nature of sexual misconduct is characterised in three main ways: an individual abuses his/her position for sexual gratification, usually with a vulnerable person; an individual engages in a relationship, which by its very nature corrupts the system (e.g. the fair allocation of services or resources); or an individual has sex while on public duty (2).

What administrative justice mechanisms do professions currently have in place to respond to sexual misconduct and abuse by their members?

Just as there may be different definitions of sexual misconduct, there may also be a lack of consistency in the systems and sanctions being adopted across organisations for similar forms of misconduct (9,10). Furthermore, within each national context, regulation of the professions differs (12). Where there are no effective mechanisms across an organisation, researchers have emphasised the important role that whistleblowers play in holding perpetrators to account (11). The existing mechanisms discussed in the literature relate primarily to sexual harassment, rather than to assault or rape. Examples include:

- For government employees in New Zealand, there is a central register of workplace sexual harassment complaints (but no equivalent for cases where members of the public are the victim of such behaviour) (5).
- In the USA, prior to 2017, most professional associations did not have policies in place that specifically addressed sexual violence. Yet, by 2019, it is thought that most associations had one or had undertaken the process to develop one (13).
- In Israel, there are sexual harassment commissioners in organisations. They are required by law to accept complaints, investigate them, provide counselling, and report conclusions (14).



- In Quebec, Canada, the ‘Professions Tribunal’ can alter or quash any decisions made by profession-specific regulators/disciplinary processes (3).

How do (a) perpetrator characteristics; (b) victim characteristics; and (c) the context of sexual misconduct and abuse, compare across professions?

Across the professions, perpetrators of sexual misconduct were variously described by research participants as ‘stars’ (or rising stars) (15), energetic, charismatic, passionate, but also opportunistic, and manipulative (16). One cross-profession study in Quebec revealed that perpetrators were mostly males approaching mid-career, but 1 in 6 cases concerned female professionals (3). More recently, the literature has demonstrated how institutions and professional communities themselves can also be understood as responsible agents in the perpetration of sexual misconduct (13,17).

The overwhelming majority of victims of sexual misconduct are women who are younger than the perpetrator (3,9). In the UK, individuals with a disability or long-term illness, who are members of sexual minority groups, or who have irregular, flexible or precarious employment contracts were identified as being more likely to experience sexual harassment (9).

Organisations with generalised toxic workplace cultures are highly correlated with harassment and bullying (15,16). Conferences and field training sites – spaces removed from the primary work context – are also identified as prominent contexts for offending (2). In a recent Quebec (Canada) study of disciplinary decisions published 1998-2020, sexual misconduct perpetrated by male professionals was most likely to involve sexual touching and/or intercourse, and occur during client consultations (3). The same study found that female professionals were more inclined to establish romantic and sexual relationships with their clients (3).

How do social relations of power operate and intersect with context and opportunity at the (a) individual (b) organisational-professional and (c) socio-cultural level, to account for the perpetration of sexual misconduct and abuse?

Cunningham, Drumwright, and Forster (2021) adopt the term ‘networks of complicity’ to explain how, drawing on their positions of power within an organisation, perpetrators utilise and manipulate information to build networks that protect them from sanction and enable their behaviour to continue unchecked (16). These networks include active and passive members, and bystanders, and are facilitated by preconceptions about the alleged perpetrator (such as their likeability) and the social context (11,18). Such preconceptions may relate to a perpetrator’s gender, race and age. In addition, existing beliefs about the prevalence of sexism in society, political orientation, and religiosity, may mediate network members’ assessments of alleged misconduct (14,18). Whilst many components of these



networks are informal, mechanisms such as the use of non-disclosure agreements (NDAs) can be employed to formally silence victims of sexual misconduct (19).

How effectively do current administrative justice mechanisms (a) sanction past sexual misconduct and abuse and (b) seek to deter future sexual misconduct and abuse?

In the UK, a 2018 inquiry into workplace sexual harassment led by the Women and Equalities Committee gathered responses from 234 UK employers, which indicated inadequate and inconsistent practice across different professions (9). In the international literature, concerns include the narrow interpretation of what constitutes evidence in the context of sexual misconduct (10); the use of sexual experience or reputation evidence in tribunals (20); and the treatment of victims throughout the disciplinary process (1,8). Employees tasked with responding to reports of sexual misconduct have cited a lack of resources to support them in doing so (14).

In the 20-year review of sexual misconduct cases in Quebec, 92% of complaints that made it to a disciplinary tribunal did lead to a guilty verdict, despite long processing delays (3). However, two thirds of those found guilty of one charge of sexual misconduct returned to practice, without facing rehabilitative measures (3). Even where administrative mechanisms do find evidence of wrongdoing, the use of NDAs may enable perpetrators of sexual misconduct to move from job to job, supported by positive references (10,19). Similarly, the boundaries between different jurisdictions may allow perpetrators to move unchallenged between international settings (21).



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