

School of Law Athena SWAN Newsletter

December 2019



Introduction

I am delighted to be able to introduce the first School of Law Athena Swan Newsletter. The values of equality and diversity are of paramount importance to us as a Law School and by providing us with a mechanism to engage with these on an ongoing and self-reflective manner Athena Swan does us a great service. As the School prepares for the submission of an application for a Silver award in November 2020, there is a great deal of work to be done by our Co-Leads and all involved in the Self-Assessment Team, but there is much inspiration to be taken from the perspectives that follow in this newsletter.

On a personal note, I am delighted that, building on the success of this year's research seminar from Dr Kennedy and Professor Cowan, the School hosted the Scottish Feminist Judgments Project Workshop. I am also delighted to announce that the walls of the Law School shall shortly be adorned with a photograph of Professor Margaret Ross. Paintings were commissioned by the University in 2017 the three Female Vice-Principals then currently in post. The originals hang in the Sir Duncan Rice Library, but a reproduction has been made and will be hung in the Taylor Building to commemorate Margaret's appointment as the School's first female professor.

Professor Greg Gordon
Head of School



Athena Swan School Leadership

**Professor Tina Solomon-Hunter
and Anne-Michelle Slater**

We are delighted to work together as co-leads on the Law School Athena Swan Self-Assessment Team. We plan to build on our successful Bronze Award in 2017 and will be undertaking various focus groups and fact finding activities as we work towards submission in November 2020.



Professor Tina
Solomon-Hunter



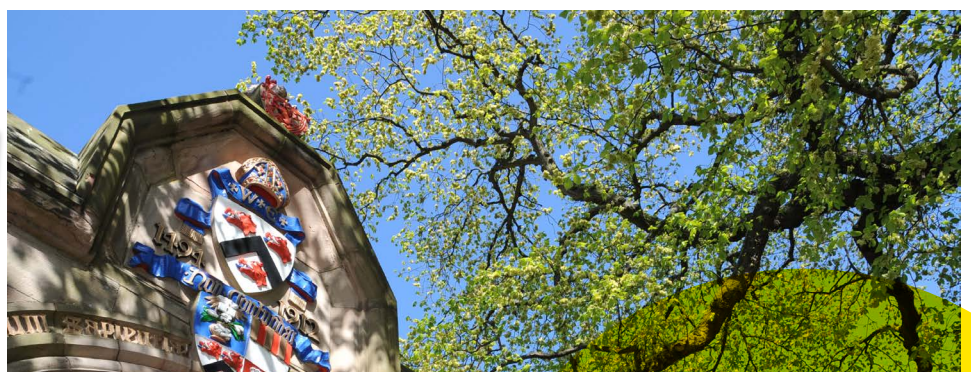
Anne-Michelle
Slater

A Vice Principal Perspective

In 2016 I was asked to take over leadership of the University's People Strategy including Equality and Diversity and Athena SWAN. Work on Athena SWAN had been started under the leadership of Professor Neva Haites in 2011 and a Bronze Institutional Award had been secured in 2012. Now all academic schools in the university have a obtained a Bronze Award with some now working on Silver applications. We secured renewal of the institutional bronze award in 2017. Aberdeen stands out amongst other UK universities in having awards across the whole university, and that is particularly notable in the Arts, Humanities, Social Science, Law and Business because they only became eligible for Athena SWAN applications in 2017 (previously the scheme was limited to STEM subjects).

As anyone involved in Athena SWAN knows there is a very large amount of work involved, and although we managed to secure recognition in workload models and for promotion purposes, the work usually goes above and beyond. It has been a joy to me to work on Athena SWAN with wonderful colleagues across the Schools and in support services. The work involved has brought to the surface data that show inequities and trends for staff and students, and challenges us to think about how we can improve work/life balance, and opportunity for all, not just those who are in the minority in a particular school or discipline.

As a law graduate I was fortunate to be employed in my chosen practice career by



a firm which was interested only in doing well for the clients and the firm. They were immensely supportive and my gender was never an obstacle. The same could be said in the courtroom where I represented clients in sheriff courts across Scotland. Colleagues were genuinely interested in the challenges of balancing full-time work with three children aged under 4 and always keen to help. In fact my graduating year had more than 50% females but that percentage dips rapidly after 5-10 years in the workplace and it is immensely disappointing that it is taking so long to see more diversity in senior positions.

The work of an academic lawyer was very different from practice when I made the leap more than 25 years ago. In practice I was a partner in a small firm where decisions could be made quickly and personally. There were clients demanding of support in a tricky case and new cases coming in with no warning, but if new business did not come in there was no income! In the academic life there is a

pattern or work for teaching and student support with some public funding still attached to it, but it is always stretching and changing. I don't mind change, but I found projects for research and publication which apply pressures to deliver over periods of years more stressful than the tight time involvement in clients' cases. I still feel that academics talk less openly about the stress that research puts on us than we should. I learnt it can be much harder to bring about change for good in a large organisation; and I wish I had a pound for every time that someone outside the university told me it must be nice to have the long summer holiday!

Times have changed in terms of options for flexible working hours and care opportunities. It matters enormously that all of us who want to be involved in the work of the university beyond our own teaching and research can have the opportunity to do so. It is often the emotional demands rather than the physical that are harder for any working person to



Professor Margaret Ross

deal with (whether a carer or not), and I am glad that the recent focus on wellbeing in the workplace puts emotional health in a higher position. I've been lucky to have support of colleagues and family in all the choices I've made, in good times and bad. We need to look out for each other, and to thank our school Athena SWAN team for all their hard-work.

Professor Margaret Ross

100 Years of Women in Law in Scotland

I was fortunate to be invited by the Scottish Government to attend a day of celebration of '100 Years of Women in Law' in Parliament House, Edinburgh. This important centenary was marked with a day of recognition and reflection of the many significant and noteworthy achievements and the journey taken by women in the legal profession over the past 100 years.

We have come a long way since 1901 when Margaret Hall failed in her petition to the Scottish courts to be admitted as a member of the Incorporated Society of Law Agents and thus eligible for indenture to train as a solicitor. Although the centenary in 2019 celebrates the passing of the *Sex Disqualification (Removal) Act* in 1919 which removed these barriers, the process of admission to the profession for women was not, at first, entirely straightforward. Madge Anderson was the first woman to be admitted to practice in both Scotland and the UK but her initial application to the Scottish profession was refused because her training indenture had started in 1917 and, because she was a woman, it could not be registered and was therefore not recognised. She appealed

against this position after the 1919 Act was passed and in 1920 the Inner House of the Court of Session upheld her appeal and by 1922 she began work as the first qualified female solicitor in Scotland. Later in 1937 she became the first dual qualified woman solicitor qualified to practice both in Scotland and England. Her tenacity and determination to become a practicing solicitor was followed one year later when, in 1923, Margaret Kidd became the first female to be admitted to the Faculty of Advocates. Remarkably she remained the only female member of the Faculty until 1948.

These landmark achievements were rightly recognised on the day of celebration held in Edinburgh but equally there was due recognition made of the many female role models across the profession today. There is now a confidence embedded in the profession in Scotland where women now represent 54% of practicing solicitors and where they are making important contributions across many and varied roles in law. There are of course notable, high profile role models such as Lady Dorrian, the first female Lord Justice Clerk, Dame Elish Angoloni, the first female

Lord Advocate, and Alison di Rollo the first Solicitor General, but the centenary celebrations were a sanguine reminder that aspiration and achievement against barriers and adversity is something we should encourage all our law students to aspire to. Our Law School has a responsibility to encourage our graduates to achieve in a profession that offers both opportunity and challenges across a diversity of careers in law. We should feel justifiably proud of the commitment to achievement in our Law School and the work of Athena Swan to foster and support a culture of optimism for our law students to pursue their dreams and aspirations.

Dr Susan Stokeld



Q&A

with our 2019
Fulbright
Visiting
Professor



Lori A. Ringhand was the Fulbright Scotland Visiting Professor at the University of Aberdeen School of Law from January-June 2019. While here, she shared with us her experiences as a Provost Women's Leadership Fellow at her home institution, the University of Georgia School of Law.

Q: What are the goals of the Provost Women's Leadership Fellows program?

A: The program is designed to bring together women from across campus who were interested in learning about leadership opportunities. A diverse cohort of women is selected to participate each year, based on the recommendations of

their supervisors and colleagues. The idea is to make sure that women with leadership potential have the opportunity to understand the types of positions available on campus and across the academy, and to talk to men and women in leadership positions about their career trajectories and current roles.

Q: What did your cohort do?

A: We met once a month, usually with high ranking administrators, to talk about the skills and experiences essential to advancing as campus leaders, and the challenges non-traditional candidates often face both in acquiring and promoting those skills. The topics frequently focused on areas in which female candidates are often perceived as weak, like budgeting and fundraising.

Q: What did you learn from the program?

A: The best thing about the program was meeting interesting and ambitious women from across campus. The most challenging thing about these types of programs always is figuring out how to ensure they connect to sustainable, lasting change. The network of friendships and informal advisors that

grow out of this type of cohort-based approach facilitates that. A tradition also has developed of having each outgoing cohort welcome and mentor the incoming group, which also builds connectivity and sustainability.

Q: You also participated in a second women's leadership program, within your own college, didn't you?

A: Yes! Each of the associate deans in our college – all of whom were women at the time – were given funding to support a women's leadership initiative within their area of expertise. I work in election law, so my program brought a dynamic group of female officeholders to campus to talk to students about the challenges they faced in running for and holding public office. The program filled to capacity, and the students had an amazing experience hearing from and talking with these women. It was a great opportunity for our students - both women and men - to see and learn from female leadership in action.

Professor Lori Ringhand
University of Georgia School of Law

Athena SWAN SAT involvement and thoughts on Athena SWAN from Professional Services:

I was not originally on the Law School Athena SWAN SAT although I had highlighted to our SAT lead that a member of the Support Team should be appointed and this was taken on board. When the School Bronze application draft document was circulated I was interested to find out more. I was, however, very disappointed to see that what I thought was a charter for the advancement of gender equality, representation, progression and success for all completely omitted to mention and cover Professional Services staff. We are a large group of University staff, predominantly female, so this seemed particularly wrong. I mentioned my great dissatisfaction to the School SAT lead and contacted the Vice Principle for People and the University Athena SWAN coordinator. I was told that things would improve at the Silver level.

Athena SWAN accreditation is just part of an over-arching approach to equality at the University. When I was told this I was not entirely convinced. However, due to my expressed concerns I began to get involved in various initiatives. I was appointed to the School Athena SWAN SAT and was

also invited to join the Career Pathways subgroup, part of the Reward Strategy Working Group, looking at improving career pathways for Professional Services. In addition, I volunteered to attend the Athena SWAN Focus Group with Professional Services staff in November 2018 and a workshop of the School Admin Review undertaken by Sums consulting in March 2019. Whilst the outcomes of these groups are yet to be seen there does appear to be streams of activity across the organisation to review equality and progression for those of us in Professional Services. It's not just Athena SWAN. Time will tell whether these different strands will come together and be coordinated and have an impact but I very much hope that they will.

Within the Law School and the our Athena SWAN SAT I do believe there is a genuine desire to take the issues explored very seriously. We are not just taking a formulaic approach to gaining accreditation. The members of the SAT are committed to improvement and I still take care to remind everyone that Professional Services staff are here, underpinning the work of others.

We do have a way to go and I look forward to success in our Silver application and the addition of issues to support Professional Services. Communication is key and one challenge is to ensure that our efforts are successful and awareness and commitment is seen across the School. Culture change takes time!

Jo Kunzlik



PhD perspective on Athena Swan SAT membership

I am the post-graduate representative to Athena Swan SAT and have been involved with the team for the last 3 years. I am currently a third year PhD candidate within the School of Law working on legal history and Scots criminal law. During my time on Athena Swan I have been working with our Graduate Programs coordinator on matters concerning the PGR's. In the past, we have been looking at why there have proportionally been fewer women applying for a PhD and trying to address issues surrounding this. This includes looking at scholarships and funding centred around the promotion of women in academia.

I originally became involved in Athena Swan because I strongly believe in the principles associated with the charter and the connection it had to my own research

interests. I re-examine issues associated with the prosecution of homicide and treason before the central criminal court in early modern Scotland. This includes looking at gender and the law, with an aim to reconstruct the prosecution of crime to evaluate if there were any differences in the way in which women and men were treated before the law. Often there were no discernible differences. This can, however, demonstrate a lot about the development of law and perhaps why a change or application of the law occurred.

Working with the SAT team has been a great experience and has also shown me how passionate the school is about promoting equality and working towards progression. I'm hopeful of the progress which can be made.

Stephanie Dropuljic

Scottish Feminist Judgments Project

I was invited to re-write a legal judgment for the Scottish Feminist Judgments Project (SFJP). <https://www.sfjp.law.ed.ac.uk/> which involves the re-writing of significant Scottish cases across a range of legal areas from a feminist perspective. The objective is to expose the biases of, and missing viewpoints in, existing decisions, and to highlight the positive impact of a diverse judiciary on legal decision making. Similar projects have run in Canada, England and Wales, Australia, New Zealand, India and Ireland/Northern Ireland. The Scottish project is unique as it involves artists, poets and musicians.

In 2017, I rewrote the 1997 case of *Smith v Lees*, a key case about the scope of Scotland's unique corroboration rule. In the original decision, the judges limited the scope of the distress doctrine, which assists with securing corroboration in sexual cases, by holding that the complainer's distress could not corroborate her account of the activity that took place. The effect of this decision has been to make it more difficult to prove indecent assaults, which often go unwitnessed and leave no trace.

Writing as a fictional dissenting judge bound by the law of the time, I reached the opposite conclusion, showing that it is perfectly consistent with the logics of the corroboration rule to allow distress to corroborate the nature of the activity described by the complainer. Dr Isla Callander, then provided a commentary on

the feminist judgment. She highlighted the differences between the original and the feminist judgment, as well as the options for future reform.

Some of the re-written cases are not in areas of obvious feminist concern (e.g. *Salvesen v Riddell* on the legislative competence of the Scottish Parliament), this is not the case with corroboration. It is a topic of great interest to feminist scholars worldwide and criticism of the original decision is not new. This does not mean that *Smith v Lees* was easy to re-write as a feminist judge. Stretching the distress doctrine may not be good for all women, as it may come at the cost of further reinforcing the myth that distress is the normal or expected reaction to sexual violence. This in turn may make it more challenging for women whose reactions do not fit into the distress 'mould' to be recognised by law. There is also the risk that juries, who would have the ultimate say

on whether distress could corroborate the complainer's account, would continue to be influenced by myths about complainer distress and credibility and refuse to accept the evidence of distress as enough. I carefully weighed these risks against the benefits of expanding the doctrine before reaching my decision.

The work of the project continues and in January Professor Cowan and Dr Kennedy delivered a Law School research seminar 'Feminism and the Limits of Law: Reflections from the Scottish Feminist Judgments Project'. This October, SFJP held a workshop for undergraduate law students from Aberdeen University and Robert Gordon's University. Spaces filled quickly, a clear reflection of students' keen interest, also demonstrated by the enthusiasm shown for the Gender, Law & Society Honours course.

Dr Ilona Cairns



From left to right: Dr Chloe Kennedy (Edinburgh), Dr Ilona Cairns (Aberdeen), Prof Vanessa Munro (Warwick), Prof Sharon Cowan (Edinburgh) & Prof Greg Gordon (Aberdeen) at the Scottish Feminist Judgments Project Student Workshop which took place in the Old Senate Room on the afternoon of October 2nd 2019.