# RECOMMENDATIONS TO PREVENT AND FIGHT SEXUAL HARASSMENT IN ACADEMIA

## SEXUAL HARASSMENT, THE ISSUE AT STAKE

In addressing gender inequality within academia, research acknowledges the role of organizational practices and cultures that reproduce gender bias, stereotypes, and covert barriers to women's academic careers. One such discriminatory practice in academic institutions is subtle and often hidden: sexual harassment. The fact that sexual harassment remains often hidden has also challenged researchers in search of representative data. Europe, for instance, lacks a systematic overview of sexual harassment, especially considering the more extensive literature available on the US. However, some data are available.[1] The Gender Crime report, to name one, studied the experiences of female students at 34 universities across Germany, Italy, Poland, Spain, and the UK through two survey waves: winter 2009/2010 and fall/winter 2010/2011. Between 47% (Italy) and 68.6% (UK) of the respondents indicated they experienced sexual harassment at least once during their time at university. While in 60.8% of the cases the perpetrators were "someone outside the university", in 31.7% of the cases they were a fellow student and in 7.5% a staff member.[2] A research carried out in the Czech Republic on sexual harassment in higher education revealed that 67 % of BA and MA students experienced some of the forms of sexual harassment and 22 % experienced more serious forms (unwanted sexual attention and sexual coercion).[3]

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[1] European Commission (2012). *Meta-analysis of gender and science research: Synthesis report.* Luxembourg: Publications Office of the European Union.

[2] Feltes, T. et al. (2012). *Gender-based violence, stalking and fear of crime: Research report publication.* Bochum: Ruhr-Universität Bochum. www.gendercrime.eu.

[3] Vohlídalova, M. (2011). "The Perception and Construction of Sexual Harassment by Czech University Students," *Czech Sociological Review,* 47 (6), pp. 1119-1147.

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The European Council defines sexual harassment as follows: "where any form of unwanted verbal, non-verbal or physical conduct of a sexual nature occurs, with the purpose or effect of violating the dignity of a person, in particular when creating an intimidating, hostile, degrading, humiliating or offensive environment."[4] It goes without saying that sexual harassment occurs in all corners of society. 68% of European women over the age of 15 experienced sexual harassment by an unknown person, 35% by somebody known to the respondent and 32% by somebody from their professional context. Respondents experienced sexual harassment in their private, public, and work lives, but also online (cyber harassment).[5] Yet as academic institutions have their own organizational context, they deserve a specific focus. First, academic institutions are highly competitive working environments, with both internal and external competition feeding into existing power relations and fostering their development. Now, where power is exerted, there is fertile ground for harassment. These power relations can be top-down, but peers or subordinates can also use harassment to gain or equalize power.[6] Secondly, as academic institutions are built on both peer and hierarchical relations, sexual harassment can take various forms, all requiring different policy approaches. Thirdly, as many academic institutions are characterized by an unbalanced sex ratio, this can contribute to an organizational culture where sexual harassment remains a hidden practice. Consequently, sexual harassment is often not a priority or even thought to be an issue, which makes fighting it especially difficult. Finally, if academic institutions are also educational bodies, students and their study environments need to be considered in the analysis of sexual harassment.

Sexual harassment can take many forms: non-verbal or verbal, psychological, and physical. Fitzgerald classified three types of sexual harassment: gender harassment, unwelcome sexual attention and sexual coercion. The first type involves 'softer' forms, such as offences, comments, inappropriate gestures, use of lewd teaching materials. Unwelcome attention comprises efforts to establish an intimate relationship, talk about sexual or intimate topics, invitation to a date, etc. Lastly, Fitzgerald distinguished sexual coercion, such as a forced sexual encounter for reward or under threat, unwelcome physical touching and physical assault.[7] Such diversity of experiences could foster a feeling of

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[4] Council Directive 2002/73/EC of the European Parliament and Council of 23 September 2002 amending Council Directive 76/207/EEC on the implementation of the principle of equal treatment for men and women as regards access to employment, vocational training and promotion, and working conditions. *Official Journal of the European Communities* L 269/15, 5.10.2002, pp.15-20.

[5] European Union Agency for Fundamental Rights (2014). *Violence against women: an EU-wide survey. Main results.* Luxembourg: Publications Office of the European Union.

[6] Feltes, T. et al. (2012). *Gender-based violence, stalking and fear of crime: Research report publication.* Bochum: Ruhr-Universität Bochum. www.gendercrime.eu.

[7] Fitzgerald, L.F. (1993). "Sexual harassment: Violence against women in the workplace," *American Psychologist*, 48 (10).

ambiguity, making it easy to underestimate or even blatantly deny the pervasive problem. Complicating matters further, the understanding of sexual harassment is related to gender norms, gendered behavioural expectations, and the fact that work environments are often presumed to be gender neutral. For instance, persons who were confronted with sexual harassment might find it hard to call specific behaviour sexual harassment if that behaviour or attitude resembles what are perceived to be normal gender interactions. In liberal environments, victims could also face the counterargument that they are exaggerating or acting too politically correct.[8] All this means that victims are often isolated in fighting sexual harassment. Facing hostile environments, they most often fall silent out of shame, blaming themselves, their complaints disappeared by their institution's covering-up practices. Harassers often do not get punished, stay in academia, while victims feel and remain unprotected.[9] With people suffering sexual harassment thus unheard or ignored, this may lead to their professional discouragement.

Fighting sexual harassment should therefore be an essential part of well-being policies and, by extension, of policies meant to create a gender-friendly work environment or to foster gender equality within academia. In turn, fostering a gender-equality culture within the institution can also contribute to fighting sexual harassment.

*Academic institutions should therefore strongly reject any form of sexual harassment. They should prevent sexual harassment where possible and fight it where necessary.*

Academic institutions are bound by their respective legal contexts when addressing sexual harassment. In many cases, however, they can exploit that framework to a larger extent than has so far been the case and develop a more pro-active stance in these matters. Given their different national legislation, academic institutions have at their disposal differing tools and procedures to address sexual harassment, and may need to involve different actors. At least within the European setting, however, the Council Directive 2002/73/EC provides a broader definition of what is, or could be understood by, sexual

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[8] European Commission (2012). *Meta-analysis of gender and science research: Synthesis report*. Luxembourg: Publications Office of the European Union.
[9] Association nationale des études féministes (2014). *Le genre dans l'enseignement supérieur et la recherche. Livre blanc*. Toulouse: La Dispute.

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harassment. Aside from this EU-wide definition, various member states and countries have adopted complementary and/or further-reaching definitions.

When developing policies addressing sexual harassment, it should be noted that sexual harassment is a process with effects lasting beyond the instances it occurs. For example, it tends to have long-lingering effects on the person confronted with sexual harassment. Consequently, policies addressing sexual harassment need to include this long-term perspective. Also, the entire range of different experiences of sexual harassment should be covered. Staff and students of all genders can be confronted with sexual harassment, in hierarchical and peer relations. Policies addressing sexual harassment have to take these different positions and experiences into account. Furthermore, policies addressing sexual harassment need to not only address concrete acts of sexual harassment, but also include policy components to prevent sexual harassment from even taking place.

Finally, policies addressing sexual harassment are not simply synonymous with policies tackling sexual and/or gender-based violence. While such acts of violence can be, and are, related to sexual harassment, so far there is no common European approach to sexual and/or gender-based violence. And while the urgent need for such a European definition should be emphasized, so as to facilitate the development of recommendations and policies to address this violence, the current recommendations necessarily focus on addressing the issue of sexual harassment, more precisely – but not necessarily exclusively – in academia.

# RECOMMENDATIONS FOR ACADEMIC INSTITUTIONS TO PREVENT AND COMBAT SEXUAL HARASSMENT

## Legal and formal provisions to address sexual harassment

- Explaining what is to be understood at your institution by sexual harassment, starting from the EC definition and also covering national/regional definitions (if present).
- Addressing sexual harassment not only as an individual problem, but also acknowledging its structural dimension and the gendered power relations in

which it is often rooted. Recognizing the fact that prevention and solution should not only be targeted at the level of the individual confronted with sexual harassment and that of the perpetrator.

- Making references to EU/national/regional legislation, and, if applicable, integrating or even complementing them.
- Including a clear statement against sexual harassment in the institutional mission statement.
- Using gender-sensitive language in communication so as to avoid stereotypical interpretations of victims and perpetrators.
- Systematically using the chosen terminology, as different terms can have different meanings.
- Defining policies which are theoretically sound, to the point, and empathetic.

## An institutional organization or mechanism to address sexual harassment

- Establishing or designing a unit specialized in, and dedicated to, cases of sexual harassment.
- Ensuring an appropriate level of independence by appointing staff without other faculty/departmental responsibilities in order to safeguard the unit's neutrality.
- Providing for appropriate prevention, information, consultation, assistance, and support, as well as mediation, all according to relevant legislation and taking into account the affected subjects' will.
- Establishing and clarifying the functions and competences of the different bodies and actors involved.
- Ensuring accurate, up-to-date, broadly disseminated and available (contact) information.
- Making sure that an accurate and active monitoring and evaluation mechanism is in place.

## Procedures and tools to combat sexual harassment

- (Establishing and) standardizing principles for internal formal procedures.
- (Establishing and) standardizing codes of conduct on how to advise and support individuals confronted with sexual harassment.
- (Establishing and) standardizing codes of conduct for all staff and students confronted with sexual harassment.
- Clarifying who is responsible for the implementation of the policy.
- Clarifying who is responsible for the monitoring and evaluation of the policy.
- Taking appropriate measures so as to ensure confidentiality and protection of all actors involved.

## Pro-active actions and measures to be taken

- Organizing awareness-raising and training activities such as information sessions, advertisements, or bystander-intervention trainings so as to prevent sexual harassment and lower thresholds for seeking help for individuals confronted with sexual harassment.
- Training staff on how to address issues of sexual harassment (prevention, support, procedures).
- Taking measures to keep the threshold for being willing to share experiences of sexual harassment as low as possible.
- Periodically carrying out studies on the academic community's perception of sexual harassment.
- Including information on the sexual-harassment policy during student orientation days/week.
- Paying particular attention to avoiding a culture of ridicule, victim blaming, or disparaging language.
- Informing all new employees about sexual harassment and the code of conduct upon their arrival/integration at the institution

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