

# ANALYSIS OF THE UNIVERSITY SEXUAL AND GENDER BASED HARASSMENT PROTOCOLS IN SPAIN: SITUATION DIAGNOSIS IN HIGHER EDUCATION

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## Abstract

In recent years, numerous international research groups have shown an increasing interest in sexual harassment as a manifestation of what we know as gender violence according to the Istanbul Convention (2011). This has fostered, among other issues, the raise of awareness of society and the manifest rejection of it. Proof of this is, among others, the #Metoo movement that is putting a face to the many victims - hitherto silent or silenced - and to the executioners of practices as reprehensible even despicable.

Although at the international level it has been incorporated into university regulations as a protocol for its detection, prevention and eradication, in Spain the times have been different. Despite the mandatory existence of a protocol against sexual harassment in Public Administrations and Public Organizations since 2011, a year later only three Universities included it in its regulations. Until today, 8 years later, according to some studies, we still find some Higher Education institutions - out of the 50 public ones found in Spain - that do not have these instruments to fight against sexual harassment and / or for reasons of sex on their campuses. Neither, they count with the Equality Units that are included in the last amendment of the Universities Law as guarantors of equality. Some of these protocols are very comprehensive, facilitate the recognition and management of these conflicts, while others are relatively new, and have gaps in many respects. In some cases, a modification and renewal is already being worked on to expand the concepts collected, and in others, it has only begun to work after its late approval. Therefore, the objective of this research work is none other than to respond to the growing concern that we as a society have been expressing about an act so deplorable that it undermines coexistence, harmony in Higher Education centres, and whose negative effects fall on society as a whole. The university, in its service to the community in which it is framed and to the society, with which it lives, has a role in educating and correcting comportment in terms of bad practices and unethical behaviour. Thus, this research, which is part of a larger project, presents a diagnosis of the situation of university protocols in Spain against sexual and gender based harassment.

The methodology used is a content analysis with the Nvivo program of around 50 protocols currently in force at Spanish public universities. Relevant results are obtained on the groups that are taken into consideration in said protocols, the types of harassment that are included, the existence of mediation processes, the sanctioning power or only deterrence thereof, the existence of processes of dissemination and awareness, the age of these and whether they have undergone modifications since they were written or not. Finally, these results are compared with some outstanding protocols at the international level. The research concludes with the recommendations and indications so that any Higher Education institution can elaborate a protocol that responds to the needs of the university community members as a whole in an effective way.

Keywords: Content analysis, sexual harassment, gender based harassment, protocols, Higher Education.

## 1 INTRODUCTION

In Spain, the definition and the response to sexual and/or gender based harassment (there are other denominations, which are also used such as sexist, hounding, etc.) are normatively specified by the approval of the Organic Law of Comprehensive Protection Measures against Gender Violence (LO 1/2004, of December 28th), and later they are included in the Organic Law for the Effective Equality of Women and Men (LO 3/2007, of March 22nd). For its part, in the university sphere, the Organic Law of Universities (LO 6/2001, of December 21st) and its subsequent modification (LO 4/2007, of April 12th)

introduced the principle of equality in Higher Education, making mandatory the creation of specific units. Thus, giving rise to an awareness in the management areas of the Universities about what was happening within their Campuses in issues related, among others, to sexual violence. The creation of these units, mostly called Equality Units, is the result of complying with the provisions of the various aforementioned laws, but it has not directly involved the realization of these claims in real actions. Sexual and gender based harassment are not a possibility that is legislated in case it occurs, but they are a real problem whose existence within university campuses cannot be ignored. Therefore, it must be object of interest for the public powers and be included in their work agendas. This occurs in this way, despite the fact that article 62 of the aforementioned Equality Law of 2007 urged the Public Administrations to negotiate a protocol for its prevention. As well as that, in 2011, the Action Protocol against sexual harassment and harassment for reasons of sex was approved in the General Administration of the State and in its Public Bodies. In this sense, unfortunately, Spanish Public Universities have not been characterized by their promptness in including it in their regulations and Statutes. Thus, in 2012, only three Universities had protocols and at the date of the last study carried out (published in November 2018) [1], there were still Spanish Public Universities that did not have them (this aspect will be developed deeply later). In addition, it is necessary to take into account an important caveat, the fact that it exists does not mean that it has been implemented in some of the cases analysed nor that there is news about its operation. In addition, an important caveat must be taken into account, the fact that it exists does not mean that it has been implemented in some of the cases analysed or that it is in operation.

All of this takes place at a time when sexual and gender based harassment erupts in the international and national spheres as a problem that has forced us to rethink the boundaries among private, public and political. Universities are institutions in which social and institutional tolerance of sexual harassment has traditionally been high. However, they also constitute privileged spaces from where numerous possibilities are open to name, identify, prevent, punish and collectively face these situations. In this sense, it is striking that unlike what happens in other countries and on their university campuses, sexual violence in Spain has not been the object of interest or academic debate until relatively recently. Being, in most cases, the aforementioned Equality Units, the teachers aware of the problem - in many cases woman teachers - and the master's students specialized in gender studies and / or gender violence who have begun to turn this issue in their study topics [2] [3] [4]. In this way, it became a focus of media and institutional interest [5] [6].

Additionally, we cannot ignore that the approval of the State Pact against gender violence at the end of 2017 [7] urged Spanish universities to carry out studies and research that analysed sexual violence in these institutions. Situation that acquires, if possible, greater importance taking into account the data from the last macro-survey of violence against women in Spain, which has been presented in September 2020 [8]. The aforementioned data has laid on the table that "the prevalence of sexual harassment among women from 16 to 24 years is much higher than that of women aged 25 or over. The 60.5% of them has suffered it on some occasion and the 34.7% before reaching the age of 15 years, compared to the 38.0% and the 16.6%, respectively, for women aged 25 or over". That is to say, they are precisely the age group that we mostly find when analysing the profiles of university students.

The purpose of this work is to present some of the first results of a research project that, within the subsidies granted by the State Pact against Gender Violence [6], is being developed at the University of Jaén (it has undergone an extension due to the health situation in which we find ourselves until December of this year 2020). It is based on the hypothesis that sexual violence within Spanish universities is an unknown and underestimated problem [9], to which effective responses have not yet been given from these institutions. This happens even despite the existence of mechanisms implemented by them to fight in its prevention and eradication: the protocols on the matter of sexual violence, protected by the Organic Law 1/2004, of December 28th, on Comprehensive Protection Measures against Gender Violence. We consider that the cause for this is that, despite their existence, most of the university community members are unaware of them and, therefore, they do not resort to them when they are faced with a case of sexual violence on campus. But situations of sexual harassment have become so normalized when they do occur, that in a significant number of cases, not even the victims are able to identify that they are suffering a reportable and unacceptable case of gender based violence, which is considered even a more serious and reportable issue.

We understand that making visible, identifying and knowing whether these protocols exist in Spanish Universities and their content is a first step to be able to break with their rigid and obsolete schemes. After verifying their existence as compliance with the provisions of the national regulations, the next

step is to see the degree of knowledge or ignorance of them by the university community members. Not using the protocol because it is unknown or the institution does not advertise it, it is not the same as keeping an aggression silent even knowing that there are institutionalized mechanisms for its prevention and punishment. The pressure of feminist movements within the campuses has made it possible to end some of the silences and many of the fears that these normalized practices entail. Slowly, many times after years of complaints and mobilizations, it has been possible to implement these mechanisms, whose purpose is to channel the accusations and demands of the entire university community members. Thus, the protocols would be the instrument used to give voice to the victims and to denounce the relations of power and domination that continue to exist in many universities [10] [11].

Consolidating the University as a space of equality and free from discrimination necessarily ends with the acceptance of sexual violence as a tolerated practice within the patriarchal power structures that continue to prevail in part of the institution. As long as this is not the case, we will continue to repeat patterns where violence against women is not reported because "it is not so important, for fear of reprisals, for not getting the aggressor in trouble or because no one will do anything" [12]. In short, because "it is a private matter" that affects women. The percentage of women who suffer from this despicable practice is vastly higher than that of men. Nevertheless, there is also a small percentage of men who are victims, due to the roles attributed to men by patriarchal society, they have an even greater difficulty in denouncing these issues.

## 2 METHODOLOGY

As previously indicated, this work seeks to present some of the first findings of a research project that we are developing at the Universidad de Jaén. Unlike what happens in American universities, in Spanish universities the existence of this problem tend to be hidden because it is assumed that their public complaint goes against the "good name" of the institution where it occurred. Likewise, the idea of possible harm to the alleged aggressor prevails as long as his guilt is not proven (given the principle of presumption of innocence). This situation has led to the fact that, for years, the people who have suffered it - mostly women - in many cases have not reported these events. However, in addition, when they have done so, they have been the subject of the myth of the "false report" by maintaining that if they had come to report it, it was because they were seeking to achieve personal or professional benefit. Not only that, but on many occasions the word of who claims to be the victim has been doubted. The consequence of these practices has been the re-victimization of those who suffer it and the silence and concealment of many events that could have been avoided.

The aforementioned studies, in addition, have laid on the table that one of the great problems that have given rise to the persistence of this fact is supported by the ignorance that the victims have about where to go, what is the procedure to follow, where they can report the case and so on. Ultimately, they are unaware that there are protocols whose purpose is to protect them and to prosecute people who commit acts of sexual violence on campus.

To carry out this part of the research, the web pages of all the Spanish public universities have been analysed using the qualitative data program Nvivo 11, although three private universities have also been included (the *Universidad Abierta de Cataluña*; *Vic-Central de Cataluña* and *Deusto*) as they have this tool, which adds up to a total of 51 university protocols. With this information, a database has been created that has allowed us to find out whether they have a protocol against sexual violence. After compiling all of them, an Excel matrix to collect the data was created. These data allow us to identify and determine the extent to which the provisions of the equality regulations and the ones from the Universities regulation of 2007 mentioned at the beginning of this work have been complied with in Spain.

It is essential to mention that although some documents are not called "protocols" (for example, regulations) they also have been included in the database, as we consider that they try to prevent sexual violence in Universities. Likewise, we have understood that all those protocols dealing with these issues would be the object of analysis, although in their name - as shown later - they do not expressly include the word "sexual and / or gender based harassment".

In this matrix, it appears the name of the protocol; the date of publication of the one currently in force (in case there was a previous one. It has also been included, as well as, if it is a modification, replacement or renewal); the web links to all they; the driving body and if said university has other protocols that deal with issues related to harassment in a broad sense of the word and / or with

equality. In addition, a series of keywords have been included to see whether they are included in them. In order to organize them, they have been grouped by Autonomous Communities and within these in alphabetical order.

In the specific case of this work, based on that database different aspects related to the issues that the theoretical framework had highlighted as fundamental to know have been analysed. Firstly, what is understood by sexual violence in the protocols. Secondly, to which university community members are they addressed. Thirdly, whether they have undergone modifications in order to be adapted to the changes in the national regulatory normative. Fourthly, what body within the university was in charge of carrying it out and who was responsible for ensuring compliance. Finally, whether mediation was planned as a mechanism for solution of the problem before resorting to criminal complaints.

In the case that we present here and due to the space limitations, we focus on the development of the following issues:

- 1 Date on which the first protocol that has been published and implemented in each University was made and if there is a modification / replacement for a later one. In this case, the date of the last protocol in force.
- 2 How the protocol has been called in each University. Although the definition of harassment (related to sexual violence) was included in the regulations of 2007 (in its 7th article), it only differentiated between sexual harassment and harassment based on sex. The truth is that not all universities have limited themselves to this distinction in the names they have given to their protocols and, therefore, in their object of interest. Some have included other issues – especially, as it will be shown, those that have carried out their protocols in recent years. In this sense, it is worth remembering how these events are defined in the Equality Law. Thus, "**sexual harassment** is any behaviour, verbal or physical of a sexual nature that has the purpose or produces the effect of undermining the dignity of the person, in particular when an intimidating, degrading or offensive environment is created." On the other hand, "any behaviour carried out based on a person's gender, with the purpose or effect of undermining their dignity and creating an intimidating, degrading or offensive environment constitutes **harassment on grounds of sex.**" We start from the idea that in the first years of the regulation, the concept and the object of protection of these protocols against sexual violence in the Universities was more restricted. Especially when we compare them to those that have been approved in the last three years and to the ones that have been modified, as it has been done to include other claims and to overcome the limitations that affected the university community in a broad sense.
- 3 The driving body. It is definitely interesting to know who within each university has/have assumed the role of promoting its creation and approval. At first, we would understand that the equality units would be in charge of doing so due to the role granted to them by the 2007 University Law and the Equality Law, but we do not rule out that they are other instances. The reasons are multiple, the two that have been shown for the most part in all the different meetings of these organizations are the little weight they have within the university institutions - they barely have a budget and staff- and the distrust in their role by many of the traditional structures of the universities. Various meetings with those in charge of these units have highlighted that many of them work due to the personal involvement of their directors.
- 4 Mediation as the first mechanism for resolving the complaint. Another issue that has been taken into account for the analysis is the existence of the possibility of resorting to mediation as a mechanism used to respond within the institution itself to the complaint of sexual violence (in all the variants that have been seen that are included in them). The possibility of resorting to mediation does not exempt the alleged victim (or accused) from going to other instances outside the university through a criminal complaint. Furthermore, if the victim decides to go to court, the mediation process has to come to a halt. This is one of the issues that is currently producing the most debate among those in charge of managing said protocols, since, as is usual in the operation of mediation, it is voluntary. No one can be forced to be the object of this. In case of refusal, the only option would be to denounce the situation of sexual violence seeking a criminal solution (either at the initiative of the victim themselves, or by the institution where the sexual violence allegedly took place).

### 3 RESULTS

After the analysis, the results are presented in Table 1 that shows them as a summary. The findings in the matters studied are detailed below.

#### 3.1 Date of publication, modification or replacement of the protocol

Of the total number of the 51 universities analysed, only one of them has the date of its first protocol in 2010, the *Vic - Central de Cataluña* (curiously a private university), which was replaced in 2015.

For the year 2011 the *Universidad Jaime I de Castellón* started it (replacing it with a new one in 2017).

Five of the universities have the date of their first protocol in 2012 (the *Universidad de Murcia*, *Universidad del País Vasco*, *Universidad Rey Juan Carlos*, *Universidad de Valencia* and *Universidad de Vigo*) of these only three have been modified: in 2014 the *Universidad de Vigo* and in the 2018, *Universidad de Murcia* and *Universidad del País Vasco*.

In 2013, eight protocols were approved (*Universidad de La Coruña*, *Universidad Carlos III de Madrid*, *Universidad de Córdoba*, *Universidad de Jaén*, *Universidad de Lérida*, *Universidad Abierta de Cataluña*, *Universidad Politécnica de Cataluña* and *Universidad de Sevilla*). In 2015, the one of the *Universidad de Córdoba* was modified. In 2018, were the *Universidad de Lérida*, *Universidad Politécnica de Cataluña* and *Universidad de Sevilla* the ones that experimented a modification and in 2019 those from the *Universidad de La Coruña* and the *Universidad Carlos III de Madrid*.

In 2014, we find that there were six universities that approved their protocols (*Universidad de Barcelona*, *Universidad de Huelva*, *Universidad de La Laguna*, *Universidad de Politécnica de Valencia*, *Universidad de Valladolid* and *Universidad de Zaragoza*). From them *Universidad de Politécnica de Valencia* and *Universidad de* in 2018 that of the Polytechnic of Valencia and in 2019 the one from the *Universidad de Barcelona* and *Universidad de La Laguna*.

In 2015, there were 6 new protocols (*Universidad de Alicante*, *Universidad Autónoma de Madrid*, *Universidad de Burgos*, *Universidad de Islas Baleares*, *Universidad Miguel Hernández de Elche* and *Universidad Internacional de Andalucía*). From them, only the one of the *Universidad de Alicante* was modified in 2019.

For the year 2016, there were a total of 13 new approved protocols (*Universidad de Cádiz*, *Universidad de Cantabria*, *Universidad de Castilla la Mancha*, *Universidad de Complutense de Madrid*, *Universidad de Granada*, *Universidad de Málaga*, *Universidad de Pública de Navarra*, *Universidad de Politécnica de Cartagena*, *Universidad de Politécnica de Madrid*, *Universidad Rovira I Virgili*, *Universidad de Salamanca*, *Universidad de Santiago de Compostela* and *Universidad de Pablo de Olavide*). Only that of *Universidad Rovira I Virgili* has been modified in 2019.

In 2017, we will find the new protocols in the following universities: the *Universidad de Alcalá*, *Universidad de Extremadura*, *Universidad de Gerona*, *Universidad de Las Palmas de Gran Canaria*, *Universidad de León* and *Universidad de Deusto* (a private university). That is, a total of 6 protocols.

In 2018, there are three protocols: the *Universidad de Almería*, *Universidad de Oviedo* and *Universidad Pompeu Fabra*. We found a particularity, in the case of the *Universidad Pompeu Fabra* there is an antecedent, but its initial publication date does not appear.

Finally, in 2019, no new protocols were published, all that we found were modifications or renewals of previous protocols. In the case of the *Universidad Internacional Menéndez Pelayo*, which appeared as the only one that did not have a protocol before 2019, on August 7th 2019 the signing of a collaboration agreement between the said university and the Under Secretary of the Ministry of Science, Innovation and Universities appears published in the Official State Gazette [13]. In the mandate it is articulated the management for the performance of the functions of the Equality Unit. Among them, in the second clause, section j), it appears to collect information on the implementation of the protocol (the previous) and the actions carried out by the university. Being this the only information available.

Although there were some universities that approved their protocols in 2010 and 2011, all of them have been modified and / or replaced as of today, with the *Universidad del País Vasco* and the *Universidad de Valencia* currently being the universities that have older unmodified protocols, of the year 2012. Two of the year 2013 remain unchanged or replaced, that of the *Universidad de Jaén* and that of the *Universidad Abierta de Cataluña*. From 2014, it is the same case than the previous protocols for those of the *Universidad de Huelva*, *Universidad de Valladolid* and *Universidad de*

Zaragoza. Only one of those approved in 2015 was modified, therefore, those of the *Universidad Autónoma de Madrid*, *Universidad de Burgos*, *Universidad de las Islas Baleares*, *Universidad Miguel Hernández de Elche* and the *Universidad Internacional de Andalucía* have yet to be modified. Something similar happens with those of 2016, of which only that of the *Universidad Rovira I Virgili* has been modified. Logically, those approved and published from that date to the present have not been modified or replaced and some of them are second protocols of some universities that approved theirs from 2010.

### 3.2 Denomination

There are eight main words included in the denominations of the analysed protocols. The detail of the name of the universities can be seen in Table 1. We also include a final paragraph for other terms included in the denominations.

- Protocols where the word "Sexual harassment" appears in its name: 36 universities.
- Protocols where the word "Gender based" appears in its name: 33 universities.
- Protocols where the word "Sexist harassment" appears in its name: 3 universities. Note that in the *Universidad Complutense de Madrid* appears afterwards in parentheses the expression "gender based".
- Protocols where only the word "Harassment" appears in its name: 8 universities.
- Protocols where the word "Sexual orientation" appears in its name: 18 universities.
- Protocols where the word "Gender identity" appears in its name: 12 universities.
- Protocols where the word "Moral harassment" appears in its name: 2 universities.
- Protocols where the word "Gender expression" appears in its name: 7 universities.
- Protocols where other names appear to be highlighted in its name:
  - In the *Universidad de Oviedo*, reference is made to disability
  - In the *Universidad de Salamanca*, it is not called protocol but regulation and is aimed at students
  - In the *Universidad de Castilla la Mancha*, it discriminates against all forms of harassment and violence
  - In the *Universidad Autónoma de Barcelona*, gender violence is included
  - In the *Universidad Pompeu Fabra*, they do not talk about harassment but about conflicts in matters of sexist violence, homophobia, biphobia and transphobia
  - In the *Universidad de Gerona*, violence or harassment of gender or sexuality is indicated
  - In the *Universidad de Lérida*, they talk of gender violence and it is a regulation, not a protocol
  - In the *Universidad Rovira I Virgili*, it is called sexist violence and against LGTBI
  - In the *Universidad Carlos III de Madrid*, it includes cyberbullying
  - In the *Universidad Jaime I de Castellón*, workplace harassment is included
  - In the *Universidad Pública de Navarra*, it also includes psychological harassment
  - In the *Universidad del País Vasco*, only gender violence appears
  - In the *Universidad Politécnica de Cartagena* and *Universidad de Deusto*, only workplace harassment is mentioned

Table 1. Spanish university protocols by autonomous community.

University	Last version (1)	Types (2)	Dissemination (3)	Access (4)	Mediation (5)
<b>Andalucía</b>					
Almería	2018	a b e f	O	DA	I
Cádiz	2019 - N	d	EU	DA	I
Córdoba	2015 - N	a b	EU	DA	I
Granada	2016	d	EU	DA	NI
Huelva	2019 - N	a b	EU	DA	NI
Jaén	2013	a c	EU	DA	I
Málaga	2016	a b e f	EU	DA	I
Pablo de Olavide (Sevilla)	2016	a b	EU	DA	NI
Sevilla	2018 - N	d	EU	DA	I
Universidad Internacional de Andalucía	2015	a b	EU	DA	I
<b>Aragón</b>					
Zaragoza	2014	a b	EU	DA	NI
<b>Canarias</b>					
La Laguna	2019 - N	a c	EU	DA	NI
Las Palmas de Gran Canaria	2017	a b	EU	DA	NI
<b>Cantabria</b>					
Cantabria	2016	d	EU	DA	NI
<b>Castilla la Mancha</b>					
Castilla la Mancha	2016	a	EU	DA	NI
<b>Castilla y León</b>					
Burgos	2015	a b	EU	DA	NI
León	2017	d	O	DA	I
Salamanca	2016	d	O	DA	I
Valladolid	2014	a b	EU	DA	I
<b>Cataluña</b>					
Autónoma de Barcelona	2018 - N	a b e f h	EU	DA	NI
Barcelona	2019 - N	a b	EU	DA	I
Gerona	2017	b	EU	DA	I
Lérida	2018 - N	e f h	EU	DA	I
Politécnica de Cataluña	2017 - N	a b e f h	O	DA	I
Pompeu Fabra	2018 - N	i	EU	DA	I
Rovira i Virgili	2019 - N	i	EU	DA	I
Universidad Abierta de Cataluña - UOC (PRIVATE)	2013	a b e	EU	DA	I
Vic - Central de Cataluña (PRIVATE)	2015 - N	a	EU	DA	I
<b>Comunidad de Madrid</b>					
Alcalá	2017	a b e f	EU	DA	NI
Autónoma de Madrid	2015	a b g	EU	DA	I
Carlos III de Madrid	2019 - N	a b e f	EU	DA	NI
Complutense de Madrid	2016	a b c e	EU	DA	I
Politécnica de Madrid	2016	a b	EU	DA	I
Rey Juan Carlos	2012	d	O	DA	NI
<b>Comunidad Foral de Navarra</b>					
Pública de Navarra	2016	a b	EU	DA	I
<b>Comunidad Valenciana</b>					
Alicante	2019 - N	a b e	EU	DA	I
Jaime I de Castellón	2017 - N	a b e	EU	DA	I
Miguel Hernández de Elche	2015	a b e	EU	DA	I
Politécnica de Valencia	2018 - N	a b e f h	EU	DA	NI
Valencia	2012	a b	EU	DA	I
<b>Extremadura</b>					
Universidad de Extremadura	2018	a b e f h	EU	DA	NI
<b>Galicia</b>					
La Coruña	2019 - N	a b e f h	EU	DA	I
Santiago de Compostela	2016	a b e f	EU	DA	NI
Vigo	2014	a b	EU	DA	NI
<b>Islas Baleares</b>					
Islas Baleares	2015	a b e	EU	DA	NI
<b>La Rioja</b>					
La Rioja	2017	d	EU	DA	I
<b>País Vasco</b>					
Deusto (PRIVATE)	2017	i	EU	DA	NI
País Vasco	2018 - N	i	EU	DA	NI
<b>Principado de Asturias</b>					
Oviedo	2018	a b g	EU	DA	I
<b>Región de Murcia</b>					
Murcia	2018 - N	a b e f h	EU	DA	NI
Politécnica de Cartagena	2016	i	O	DA	NI

Note: Ceuta and Melilla autonomous cities depend on the University of Granada

**Keys:**

1 - N: New (when last version is a new version)

2 - a: "Sexual harassment" b: "Gender based" c: "Sexist harassment" d: "Harassment" e: "Sexual orientation" f: "Gender identity" g: "Moral harassment" h: "Gender expression" i: "Other"

3 - EU: Equality Unit or O: Other

4 - DA: Direct Access or NA: No Access

5 - I: Included or NI: Not Included

### 3.3 The driving body

Regarding who is the driving body, in most cases the Equality Unit appears. Although there are universities such as the *Universidad de Zaragoza* where it has the name of Gender Equality Observatory or the one in the *Universidad de Lérida* where the name is the *Dolors Piera Centre*. This is true, except in the cases mentioned below, namely:

- In the *Universidad de Almería*: Vice-Rector's Office for Students, Equality and Inclusion
- In the *Universidad de León*: Rectorate
- In the *Universidad Politécnica de Cataluña*: Vice-Rector's Office for Students
- In the *Universidad Politécnica de Cartagena*: Health and Safety Committee.
- In the *Universidad Rey Juan Carlos*: Vice-Rector's Office for Quality, Ethics and Good Governance
- In the *Universidad de Salamanca*: Vice-Rector's Office for Promotion and Coordination

### 3.4 Mediation as the first mechanism for resolving the complaint

Regarding whether mediation is contemplated as a tool to use in case of need, there are 29 Universities that do include it and 22 that do not, as shown in Table 1.

## 4 CONCLUSIONS

Currently, the need to prevent and act against sexual violence within the university campuses has become one of the issues that have priority on the agendas of the Equality Units of the universities. As well as those organizations that watch over these issues outside the university facilities. But, this priority, at least formally included in the statements of these academic institutions, does not often entail concrete implementation actions through effective measures that modify and reduce (if it is not possible to end) the data that clearly reflects the existence of this problem in Higher Education in Spain. The mechanism that the legislator established to take a first step in its prevention, detection and elimination was the protocol against sexual and/or gender based harassment that appeared in the Equality Law of 2007 and later included in the modification of the University Law of the same year. Although the starting gun was that year (remember that the Spanish regulations against gender violence are from 2004) and later there was a mandatory protocol for public administrations from 2011, the truth is that, the period of time that has elapsed in putting them into operation, in most of the cases is excessive. Moreover, for no apparent reason that justifies said slowness. Until 2016, only half of the universities had done it, but the most significant thing is that for 2018 and 2019 there were still some that did not have it.

This is a first confirmation that something is failing within Higher Education, since the existence of a tool that allows controlling and reducing data on sexual violence on Campus has been diluted over time. It would be necessary to go each one of these universities analysing what have been the reasons for this situation. We understand that for this it would be interesting to put it in relation to the existence - or not - of equality plans, their approval dates and whether the issue of the protocol against sexual and/or gender based harassment is included in them. This would necessarily lead us to an analysis of the conditions and particularities of each university, the role of their Equality Units, whether they have these plans, as well as whether their protocols have been modified and/or adapted to the new reality and to the contents of said plans. We understand this fact to be transcendental because in recent years, after the signing of the State Pact against gender violence at the end of 2017 and the debate that has been opened on the issue of sexual violence (sexual harassment versus rape) the protocols have had to expand. For example, they have had to include the casuistry that should be collected in them, the university population to which it would be addressed, the mechanisms for its detection or the preventive measures implemented at the university while the issue is resolved. This, without entering into the subject of sanctions that provokes numerous debates about who and when they should be imposed.

Taking into account that, as has been verified, most of the protocols have been promoted by the Equality Units, as long as these are considered second-order organizations within the university structure, the knowledge, dissemination and importance of the protocols in the universities will be too. Having a protocol does not mean that its existence is known or that it is used. Many times, it is the opposite. Having it only ensures that they have complied with the norm, but not that they have been



used or that the specification of the norm is the one desired to respond to the demands of the university community.

The analysis carried out in this work also reveals the importance that it would have to unify, beyond the university autonomy that we of course accept, what we mean when we talk about harassment, if what we are working on is sexual violence. As we have been able to demonstrate, there are almost as many denominations of the protocols as universities have regulated them. Some only mention harassment without further qualifications, others add sexual or gender based, in other cases they include issues related to disability, moral harassment, workplace or gender identity or sexual orientation, to name a few. This clearly reflects the relationship that the protocol designed by each university has with the position towards this issue of the people who make up the Equality Unit and the Commission in charge - or the person in charge - of drafting it. In recent years, these denominations have been expanded (as the protocol of the *Universidad de Almería* in 2018) or other complementary protocols have been carried out (as in the case of the *Universidad de Granada*) on groups and particular aspects that do not only have relation with questions on sexual violence but that were previously included in these. For example, issues related to the LGBTBI community or gender identity. This, at a time when there is a wide debate in some sectors within universities about gender studies, the issues that should or should not enter the university debate or, for example, the sex-gender binomial and what this implies. .

But, what's more, we understand that it is not just a question of how the protocol has been denominated. There is a fundamental problem in terms of what the university community understands about sexual and/or gender based harassment; for harassment due to gender identity or sexual orientation, to mention only those four cases that we understand are difficult to identify and differentiate for that reason. Although gender violence seems to be a known issue for the Spanish population - unfortunately - the truth is that most of the time they do not know what the legislation says about what is understood by this type of violence. They usually resort to what has been heard on the news and in different political positions that what they do is to repeat topics about it. It is necessary for the university population to understand the difference between these concepts and for the university authority to consider which ones it wants to regulate, control and prevent within its competences.

Lastly, as it has also been shown in different studies on these issues, one of the demands has been what can be done when it is known that there is a case of harassment within the university. Knowing how to act, what happens to the alleged victim and the alleged harasser while this fact is being resolved is decisive to be able to act on cases of sexual violence in Higher Education. For the most part, the implementation of mediation is advocated as a tool to search for answers and solutions to these situations. But we have seen that not all protocols have this possibility in their operation. Despite the limitations, they have and the lack of knowledge about how they work, we understand that it is an interesting first step to consider, although it cannot be the only one. Above all, because we maintain that the measures must be quick to implement as soon as they become aware of the possibility of their existence at the university and that they must be exemplary in terms of the sanctions imposed within the institution.

As stated at the beginning of this work, what we have disclosed are some of the first results of a more complete and in-depth analysis that seeks to know the knowledge and use of the protocol in one specific Spanish university. In particular, the object of study is that of the *Universidad de Jaén*. We started from the idea that the 2013 Protocol against sexual and sexist harassment of said university is a great unknown among its university community members: administration and services staff, teachers and students. We understand that its non-use is not a sign that there is no sexual violence within its campuses, but is due to the lack of knowledge of its existence by the possible victims. As when people do not know that something exists, they will never resort to it. This research will provide some interesting elements to take into account with a view to its close modification.

All of the above leads us to some points, among many others, that we believe should be worked on at the university to achieve an egalitarian institution free of sexual violence. Firstly, the need to unify the protocols that respond to the 2007 equality and university regulations. Secondly, a review of the protocols prior to the approval of the State Pact to adapt it to the new existing proposals on sexual violence, gender violence, sexual harassment, etc. Thirdly, economic and institutional support to the Equality Units as guarantors of the existence, dissemination, publicity and implementation of the protocols in the universities. Fourthly, the dissemination of the existence of the protocols and their knowledge among the university community members. Lastly, rethinking mediation as the first prevention and control mechanism against sexual violence on university campuses.

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