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To cite this article: Emanuela Lombardo & Maria Bustelo (2022) Sexual and sexist harassment in Spanish universities: policy implementation and resistances against gender equality measures, Journal of Gender Studies, 31:1, 8-22, DOI: [10.1080/09589236.2021.1924643](https://doi.org/10.1080/09589236.2021.1924643)

To link to this article: <https://doi.org/10.1080/09589236.2021.1924643>



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Published online: 10 May 2021.



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# Sexual and sexist harassment in Spanish universities: policy implementation and resistances against gender equality measures

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## ABSTRACT

The legal mandate to mainstream gender equality in Spain's universities has led to the establishment of gender equality units and the adoption of gender equality policy plans and protocols against sexual harassment. This research looks at how gender equality policies have been implemented within universities and what resisting and facilitating factors have hindered and promoted their implementation. These questions are addressed by studying the implementation of the 'Protocol against sexual and sexist harassment' at the biggest public Spanish university, Madrid Complutense University. Through a combination of content analysis, interviews, and a survey involving the university community, we show how the implementation of university policies against sexual harassment is dependent on a combination of factors against (obstacles/resistances) and in favour (opportunities/alliances). These factors include the form of institutionalization that gender equality took within the university, the existing formal and informal institutions, inertial resistances, and prevailing ideas about gender equality. We argue that implementation of the protocol was impeded by the scant awareness of the prevalence of harassment in daily university life, and the concomitant acceptance, by the academic community, of the phenomenon as a 'normal' practice.

## ARTICLE HISTORY

Received 30 July 2020  
Accepted 26 April 2021

## KEYWORDS

Gender equality policies in universities; policy implementation; Spain; higher education

## Introduction

Following the gender structural change approach in EU research institutions, gender equality policies have been adopted by European universities (Rosa, Drew, & Canavan, 2020). As part of the gender equality plans being implemented, protocols against sexual harassment are being considered in universities across Europe as part of their approach to gender equality. Thanks to a legal state mandate on gender mainstreaming, Spanish universities have established equality units, gender equality plans and significantly, protocols against sexual harassment. This article considers the implementation of gender equality policies in the case of the largest Spanish university, *Universidad Complutense de Madrid* (UCM), focusing on their 'Protocol Against Sexual and Sexist Harassment'. Two overarching questions are distilled: (i) Which form of gender equality policies have been implemented? (ii) What factors of resistance and facilitation have been present, and which actors, and ideas, either hinder or promote the implementation of gender equality policies in the context of the university? In exploring these questions, we draw upon on the extant literature on sexual harassment in universities, in particular, perspectives coming from feminist institutionalism, policy implementation, and resistance to gender equality initiatives. We analyse the role of

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institutions, actors, and ideas in implementation processes, through a mixed methodological approach including content analysis, interviews, and a survey of the university community.

We argue that the implementation of university policies against sexual harassment depends on a combination of factors working against (obstacles/resistances), and in favour (opportunities/alliances). These include: the type of institutionalization of gender equality within the university; the existing formal and informal institutions; inertial resistances; and the prevailing ideas about gender equality. The implementation of the sexual/sexist harassment protocol appears to have been particularly hindered by the poor levels of awareness of the prevalence of harassment in daily university life, and the concomitant acceptance by the academic community of the phenomenon as a 'normal' practice.

## Theorizing the implementation of sexual harassment policies in university

Gender-based violence, or violence directed against a person because of their gender, affects persons of a particular gender disproportionately and is a complex and pervasive phenomenon that occurs in all organizations, including universities (Walby et al., 2015; Hearn & Parkin, 2001). Gender based-violence encompasses both brutal and everyday subtle actions (Stark, 2007). It describes a continuum of behaviours and attitudes that arise on the basis of sex and gender, intersecting with other inequalities, that is better understood as a system of violence rather than isolated incidents (Hearn, Strid, Humbert, & Balkmar, 2020; Strid & Verloo, 2019). Violence manifests through sexual harassment. This includes any form of unwanted verbal, non-verbal or physical conduct of a sexual nature with the purpose, or effect, of violating the dignity of a person, especially when creating an intimidating, hostile, degrading, humiliating or offensive environment (Council of Europe, 2011). Three features are central to how sexual harassment occurs and is addressed, all of which are gendered: power, institutionalization of policy responses, and the normalization of violence.

Power is central to sexual harassment in that the 'unwanted imposition of sexual requirements' occurs 'in the context of a relationship of unequal power' in which power is used 'to lever benefits or impose deprivations' (Mackinnon, 1979, p. 1). Consistent with MacKinnon's feminist socio-cultural theory, organizational theory addresses the role of power hierarchies as facilitating factors of sexual harassment within organizations (Gruber, 1992). Universities are gendered organizations in which power is unequally distributed. Across Europe there is a vertical segregation of higher rank academic positions in which men dominate. For example, only 24% of full professorships are held by women (European Commission, 2019), and only 22% of higher management posts are occupied by women (European Commission, 2019). The middle layer of permanent and precarious academic and administrative staff is more gender-equal, with the lower level increasingly female-dominated. Gender and intersectional power inequalities are reinforced by informal relations of academic dependence by junior staff on senior staff, supported by increasing neoliberal pressures to compete in the academic market (Rosa & Clavero, 2020). These hierarchical relations based on gender, age, class and other inequalities, have united and led to a lack of active leadership in demonstrating zero tolerance of sexual harassment, and 'the ongoing favorization of toxic academic masculinities' have created a suitable context for sexual harassment (Bondestam & Lundqvist, 2020, p. 17).

Sexual harassment occurs in institutionally gendered university settings that are not only shaped by formal rules that are consciously designed and written, but also informal rules, the unwritten norms and practices that are rarely acknowledged by institutional actors despite having collective effects. These are rooted within, and socially shared through, organizational contexts (Mackay, Kenny, & Chappell, 2010). Formal institutions in university contexts include the manner in which sexual harassment protocols are designed, the type of institution that is given responsibility for gender equality policies and the type of law that applies to equality plans and protocols in the specific country and university settings. Informal institutions include notions of gender equality held by the university community and those actors charged with implementing it (Cavaghan, 2017), as

well as unconscious gender bias that lends unspoken support for harassment practices. Both formal and informal gendered institutions can have a significant effect, as either giving support for, or mobilizing resistance against, the implementation of sexual harassment policies in universities.

The normalization of violence (Bondestam & Lundqvist, 2020), is a powerful informal norm that supports the perpetuation of sexual harassment in organizations. As Mackinnon (1979, p. 1) claims, sexual harassment at work has long been 'acceptable for men to do, taboo for women to confront, even to themselves'. In academic contexts, sexual harassment among staff and students (see for example, Bondestam & Lundqvist, 2020), is systematically under-reported. In the first instance, victims do not necessarily recognize their experience as violence and are typically not helped to report cases. Moreover, they often fear not being believed, or they feel unsafe about reporting violence for fear of retaliation, re-victimization or victim-blaming (Naezer, Van Den Brink, & Benschop, 2019).

International interventions to address gender-based violence have commonly adopted the '3Ps approach' – 'prevention, protection, prosecution' – in the UN and the EU, and the '4Ps approach' in the Council of Europe with the addition of 'policy' to the above (Anitha & Lewis, 2018). The number of 'P-approaches' has expanded to include 'prevalence', which is crucial for policymakers to diagnose the extent of the problem. Some have proposed partnerships and the provision of services (Mergaert et al., 2016), to include the involvement of institutional and civil society actors within and without the university, and the offer of services to victims, families and perpetrators of violence. We employ these P-approaches drawn from the literature on sexual harassment as a framework for organizing our empirical analysis.

Policy implementation studies have identified three key issues in the implementation of sexual harassment policies in university contexts. First, the need to analyse implementation within the whole policy process (Howlett, 2018). This allows understanding of how the design of gender equality policies, and the advocacy coalitions that emerge during agenda-setting, might affect policy implementation. Secondly, the problems that arise from the combined action of multiple implementing actors with different interests, making implementation particularly complex (Pressman & Wildavsky, 1973). Thirdly, the observation that implementation is not a technical matter, but a political one, involving power struggles and negotiations (Bardach, 1977).

Neither is implementation a gender-neutral process; it involves power struggles that have been demonstrably gendered (Engeli & Mazur, 2018). Implementation occurs within institutions that are gendered battlegrounds, ones in which gender inequalities and gender norms are systematically produced and contested. Taken together, they elicit two interrelated consequences for this study. The first is the relevance of studying the resistance against sexual harassment policies as obstacles to policy implementation, as well as gender equality advocacy as a facilitating factor. The second is the importance of taking unconscious gender bias into account (Cavaghan, 2017).

The application of university protocols against sexual harassment that aim to change the status quo about gender roles and power hierarchies, can clash with actors' interpretations of gender roles and feelings of entitlement to privilege (Manne, 2017), thus triggering resistances against gender equality measures. When implementing protocols against sexual harassment, actors interpret these equality measures through their own 'frames' or 'knowledge' of gender (Cavaghan, 2017) which shape their meaning and affect the way in which the protocols are implemented. Unconscious gender bias may underpin actors' reactions of inertial 'resistance' to implementation of gender equality policies (Lombardo & Mergaert, 2013). Resistance can be expressed by a variety of actors, including the university institutional actors that create equality agencies, but simultaneously resist their implementation. Research about the experience of diversity agents within university settings performed by Ahmed (2012, p. 26) perceptively described the 'institutional inertia' or 'lack of institutional will to change' inequality practices as 'banging your head against a brick wall'.

Gendered university contexts also reveal contestations of gender inequality by gender advocates. These include individual gender advocates that actively mobilize in favour of gender equality and seize the opportunities that specific contexts can offer, as can be the case for directors of university equality

units. They also include collective actors that can make feminist alliances aimed at the promotion of gender equality within university settings (Verge, [forthcoming](#)). These empowerment networks also create a supportive breeding ground for the implementation of gender equality policies in universities.

### Gender equality in higher education in Spain

Spain provides a context of both opportunity and constraint for the institutionalization of gender equality in a university. Against a backdrop of European and national pressures, the country has institutionalized gender equality policies within its universities. Alongside the broad Equality Act 3/2007, and through the adoption of the so-called University Act 4/2007, the Science Act 14/2011, as well as variant regional laws, measures to mainstream gender have been initiated in universities and science. The central state's legal mandate on gender equality, enforced in 2007 through the 4/2007 and 3/2007 Acts, was the starting point for Spanish universities to establish gender equality units with the aim of mainstreaming gender in university settings through gender equality measures and positive actions. Universities, both as educational institutions and public and private sector employers, are bound by the 3/2007 Act to eliminate obstacles preventing the achievement of effective equality. As a result, universities have adopted gender equality plans and sexual harassment protocols, that the 3/2007 Act specifically requires, as well as parity provisions (4/2007 Act) and measures to mainstream gender in teaching and research (Pastor, Pontón, Belzunegui, & Acosta, 2015).

Despite these achievements, which were part of a broader gender equality strategy driven from the centre by successive socialist governments between 2004–2011 (Bustelo, 2016), the institutionalization of gender equality in Spanish universities cannot be considered a universal success. The uneven development of equality units, the poor levels of economic and human resources they were granted, and the lack of common gender equality indicators to compare the progress (or lack of it) of different universities have all combined to deliver inconsistent and inadequate results (Cerdá, 2011; Elizondo, Novo, & Silvestre, 2010; Pastor et al., 2015). The policies developed have barely addressed the obstacles women encounter in often opaque recruitment and promotion processes (Alonso, Diz & Lois, 2016; Castaño, 2016), and the ineffective implementation of gender mainstreaming in university curricula due to resistances (Verge, Ferrer-Fons, & González, 2018). Analyses of the content of equality plans and sexual harassment protocols in Spanish universities are only recently emerging (Cerdá, 2011), and more work will be needed to unpick the factors that have marked the implementation of gender equality policies in Spanish universities.

Sexual harassment is a widespread and public problem in Spain. Official data report that over 40% of women over 16 years old have experienced it in their lifetime and that 98.2% of harassers are men (Delegación del Gobierno para la Violencia de Género, 2018). Only 2.5% of women who have suffered sexual harassment in their lifetime report it to the police or judicial institutions. The most common reaction among survivors is either to talk to a friend or to not tell anybody (40% in both cases). Social attitudes in Spain concerning sexism in general, and sexual harassment in particular, show that approximately 70% of women are against sexism and sexual harassment, but that there is greater tolerance of it on the part of men (approximately 60%) (Delegación del Gobierno para la Violencia de Género, 2018). The social tolerance of sexual harassment is revealed in the shared belief that women are responsible for stopping sexual harassment (Delegación del Gobierno para la Violencia de Género, 2018). While surveys about the perception of sexual harassment within specific universities exist (such as Bosch et al., 2014), a systematic study in Spanish HE institutions is still missing.

The adoption of protocols against sexual harassment based on the central state's legal mandate on gender equality (3/2007 Act), obliges public and private institutions to adopt protocols against sexual and sex-based harassment (Article 62), and amend relevant regional legislation accordingly (Bosch et al., 2014). The 3/2007 Act limited the mandatory adoption of sexual harassment protocols in the work sphere, thus universities were not bound to implement measures to protect students, moreover, the protocols did not include sexual harassment in the context of LGBTQI communities.

Thus, in broadening the scope of their sexual harassment protocols, universities have used existing regional legislation, which is extremely varied<sup>1</sup>.

A final contextual element in the Spanish case is that the implementation of protection and prosecution aspects in sexual harassment protocols is limited by the type of administrative law employed in Spain. Spanish administrative law is guarantee-based, which ensures protection of citizens' rights vis-à-vis the state. This means that administrative law, when applied in cases of sexual harassment, is vigilantly protective of the perpetrators' rights, placing significant limits on the possibility of sanctions when sexual harassment complaints are reported via university equality units.

### University case study: UCM

As noted in the introduction, the case study of UCM has been primarily selected for reasons of size, meaning that the implementation of gender equality policies has the potential to impact a greater number of the university community. UCM established a Gender Equality Unit in 2004. Its broad remit is to mainstream a gender perspective in the university, and develop equality plans and policies against gender-based-violence. The Equality Unit has always received scarce economic resources. From 2017 onwards, these comprised a total of 57,000 euros per annum to meet the needs of over 80,000 people. The Unit has just one administrator and two part-time academic staff. The latter includes the Equality Delegate, a political position dependent on the Chancellor, and the Unit Director, a technical position responsible for implementing the Protocol against sexual harassment. In terms of time, the Equality Delegate and Director are only partially free from their teaching duties, enjoying a 62.5% teaching time exemption for the Delegate and 50% for the Director.

The UCM adopted the first Equality Plan in February 2015 and the first 'Protocol against Sexual and Sexist Harassment' in December 2016. The Protocol was selected for analysis because its implementation was the most urgent as a legal requirement for the UCM by virtue of the 2007 Act. The period selected for analysis ranges between 2007 until May 2019, albeit focusing particularly on the period 2015–2019 that aligns with the adoption of the Equality Plan. The underlying logic for this timescale is that 2007 was the central state's legal mandate on gender equality in university and science (Laws 3/2007; 4/2007; 14/2011), taken to be the starting point for Spanish universities adoption and implementation of equality policies. May 2019, however, marked the end of a governing, and thus implementation, period at UCM, because there was a change in the UCM's Chancellor's governing structure and team and, consequently, in the Gender Equality Unit, due to the UCM's Chancellor elections held in April 2019.

The Protocol has a procedure when cases of harassment are reported to the Equality Unit. It begins, as [Figure 1](#) shows, with the Gender Equality Director commissioning a gender expert report to address a complaint presented to the Unit. The expert, who is selected from a public list of gender experts, presents this to the Sexual Harassment Committee whose members represent the different university sectors (students, academic and administrative staff, as well as the Equality Unit director and the gender expert who prepared the report). The committee subsequently sends the report, indicating measures to take, to the Chancellor, who decides to either dismiss the complaint, or activate a disciplinary process through the institution of the Service Inspector.

As [Table 1](#) shows, the Unit addressed forty-six sexual harassment cases during the period January 2017 – May 2019: twenty-one of these went through the Protocol's procedure and were rerouted to Inspection Services; ten were resolved through alternative measures or sent to other university services; four were sent to external judicial institutions; ten were dismissed either because experts did not consider them harassment (four) or for other reasons (six) such as withdrawal by the claimant, or because one of the parties was no longer at the university.

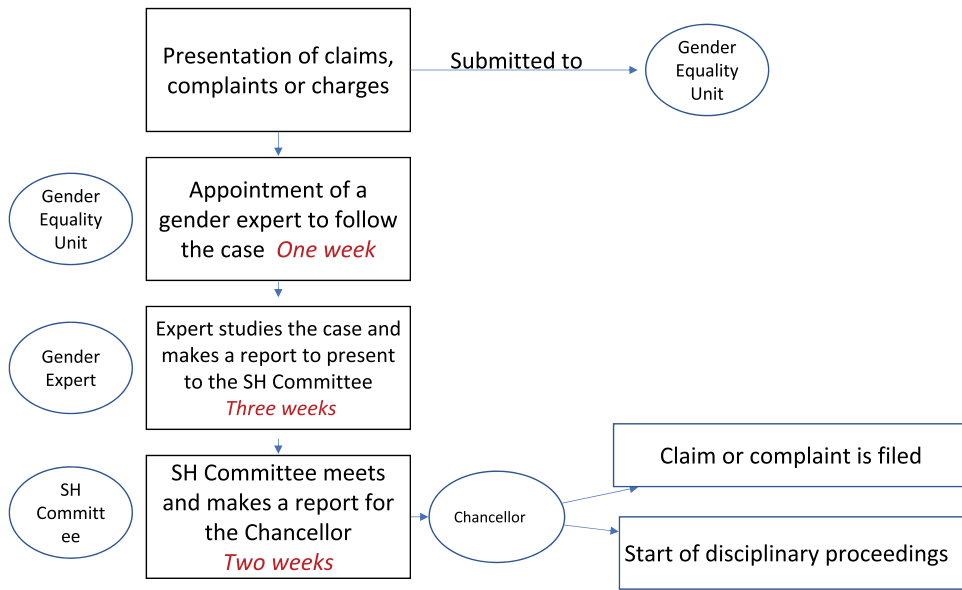


Figure 1. UCM protocol process (source: Annexe IV of the UCM Protocol).

Table 1. Reported harassment cases at UCM January 2017- May 2019.

Year	Rerouted to Inspection Services	Sent to Judicial Services	Alternative Measures/Sent to other university services	Dismissed No Harassment	Dismissed other reasons	Total
2017	6	1	6	1	1	15
2018–2019	10	3	4	3	5	31
<b>Total</b>	<b>16</b>	<b>4</b>	<b>10</b>	<b>4</b>	<b>6</b>	<b>46</b>

Source: Own elaboration from the Gender Equality Unit 2017–2018 and 2018–2019 academic courses annual reports.

## Methodology

The methodology employed in this article includes content analysis of documents, interviews with key agents and the results from a survey conducted by the UCM Equality Unit in 2018. We have performed a content analysis of UCM’s sexual harassment protocol, and assessed what was to be implemented, the opportunities and limitations offered by the design, and the relationship between policy design and implementation. The questions we used for content analysis inquired about the diagnosis and prognosis of the problems, the main roles of actors and the concepts of equality they employed. Interviews included five key informants who participated in the application of the sexual harassment protocol: the Chancellor’s Delegate for Gender Equality, the Equality Unit Director, one gender expert, one student and one faculty, both of which were representatives in the SH Committee. The semi-structured interviews lasted approximately 60 minutes, were performed in Madrid between September 2018 and June 2019 and were recorded and transcribed. To take into account the position of authors vis-à-vis the informants, the author who conducted the interviews was not involved in any way with the implementation of the protocol. Respecting ethical issues, all interviews were anonymized, and informants assured of confidentiality about the data which conformed to all required protocols. We analysed the interviews by coding according to the following analytical categories: ‘opportunities’ and ‘obstacles’ in the implementation of the protocol; ‘formal/informal norms’ that hindered or facilitated the application of the protocol; ‘resistance’ encountered in the application of the protocol; ‘resisting actors’ and ‘facilitating actors’; and

'strategies' enacted by gender equality actors to counteract obstacles and resistances in the implementation of the protocol.

We also used in our analysis a survey of the university community performed in 2018 by the Equality Unit, which revealed perceptions and gendered norms about sexual and sexist harassment at UCM. An online questionnaire was sent to all university members (students, academic and administrative staff), a total of 83,582 people, during the period 11 April – 10 May 2018. There were 21,500 respondents, 25.7% of the total UCM population. To identify the levels of awareness, the questionnaire differentiated between 'declared harassment' (when people identify some situations as harassment) and 'technical harassment' (when people say they have experienced situations that are technically considered harassment but they do not recognize it as such). The introduction of social variables such as gender, sexual orientation, feminist awareness, education level and gender training enabled an assessment of the extent to which these affected the results. In terms of responses, while there was almost no difference in the response rate if we consider the profile (student, academic, administration) of respondents, there was a gender difference regarding response rates, with a higher response by women than men in all groups, which suggests that gender equality is a higher concern for women (Unidad de Igualdad de Género UCM/Means Evaluación, 2018).

## **The Implementation of the protocol against sexual and sexist harassment: opportunity and resistance**

### *Policy design and implementation*

The interrelation between design and implementation is important to the understanding of the problems experienced with the latter. The design of the sexual harassment protocol adopted by UCM in 2017 was comprehensive with regard to the types – sexual, sexist, sexual orientation, gender identity and expression – and the targets – students, academic and administrative staff, occasional workers. The policy was also attentive to prevention, detection, protection, and speedy intervention when cases of harassment were reported.

The concept of harassment employed in the protocol refers to non-binary gender inequalities and sexual orientation inequalities. The following types of harassment are considered discriminatory. 'Sexual harassment' is defined as 'any verbal, nonverbal or physical, behaviour of sexual nature and not desired by the person that receives these attentions, that aim at or has the effect of threatening a person's physical or psychological integrity' (UCM, 2016, p. 14). 'Sexist environmental harassment' refers to a university context in which people experience 'hostile, offensive and sexist' attitudes, which are not necessarily aimed at achieving undesired sexual favours, but which create an intimidating, offensive and degrading context (UCM, 2016, p. 15). Harassment due to 'sexual orientation' and 'gender identity or expression' includes 'behaviour or other actions against a person' due to their sexual orientation or gender identity or expression 'that could be considered offensive, humiliating, violent, intimidating, with the aim or the effect to threaten their dignity and create a discriminatory environment' (UCM, 2016, p. 16).

Of the three types of measures of sexual harassment addressed in the protocol, 'prevalence' and 'prevention' actions refer to information, awareness-raising, communication, training, and diagnostic studies about sexual harassment; 'protection' measures need to protect the rights of victims of harassment; 'prosecution' and 'provision of services' imply addressing specific cases of harassment presented to the Equality Unit through processes that should, in principle, secure confidentiality and a fast solution.

The content analysis of the protocol, contrasted with information from our informants, shows aspects of policy design that could affect the implementation of the protocol. First, the gender expertise of the Equality Unit, and the person that prepares the report, opens opportunities for expert personnel that ought to understand the problem, and adequately apply the protocol.

Secondly, those participating in the processes of intervention go beyond the Equality Unit and this involves actors that are not necessarily gender experts and/or have received limited gender training. This includes, for example, members of the Sexual Harassment Committee who do not consider themselves gender experts but who see that the work of the Committee was 'professional and free from gender bias' (Interview n. 5). These actors decide whether the report is to be sent to the Chancellor. Other actors intervening in the process, who are not necessarily gender experts and have not necessarily received gender training, are the Chancellor and the Service Inspector who instructs on disciplinary cases of university staff (Interviews n. 2; n. 3). Summing up, although the Protocol was designed to include some gender expertise throughout the process, there are key actors in the application of the protocol who are not necessarily gender experts. Several interviewees considered this to be detrimental to implementation due to ignorance about the nature of sexual harassment, gender bias, and the resistance to sanctioning harassers' conduct (Interviews n. 1; n. 2).

### *Prevalence and prevention*

The main measure implemented by the Equality Unit concerning prevention and prevalence was a survey of the university community about the prevalence of sexual and sexist harassment at UCM, which highlighted informal gendered institutions, ideas, knowledge and biases about sexual harassment. The findings of the survey study showed that women, along with people with non-hegemonic gender identities, are those principally affected by sexual harassment: 6.5% of respondents declared experiencing sexual harassment at UCM, which represents 8% of women (956), 2.8% of men (155), and 15% of people with non-hegemonic gender identities. 5.1% out of the total respondents that self-define as homosexuals or bisexuals (2,868) declared having experienced harassment due to sexual orientation at UCM, with men experiencing it 13.8% more than women, mostly by male perpetrators (86%) and people known to victims (68%) (Unidad de Igualdad de Género UCM/Means Evaluación, 2018).

'Technical sexual harassment' is when gender experts identify an act as harassment, but people commonly do not. Findings show that approximately 18–25% of respondents (more women than men) have experienced undesired sexual jokes and stares (25.5%), sexual comments (18.5%), or unwanted physical contact (23.6%). Interestingly, awareness of harassment is associated with specific practices: most respondents in the survey identify harassment when blackmailing, coercion or assault are related to work or academic 'favours', while they tend not to recognize experiences of sexual jokes, comments, stares and unwanted invasion of physical space as harassment. Notwithstanding this, 55% of harassment assaults were not isolated cases, 88% of perpetrators were men. In 54.4% of cases the perpetrators were colleagues or peers, 79% of aggressors were known by victims and in 93.3% of cases there was no sentimental tie between those experiencing the harassment and the perpetrator. Obstacles to reporting sexual harassment, along with lack of knowledge about the protocol, were the most frequent reaction of respondents when they experienced harassment: 'I spoke about it with friends'. The second most frequent response was 'I did nothing, I didn't know how to react', and the third was 'I let time pass away'. About 20% of respondents who declared experiencing sexual harassment reported psychological consequences, loss of freedom and autonomy, and feelings of guilt. Only 8.8% of respondents said they knew about the existence of the Protocol (Unidad de Igualdad de Género UCM/Means Evaluación, 2018). The last two data indicate for the improvement of the implementation of the protocol through demanding investment from the university in awareness-raising initiatives about university gender equality policies and the removal of obstacles to the reporting of sexual harassment.

According to the survey, 'sexist harassment', is the type of harassment of which the UCM community is less aware. Since sexist harassment is typified in the protocol as discrimination on grounds of gender, only women were asked to respond to this part of the survey. Sexist harassment is so 'normalized' in women's daily academic lives that only 12.2% of women explicitly declared having experienced sexist harassment within the university. However, about 40% of

women reported experience of situations that gender experts 'technically' define as 'sexist harassment'. Women's underrepresentation is the most frequently mentioned indicator of 'technical sexist harassment' found among respondents (32.5%). Examples included: having their contributions and comments ignored which is mentioned by 26.2% respondents, whilst 24.3% reported being ridiculed for being a woman, received pejorative gestures or comments (18.6%), and being assigned less visible or stimulating tasks than male colleagues (11%). Responses by homosexuals and bisexuals show similar patterns. 55.2% of respondents reported homophobic humour, 11.3% received offensive treatment due to their sexual orientation, 6.8% reported verbal attacks, and 97.4% reported that they were not assigned tasks due to bias against their sexual orientation.

With regard to experiences of sexist harassment, women's most frequently cited reaction was to talk about it with friends or family (41.2%). Homosexuals also reporting not knowing how to react (33.5%), letting time pass (29.5%) and facing the perpetrator (28%). The consequences of sexist harassment according to women respondents included: psychological consequences (26.5%), loss of freedom and autonomy (18.6%), and worsening social relations (16.7%). Most respondents (women of all sexual orientation 39.3%, homosexual and bisexual people 40.7%) reported 'no consequences at all' (Unidad de Igualdad de Género UCM/Means Evaluación, 2018).

The findings from this survey reveal not only the type and forms of harassment that people experience at university, but also the informal gender norms that uncover the paucity of social awareness, and even the normalization of 'sexist harassment', in everyday university life.

### Protection

In terms of protection, the data shows that the university tends to be perceived as a safer space than the outside world. The percentage of respondents who declare experiencing sexual harassment within the UCM is 6.5% while for those declaring an experience of sexual harassment outside UCM the figure rises to 45.3%. This represents 59.4% of women (7,077 out of 11,906), 14% of men (768 out of 5,473), and 59.7% of non-hegemonic gender identities (123 out of 206) (Unidad de Igualdad de Género UCM/Means Evaluación, 2018).

The protocol experienced drawbacks with regard to protection. Of the three types of measures to be implemented according to the classic 3P model, actions designed to offer protection to those who report sexual or sexist harassment were not detailed in the protocol. This could have the effect of exposing those who reported harassment to fear and retaliation (Interview n. 2), and arguably this disincentivizes reporting. This perception of the insecurity of those who present a complaint is also promoted by the fact that the name of the complainant appears in the expert report – although it remains confidential within the SH Committee – (Interview n. 2). In this aspect, the content of the protocol referring to anonymity (UCM, 2016, pp. 7, p. 9) is contradicted by what is required when the protocol is applied.

One gender expert reported how one complainant who had reported a case of sexual harassment had appeared self-confident at the beginning of the interview but left the interview petrified when she discovered her name would appear in the expert report. 'It seemed to me a big problem' claimed the gender expert 'that the protocol rather than generating a feeling of security and protection, suggests this sensation' (Interview n. 2). Equally, the gender expert felt justifiably uneasy about having to put her name on the report as well, exposing her to possible retaliation from the violent person reported. Finally, information about the consequences for those who exercise sexual harassment (for example sanctions including Expulsion or Obligatory gender training) is missing from the protocol and is not publicly disseminated, which could also disincentivize potential harassers. Even information on sanctions for confirmed harassers could not be retrieved through annual reports of the Equality Unit and of the Service Inspector, revealing a lack of transparency about consequences that could deter potential harassers and incentivize potential complainants.

### *Prosecution and provision of services*

Intervention actions to apply the protocol when specific cases of sexual harassment are reported to the Equality Unit show a variety of factors that hinder and promote. The novelty of such protocols in the context of a Spanish university makes the work of the Sexual Harassment Committee more complex due to the lack of experience or models for deciding 'what to do with the information', 'how to proceed in each case', 'how serious is the situation', and 'whether to recommend the Chancellor send the case to the Service Inspector for opening a disciplinary file that might lead to sanctions (Interview n.5). This lack of experience is a structural problem of new policy interventions, which always require some time and practice. Apart from the novelty, the type of institutionalization and formal rules that structure the application of the harassment protocol represents the first important group of obstacles.

Economic, human and time resources are insufficient for the amount of work required to effectively apply the protocol (Interview n. 3). Academic personnel from the Equality Unit report being over-burdened with work which is insufficiently recognized in terms of teaching credits and this is compounded by the insufficient economic resources required to address the needs of a large university community (Interview n. 1). The latter (Interview n. 3) is considered the main reason for the existence of gaps in the communication and follow-up of cases by the Equality Unit with respect to complainants and the experts that prepared the report (Interviews n. 1; n. 2). This gap in communication about the process generated 'anxiety' among the claimants. For example, a student who experienced harassment asked, 'will I see this professor again on this course?' (Interview n. 2). Moreover, the gender experts that are asked to prepare harassment reports are mostly UCM academic staff who receive no cuts to their teaching or administrative load for this extra work. This is pertinent when, according to our informants, they already feel 'exhausted' with all the teaching, research, administration, and promotion they have to do (Interview, n. 3). These time constraints create a difficult context for the Equality agents and gender experts who engage in this stressful and time-pressured work. While gender experts received a small honorarium of 300 euros for each report, it is problematic that the system is based on insufficiently paid extra work from gender experts, mostly women, that is not currently recognized for the advancement of their academic career, but that they are expected to do, or feel compelled to do, because of the political importance they see in the task.

Additional formal institutional factors that arguably create hurdles to the protocol implementation, include institutional mechanisms that regulate intervention in the case of sexual harassment complaints. The role of the Equality Unit is also significant in this process. The first problem is the premature disconnection of the link between the Equality Unit and the resolution of cases. While the Unit is the key institution that coordinates intervention in cases, and provides gender expertise at crucial stages of the implementation process, it is not involved when/if the Chancellor decides to send a case to the Service Inspector (Interview n. 1). The final stage of the process of implementation is thus left in the hands of people who are not gender experts. The second problem in the application of the sexual harassment protocol is the fact that the Equality Unit works at the Chancellor level. This provides the capacity to centralize gender mainstreaming, but ignores the fact that cases of harassment mostly occur in faculties and departments (n.1). This spatial anomaly places limits on its effective capacity to intervene, and highlights the need to decentralize the process, coordinate between the different university levels, in a more bottom-up approach to implement equality measures.

A third institutional hurdle to cases of sexual harassment proceeding is the guarantee-based /protectionist nature of Spanish law. This makes it almost impossible to sanction harassers<sup>2</sup> and has moved some legal gender experts to draft reports that are extremely protective of the rights of potential harassers (Interview n.1). This includes not maintaining the claimants' anonymity (by law the reported person has the right to know who presented a complaint against them). However, the SH procedure that occurs in the Equality Unit is not a judicial process strictly speaking, therefore, as

a gender expert suggested, it could actually be more protective of the anonymity of claimants and gender experts in the preliminary stage (Interview n. 2). A fourth problem is that the unit's insufficient resources (Interview n. 3), results in gaps to the communication and follow-up by the Equality Unit with respect to claimants and the experts who prepared the report (Interviews n. 1; n. 2).

Resistance from staff constitutes another hindrance factor, which is partly related to institutionalization (Interviews n. 1; n. 4). Two motivations for administrative staff within the Equality Unit explain their resistance to implementing the protocol: additional work that the protocol requires, and a lack of knowledge on how to apply it. First, implementing new equality policies, like the Protocol, requires a change in both the type and volume of additional work for administrative staff (Interview n. 4). Secondly, resistance arises from a lack of knowledge by staff who are neither trained in gender equality, nor the new tasks that application of the protocol demands. A further cluster of resistance comes from 'friendly fire'; feminist academics and students who due to institutional mistrust, or lack of knowledge about the Unit's equality actions (Interview n. 4), express criticisms about implementation and the Equality Unit.

Informal gendered norms generate forms of resistance that have affected the implementation of the sexual harassment protocol. A crucial resistance identified by informants was the lack of recognition from perpetrators of having committed sexual harassment. Perpetrators do not recognize their behaviour as sexual or sexist harassment because they consider it to be 'normal' behaviour (Interviews n. 2; n. 3). One gender expert commented about a sexual harassment case thus:

*'I tend to grab people' [said one university staff accused of harassment by a student] 'but this is not against their [women students] will' ... So he had a really absurd perception about other people's consent. So I had to tell him: 'look if they have placed a complaint against you, it means many of them did not want it' (Interview n. 2).*

The potential harasser did not deny the fact that a complaint had been attributed to him, but his well-rooted unequal gendered norms conditioned him to not even entertain the notion that he did anything against someone's will. The gender expert's response to counteract this form of entitled behaviour among harassers is that the university should give mandatory training about the sexual harassment protocol as part of the induction for staff when they are hired or promoted, *'a general training that includes all duties and responsibilities of employees, and the protocol is included too, so that nobody can then say "I did not know it [that this is sexual harassment]", you just need to know it ... otherwise you cannot exercise this role'* (Interview n. 2).

The lack of institutional and individual recognition of sexual and sexist harassment as a significant problem, is the most acute form of resistance to the implementation of the protocol according to the Equality unit personnel (Interviews n. 3; n. 1). This is a problem because it normalizes and legitimates harassing practices in universities. Individual harassers, when questioned about their behaviour, seldom admit to doing anything *'wrong'*, just behaving normally. In this respect, the main aim of the protocol is to *'de-normalize the perception of the problem'* and make the institution and individual harassers *'see the problem'* (Interview n. 1). Informants argued that the university and the academic community (who participated in the survey) were more inclined to express disapproval of 'sexual' harassment (as defined in the protocol), than they were inclined to do so in respect of 'sexist' harassment. Sexual harassment appears to be more visible or obvious as an act of discrimination and tolerance of sexist harassment seems to be higher since it is seen as part of daily life within a university. Moreover, the Harassment Committee has addressed sexual harassment as 'a more serious' issue there is greater social knowledge of it, more social support, and it is easier to blame the perpetrator. In contrast, sexist harassment is often obscured, difficult to prove, and there is less individual and social awareness since it is a 'normalized' everyday practice (Interview n. 1; Unidad de Igualdad de Género UCM/Means Evaluación, 2018).

## Partnership and policy

Set against the factors that have hindered the application of the sexual harassment protocol, various 'partnership' and 'policy' factors have acted as facilitators. First, the institutionalization of the Equality Unit as a Chancellor's Delegate, provided a strategic position for gender mainstreaming work and raising gender awareness within the Chancellor's team (Interviews n. 1; n. 3). Secondly, the fact that the Unit's director is a gender expert from academic, rather than administrative, staff resulted in the introduction of comprehensive and structural changes. Both these factors enabled the Delegate, in office from 2015 to 2019, to be a critical actor at UCM in: a) drafting the content of the sexual harassment protocol on the basis of her academic gender expertise; b) gender mainstreaming during weekly meetings of the Chancellor's team and negotiating with the Chancellor about increasing the unit's personnel, and; c) strategically using EU resources to compensate for the Unit's limited economic means in developing a more comprehensive strategy for university gender equality.

Thirdly, alliances between feminist actors involved in the implementation of the protocol helped to overcome obstacles in the process of putting it into practice. The top-level support from the Chancellor, the Chancellor's team, and the Sexual Harassment Committee was crucial for the adoption and implementation of the protocol. Furthermore, the Equality Unit Delegate, in charge from 2015–2019, found individual allies in the university Service Inspector who was a feminist, and gender expert colleagues who supported the work of the Unit by participating in harassment reports and providing information and advice to students about the protocol. Collective allies were the Gender Equality Nodes' network created in the faculties through the EU SUPERA<sup>3</sup> project to support the implementation of gender equality policy measures, and feminist students' associations that participated in the adoption of the protocol, raising awareness about the problem, spreading information and providing support for students who experienced sexual harassment within the university.

## Conclusions

The implementation of gender equality policies in Spanish universities was marked by factors that facilitated and hindered the implementation of the sexual and sexist harassment protocol at UCM. The process of implementing the protocol revealed resistance in the form of institutional structures and norms, and obstacles that were rooted in the broader context, such as the type of guarantee-based provisions that are applied in administrative law. Facilitating factors in the implementation process included the Chancellor's governing unit, gender expert university colleagues, feminist students' associations, and EU funds.

Assessing the Protocol on the basis of the P-approaches employed in sexual harassment studies shows it performed best in prevalence and prevention, worst in protection, and drew mixed results in prosecution and provision of services. In this respect, the protocol did well in including gender expertise in the design and process, and performed poorly in the provision of services partly due to the limited resources granted to the Equality Unit.

There were mixed results in terms of the design-implementation link. The design of the protocol offered some opportunities that also emerge in the implementation, such as the advantage of being a latecomer (this facilitated innovations such as the prominent role of gender experts in the process; inclusive content of sexual and sexist harassment, non-binary gender concepts and intersection with sexual orientation). Nonetheless, the design of the protocol presented problems that affected its implementation, such as the existence of multiple non-gender-expert actors involved in the process; the lack of clarity in protection measures for people who report harassment; and the lack of communication with affected parties in both design and implementation. Our analysis thus corroborates the significance that the literature on policy implementation attributes to good design.

We have identified different types of resistance that emerge through formal and informal institutions. Formal institutions include material elements such as university regulations;

administrative law (the application of guarantee-based administrative Spanish law, which protects the rights of perpetrators, making it almost impossible to sanction them), and human and economic resources, such as the insufficient economic, human, and time resources given by the UCM for applying the protocol. These also include factors related to the institutionalization of the Equality Unit, such as how the involvement of the Equality Unit in the process was discontinued, and the centralized position (Chancellor level) and distance of the Unit from implementing contexts such as faculties and departments. Resistance generated further implementation obstacles regarding the stakeholders involved in the design and implementation processes. The reasons for their emergence were important in identifying which of them were related to material resources, and which were linked to gender-related cultural norms, or general resistance to change.

Informal gendered institutions (norms, knowledge, unconscious biases) were shown to have a key role in supporting, or counteracting resistance to, the sexual/sexist harassment protocol being applied. The biggest issue was the blindness within the academic community to sexual/sexist harassment as a problem, revealing high levels of normalization of daily harassment practices. In particular, findings from the survey and interviews showed that the kind of gender knowledge, norms, and biases people hold, generated resistance to the application of the sexual/sexist harassment protocol. This included perpetrators, university staff with responsibility for addressing the problem, and people who experienced violence. Data also revealed there was less individual and social awareness of 'sexist harassment' which tended to be 'accepted' as a normal part of everyday university life. The public recognition of a policy problem is the first step towards addressing it, and covert resistances against gender policies make it much harder for gender equality policy actors to manage. Such normalization of sexist practices makes it difficult for all the actors involved with the problem to recognize it, name it, report it and address it in ways that redress existing inequalities.

While alliances and the critical role of gender expert directors in the Equality unit have been crucial facilitating factors in the implementation of the protocol, there are still outstanding questions around the more nuanced involvement of key actors and practices. Future studies may consider how the broader political context, where anti-gender far-right narratives undermine their legitimacy and seek to dismantle the existing gender equality machinery, budgets, and legislative framework, affect the implementation of gender equality policies, and the wider challenge to gender violence in universities.

## Notes

1. Spain is a 'quasi-federal' state in which regions have their own lawmaking parliaments and in which there is a high regional variety regarding gender equality, gender violence and LGBTQI\* legislation.
2. Spanish administrative law, which is the law that applies in the university environment to civil servants, is extremely protective of individual rights. This means that people who can be prosecuted for serious misconduct go through a process in which they have the right to defend themselves and appeal at several stages, which frequently takes a long time. If they are finally charged, the penalties seldom include more than the suspension of employment and salary for a few months – it is very difficult to dismiss a civil servant".
3. Supporting the Promotion of Equality in Research and Academia June 2018- May 2022 (grant no.787829).

## Acknowledgments

Research for this paper has been funded by the Spanish Ministry of Science and Innovation under the UNIGUAL project Gender Equality Policies in Spanish University (Ref: Fem2017-86004-R Research State Agency 10.13039/5011000110033). We also wish to thank interviews' informants for sharing their time and knowledge with us, editors for their guidance, anonymous reviewers and Andrea Krizsan for their constructive comments on a former draft. This paper was submitted to the Journal of Gender Studies for a special issue on Gender Equality in Higher Education and Research

## Disclosure statement

No potential conflict of interest was reported by the author(s).

## Funding

This work was supported by the Spanish Ministerio de Ciencia e Innovación, Agencia Estatal de Investigación under grant[Fem2017-86004-R 10.13030/5011000110033]

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