A GUIDANCE NOTE FOR

Preventing, Reporting and Responding to Sexual Assault and Sexual Harassment in Tertiary Education Institutions[1]

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Background

Sexual harassment is a common form of violence that can cause enduring psychological harm. Both women and men are targets of such behavior, but evidence has shown that sexual harassment is primarily aimed at women.[3] Approximately 1 in 5 female university students experience some type of sexual assault in North America[4], but there is no nationally representative data on the scope of the problem in developing countries. This is a significant knowledge gap, as experiencing sexual harassment can derail a woman's educational attainment.

The goal of this guidance note is to identify specific evidence-based recommendations that tertiary education institutions can use to prevent, report and respond to sexual assault and sexual harassment. This guidance note is not intended to replace policies and/or institutional approaches to dealing with unacceptable behaviors, but rather to provide further advice on how to address these issues based on good practices from around the world. To the extent possible, institutions should refer to existing legislation, policies, codes of conduct and mechanisms already in place to prevent, report and respond to sexual assault and sexual harassment.

What is sexual harassment?

Although there are national and international efforts to eliminate sexual harassment, there is no single definition of what constitutes prohibited behavior. The University of Michigan[5] defines sexual harassment as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when either:

- The conduct is made as a term or condition of an individual's employment, education, living environment or participation in a University community.

- The acceptance or refusal of such conduct is used as the basis or a factor in decisions affecting an individual's employment, education, living environment, or participation in a University community.

- The conduct unreasonably impacts an individual's employment or academic performance or creates an intimidating, hostile or offensive environment for that individual's employment, education, living environment, or participation in a University community.

The following examples, while not exhaustive, provide a description of the types of behavior that are considered "conduct of a sexual nature" and that, if unwelcome, might constitute sexual harassment:

Unwanted sexual statements: Sexual or "dirty" jokes, comments on physical attributes, spreading rumors about or rating others as to sexual activity or performance, talking about one's sexual activity in front of others and displaying or distributing sexually explicit drawings, pictures and/or written material. Unwanted sexual statements can be made in person, in writing, electronically (email, instant messaging, blogs, web pages, etc.) and otherwise.

Unwanted personal attention: Letters, telephone calls, visits, pressure for sexual favors, pressure for unnecessary personal interaction and pressure for dates where a sexual/romantic intent appears evident but remains unwanted.

Unwanted physical or sexual advances: Touching, hugging, kissing, fondling, touching oneself sexually for others to view, sexual assault, intercourse or other sexual activity.

What is sexual assault?

Sexual violence/sexual assault is any sexual act, attempt to obtain a sexual act, or other act directed against a person's sexuality using coercion, by any person regardless of their relationship to the victim, in any setting. It includes rape, defined as the physically forced or otherwise coerced penetration of the vulva or anus with a penis, other body part, or object.[6]

Why should tertiary education institutions focus on this?

Eliminating all forms of violence at work and in education is not only the right thing to do from a human and labor rights perspective, but it also is the smart thing to do for employers and educational institutions in terms of workplace efficiency and productivity. Equally important is the fact that sexual harassment is one of the leading causes of high turnover and absenteeism at school and work.[7]

Sexual harassment can be more prevalent in fields of study and jobs where there is an unequal sex ratio and large power differentials between women and men. In Nigeria, 70 percent of female graduates from a sample of tertiary institutions reported having been sexually harassed, with the main perpetrators being classmates and lecturers. The effects experienced by victims were depression and perceived insecurity on campus.[8] A survey administered to 385 female graduate students from Ethiopia found that 78.2 percent of the respondents had experienced physical, 90.4 percent had experienced verbal, and 80 percent had experienced nonverbal form of sexual harassment, respectively.[9]

The 2018 World Bank Group's Women, Business and the Law data shows that in 59 countries, there are no laws on sexual harassment in the workplace. In 123 countries, there are no laws on sexual harassment in education. In Africa, 36 of the 47 countries with data do not have laws penalizing sexual harassment in this area.

Nigeria	Ethiopia	NO Laws in	NO Laws in
70%	**78%+**	**59**	**123**
of female graduates **have reported harassment**	of female students **have reported harassment**	**countaries** on sexual harassment in the workplace	**countries** on sexual harassment in education

Sexual harassment at work and in education is often ignored and unreported, due to myriad sensitivities in many parts of the world. Common reasons for not reporting include: (a) believing that the behavior was not serious, (b) thinking it is easier to keep quiet or quit rather than face the discomfort of confrontation, and (c) an inability to prove the claim with evidence.

It is critical to recognize that sexual assault and sexual harassment are different to other types of student misconduct, such as plagiarism. As such, tertiary education institutions should adopt policies to address them.

What can be done? Good practices

Development of a strong policy and code of conduct

ANTI-SEXUAL HARASSMENT POLICY

The first, crucially important step is to institute a clearly defined, strongly worded, and readily accessible anti-sexual harassment policy. This is a clear statement from a tertiary educational institution's leadership that sexual assault and sexual harassment are unacceptable. Having a policy in place is a necessary but not sufficient condition. Good practices suggest to either have a stand-alone policy or embed the policy in the codes of conduct for students and staff with the characteristics—not exhaustive—to the right.

It is important to clarify that the policy might not apply when a report is made about someone that is external to the institution and that—in such cases—there are limits on any sanctions an institution can impose on that person. That said, those affected by incidents that occur beyond official business, including intimate partner violence (IPV), could seek support from services and duty bearers within the community the institution operates in like police, health services, and other formal and informal organizations providing support to survivors.

Characteristics of a strong policy:

- Define sexual assault and sexual harassment in alignment with the relevant jurisdictional legislation;

- Include a list of prohibited actions, examples, and possible scenarios to give staff and students a complete picture;

- Explain consent as defined by the relevant jurisdictional legislation[10];

- Outline the scope of the policy, for example, whether it applies to groups affiliated to the institution;

- Articulate that people who experience sexual assault can report their experience to the police;

- Present the institution's formal reporting process and misconduct procedures;

- Explain steps of how to seek help and/or report if sexual harassment or assault has occurred;

- Communicate that an institution's formal investigations process is not a substitute for a criminal process;

- Include information on potential sanctions that might be imposed on a student should the institution determine that misconduct has occurred;

- State that staff and students have a responsibility to prevent harassment and will be supported if they witness harassment and decide to intervene;

- Be publicly available and accessible.

The policy should apply to activities that are:

- Conducted on campus or in an institution's facility;

- Conducted as part of deployment on institutional business or as a representative of the institution (such as field research and exchanges);

- Affiliated with the institution, such as student groups.

The policy and procedure for reporting complaints must be publicly and readily available and translated into the native languages of students and staff. The policy should be constantly socialized to act as a reminder and to inform new personnel and students. This can include providing highly visible information on the institution's homepage; in student common areas or bathrooms; through newsletters; through course/unit outlines. Good practice also includes making them available on mobile phone apps and social media. Institutions should review their policies at regular intervals.

Examples of Good Practice

University of Cape Town—
Stand-alone sexual harassment policy (2008)[11]

University of Michigan—
Sexual misconduct policy (2019)

The George Washington University—
Sexual and Gender-Based Harassment and Interpersonal Violence Policy

University of Ghana—
Anti-sexual harassment policy (2011)

CODE OF CONDUCT

The code of conduct (for all students and affiliated personnel, including on campus vendors) clarifies an institution's mission, values and principles linking them to the highest standards of ethics and morals. The code of conduct should define the types of unacceptable behavior and indicate how seriously different acts will be treated—this is particularly important in relation to sexual misconduct as different acts arising from the same type of behavior should be treated differently. For example, the act of forcefully kissing another on the lips is likely to be regarded as a serious discipline offense whereas the act of lightly kissing another on the back of a hand is likely to be regarded as a less serious disciplinary offense. This requires adapting the code to specific contexts.

Examples of unacceptable behavior listed below are not exhaustive and the institution can bring action in relation to other unacceptable behavior. At the same time, multiple or repeated incidents of misconduct might be more serious than a single act of misconduct and previous findings should be taken into consideration when determining the sanctions to be imposed. The code should also include definitions of any terms which might need to be interpreted to prevent any misunderstanding. The following table is only for illustrative purposes:

Table 1: Examples of Unacceptable Behaviors and Sanctions		
	Unacceptable behavior	**Sanctions**
Sexual Misconduct	• Sexual intercourse or engaging in sexual act without consent • Attempting to engage in sexual intercourse or sexual act without consent • Sharing private sexual materials of another person without consent • Kissing without consent • Touching inappropriately without consent • Inappropriately showing sexual organs to another person • Repeatedly following another person without good reason • Making unwanted remarks of a sexual nature	• Expulsion • Suspension/exclusion • Restrictions/conditions • Formal warning • Mandatory training session • Written or verbal apology
Abusive Behavior	• Threats to hurt another person • Abusive comments relating to an individual's sex, race, pregnancy, maternity, gender, disability • Acting in an intimidating and hostile manner	• Expulsion • Suspension/exclusion • Restrictions/conditions

Source: Adapted from Guidance for Higher Education Institutions: How to Handle Alleged Student Misconduct Which May Also Constitute A Criminal Offence (2016).

Development of a complaints mechanism

The second crucial step is to establish a fair, accessible and transparent complaints mechanism that ensures confidentiality and security while reporting an incident. It is recommended that institutions appoint at least one counselor (or a team if resources are available) to be the single point of contact to whom all formal reports of sexual assault or sexual harassment are made. The counselor must be situated outside of the management structure at the institution and report directly to the President or Director of the institution. It is important to ensure that the counselor is aware of ethical and safety guidelines, has access to referral services, and has access to a space where confidentiality and privacy can be respected to handle all complaints. This person should be trained to respond to trauma.

Students and staff should be offered multiple ways to make a formal report of sexual assault or sexual harassment. Safety apps and online reporting are some of the methods by which students and staff should be able to make a formal report. However, there should always be an option for people to make a formal report in person. At a minimum, they should be provided with the name of a point of contact, a phone number and an email through which they can file a formal complaint. This information must be included in the student handbook and on the institution's website. Whichever method a

student/staff chooses to make a formal report, an acknowledgment that the report has been received and information about next steps should be given as soon as possible. Failure to acknowledge a report in a timely way can be re-traumatizing for the person making the report. Cases involving sexual violence should be referred to health centers within 72 hours of the incident, which is the critical period to prevent unwanted pregnancies and sexually transmitted infections, such as HIV.[12] It is also the timeframe when survivors most need psychological care and support.

Regardless of the reporting mechanism, students and staff should be provided with information on support services at all points of the formal reporting process. For those survivors who do seek help, the process should be driven by their preferences, as they are most familiar with the circumstances and level of comfort with the available options, such as proceeding with prosecution. This is called a survivor-centered approach. As previously mentioned, the principle of confidentiality should prevail, with the utmost consideration for her safety and security. The survivor-centered approach aims to create a supportive environment in which the survivor's rights are respected and in which she is treated with dignity and respect.[13] Institutions might not always have the specific expertise to provide the support required to these sensitive issues. However, it is expected that they will be able to guide students/staff through the available options and refer them to specialist advice and support in an empathetic non-judgmental manner.

Experts recommend that institutions partner with local specialist support services including NGOs and charities. Institutions should also establish and maintain strong links with the local police and national health services in order to develop and maintain a partnership to prevent and respond to harassment and abuse.

REMEDIATION

This involves defining consequences and measures that are tailored to the nature of the

case. Measures range from disciplinary counseling and official warnings to disciplinary actions (transfer, suspension, probation or dismissal).

There might be instances where an alleged act of misconduct might constitute a criminal offense and institutions should have clear procedures on how to manage these cases. It is a complex exercise and the outcome will be dependent upon the circumstances of the case. As a result, it is not possible to produce guidance about what the outcome will be, but this guidance note does make recommendations about the process that can be followed and the factors that should be considered.

The nature and scope of an internal disciplinary process and the nature and scope of a criminal process are different. Therefore, it is important to maintain a clear distinction between them. The internal disciplinary process is an administrative matter based on the fact that a student has breached the institution's codes.

MONITORING

Once the policy, complaints procedure, remediation measures, and trainings have been developed and implemented, institutions should regularly monitor them to enhance effectiveness. We strongly recommend that institutions maintain detailed and confidential records of all reports—even those that do not go through the full complaints process—to monitor their anti-sexual harassment efforts and to take action in case of repeated offenses in spite of a reprimand, warning or other measure. It is important to record the numbers of complaints by department, gender, outcomes, and remedies. This means that any patterns across departments can be analyzed, and the need for additional training or awareness raising identified. Such records will enable new decisions to be made effectively and allow for previous decisions to be reconsidered and reviewed when appropriate.

Examples of Good Practice

The University of Manchester— online "Report and Support" platform

The reporting tool is the responsibility of the university's Diversity and Inclusion Team. Once a report is submitted, an email alerting the team to the report is sent; a member of the team accesses the system and the report is screened to identify the appropriate next stage. If the report is anonymous and requires no immediate action it is filed for future analysis. If it is considered an urgent case, a member of the team will seek to find out more and take the necessary action. In all cases, advisors will attempt to make contact within two working days. Advisors are fully trained and are aware of the different policy options and support available.

University of Cambridge— Reporting System

Includes a complaints procedure where students can request that another student's behavior is investigated without formal action being taken; the University disciplinary procedure; and an anonymous reporting option, which enables the University to monitor the number and type of reports and the reasons why those reporting wished to remain anonymous.

The State University of New York (SUNY)— Discrimination and Sexual Harassment Complaint Procedure

University of Oxford— Harassment Policy

It clearly explains the student and staff procedure for complaints of harassment, available resources, sources of advice.

Prevent, educate and raise awareness

The third—equally important—step is to educate and raise awareness among students and staff at all levels on how to recognize, prevent, and respond to sexual harassment. Tertiary education institutions might consider the integration of sexual harassment content into the organization's core trainings, including orientation programs, so students and staff are aware upon entry. Trainings should include information on the complaints procedure and details about who to contact if a complaint needs to be made.

To increase awareness, good practices suggest strategies such as posting harassment policies and resources in accessible locations such as the intranet, email communications, and messages in cafeterias or bathrooms.

Modules on the prevention of sexual harassment and gender discrimination should be included in staff training.

Examples of Good Practice

The Intervention Initiative—
online resources

The Intervention Initiative is a program with a social norms component designed for the prevention of sexual and domestic violence in English institutions settings. It includes PowerPoints, handouts and notes to run the intervention, which aims to change the attitudes, beliefs, behaviors, social and cultural norms and peer group relationships which allow sexual and domestic violence to take place.

The George Washington University—
Haven

Haven brings together resources aimed at heightening awareness and aiding survivors of abuse and harassment. The website includes information about harassment and abuse, what to do if they are witness or victims and how to report incidents confidentially.

Credit: "Students ready to graduate from Sebeta Special Needs Education Teachers College" by GPE/Kelley Lynch, license: CC BY-NC-ND 2.0

Other promising practices

Employ edutainment approaches to promote changes in attitudes and behavior among students, including ratio, TV or online awareness campaigns. This is a cost-effective and powerful strategy for changing norms and behaviors that can be adapted for use in tertiary education institutions.

Improve women's safety at the institution. This could entail hiring more female staff and increasing female participation among students in tertiary education institutions with high percentages of male staff, and/or providing in-service gender sensitivity training to professors, staff, and students. Considerations should also be made as to where and how institutions are built as they can impact the overall security of students.

Building safety measures:

- Mapping of hotspots and unsafe areas in institutions;

- Ensure greater visibility by maximizing the number of windows and doors in classrooms, offices and other spaces;

- Provide separate and adequate sanitation facilities to prevent sexual assault in these areas;

- Improve lighting in and around the institution grounds, remove bushes;

- Use perimeter and access point fencing and monitoring;

- Place phones to immediately alert security in hotspots and unsafe areas or consider a CCTV system.

Recommended Resources

Addressing Gender-Based Violence on College Campuses: Guide to a Comprehensive Model

Changing the culture: Report of the Universities UK Taskforce examining violence against women, harassment and hate crime affecting university students

Complaint Handling at Universities: Australasian Best Practice Guidelines

Guidance for Higher Education Institutions: How to Handle Alleged Student Misconduct Which May Also Constitute A Criminal Offense

Violence Against Women and Girls Resource Guide

Endnotes

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2   The author may be contacted at erubiano@worldbank.org.

3   Quick, J. C. & M. A. McFadyen. "Sexual harassment: Have we made any progress?" Journal of occupational health psychology 22 3 (2017): 286-298. https://www.apa.org/pubs/journals/releases/ocp-ocp0000054.pdf (accessed February 14, 2019)

4   Krebs C. P., Lindquist C. H., Warner T. D., Fisher B. S., Martin S. L. (2009). "College women's experiences with physically forced, alcohol or other drug-enabled, and drug-facilitated sexual assault before and since entering college." J. Am. Coll. Health 57 639–647. https://www.ncbi.nlm.nih.gov/pubmed/19433402 (accessed February 14, 2019).

5   University of Michigan, Sexual Assault Prevention and Awareness Center. https://sapac.umich.edu/article/63 (accessed February 13, 2019).

6   World Health Organization. Violence against women – Intimate partner and sexual violence against women. Geneva, World Health Organization, 2011.

7   Merkin, R. S., & Shah, M. K. (2014). The impact of sexual harassment on job satisfaction, turnover intentions, and absenteeism: findings from Pakistan compared to the United States. SpringerPlus, 3, 215. https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4028468/ (accessed February 14, 2019).

8   Owoaje, E. T., & Olusola-Taiwo, O. (2010). Sexual Harassment Experiences of Female Graduates of Nigerian Tertiary Institutions. International Quarterly of Community Health Education, 30(4), 337–348. https://doi.org/10.2190/IQ.30.4.e (accessed February 13, 2019).

9   Mamaru, A., Getachew, K., & Mohammed, Y. (2015). Prevalence of physical, verbal and nonverbal sexual harassments and their association with psychological distress among Jimma University female students: a cross-sectional study. Ethiopian journal of health sciences, 25(1), 29-38. https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4337076/ (accessed February 13, 2019).

10 For example, the code of conduct of American University defines "consent" as *words or conduct indicating a freely given agreement to have sexual intercourse or to participate in sexual activities. Silence or lack of resistance does not imply consent. Consent for one sexual act does not imply consent for any subsequent sexual act and consent must be on-going. Sexual contact will be considered "without consent" if no clear consent, verbal or non-verbal is given; if inflicted through force, threat of force, or coercion; or if inflicted upon a person who is unconscious or who otherwise reasonably appears to be without the mental or physical capacity to consent.*

11 Documents accessed on February 14, 2019.

12 World Health Organization. 2003. Guidelines for medico-legal care for victims of sexual violence.

13 Gennari, F.; Urban, A-M.; McCleary-Sills, J.; Arango, D.; Kiplesund, S. (2015). Violence against women and girls resource guide. Washington, DC; World Bank Group. http://documents.worldbank.org/curated/en/874771468126896029/Violence-against-women-and-girls-resource-guide-education-sector-brief (accessed February 14, 2019).

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