

## Chapter 6

# Institutional Mechanisms for Combatting Sexual Harassment in Higher Education Institutions: The Case of the University of Belgrade

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### Abstract

As a form of gender-based violence, sexual harassment represents one of the most serious obstacles to gender equality in higher education institutions. A systematic and institutional response is required in order for the problem to be regulated. This chapter provides a short overview of the existing institutional mechanisms adopted – with the support system built within the TARGET project – at the University of Belgrade and its member institutions, as a possible and good practice model of institutional interventions dealing with this issue. With three member faculties already having previously introduced their own rulebooks, the first University of Belgrade Rulebook on the Prevention of and Protection from Sexual Harassment was adopted university-wide in 2021. This document represents an important step forward and a substantial support to all the member institutions in the process of regulating the prevention of and protection from sexual harassment and thus contributes substantially to gender equality at all levels of the institution.

*Keywords:* Sexual harassment; sexual harassment policy; university; gender equality; higher education; gender equality plan

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## Introduction

Sexual harassment represents one of the most serious obstacles to gender equality in higher education institutions, and a systematic and institutional response is required in order for the problem to be regulated. The concept of gender-based violence (GBV) is a very important framework for understanding the phenomenon of sexual harassment as a point on the continuum of different forms of GBV (Latcheva, 2017) and a result of inequality and abuse of power. This is extremely important for understanding how sexual harassment as a form of complex power relations in academia as well as in all other institutional settings is related to other forms of violence against and/or discrimination of women. Thus, as one of the forms of GBV, sexual harassment represents a serious structural threat to gender equality if it is not dealt with in a systematic way at the institutional level.

In their recent systematic review of sexual harassment in higher education and other issues, Bondestam and Lundqvist (2020) warn us of the danger of shifting the feminist discourse on sexual harassment as a manifestation of the historically unequal distribution of power between women and men into a strictly judicial discourse that focuses on individual responsibility and an ‘individualistic and legislative version of exposure to sexual harassment’ (p. 398). However, at the same time, it would seem that in many cases setting up a strong formal and legal framework for the prevention and elimination of sexual harassment in any institutional context represents an important necessary step in the process of achieving a more equal, just and gender-sensitive higher education system for everybody.

With this theoretical framework in mind, the main aim of this chapter is to provide a short overview of the current state of debate, outline the legislative procedures related to sexual harassment in academia and suggest possible next steps in further advancing the whole process of prevention and elimination of sexual harassment at the University of Belgrade. The first University of Belgrade Gender Equality Plan (GEP), together with its newly established gender equality body, has not only opened up the door for a more systematic and thorough approach to dealing with the issue but can also serve as additional tools in the promotion and implementation of policies in this area, especially given the factual and symbolic role the university assumes for its member institutions.

## Key Concepts and Definitions

GBV is a broad term that encompasses any form of violence that occurs as a result of unequal division of power between women and men and is deeply rooted in gender inequality. Although the terms ‘gender-based violence’ (GBV) and ‘violence against women’ are often used interchangeably because GBV is a phenomenon that in the vast majority of cases affects women and girls, it is important to note the difference in scopes of the phenomenon to which the two terms refer. In short, although GBV does not affect all genders equally, it is a term that can refer to violence against women but also men, boys, sexual minorities or persons with non-conforming gender identities. In contrast, the term ‘violence against women’ refers to the most common form of GBV.

Although there are different understandings of sexual harassment, European Union (EU) documents most commonly define it as:

where any form of unwanted verbal, non-verbal or physical conduct of a sexual nature occurs, with the purpose or effect of violating the dignity of a person, in particular when creating an intimidating, hostile, degrading, humiliating or offensive environment. (CoE, 2006)

The key characteristics found in all the definitions is that sexual harassment is an unwanted, degrading and humiliating experience that affects a person's mental and/or physical wellbeing. Even if a person accepts, for example, sexist statements or comments, they can still be humiliating and degrading. Such acceptance can be traced back to fear of retaliation, peer or other types of pressures, social norms and structural inequalities and may therefore not be voluntary (Pandea, Grzemny, & Keen, 2019, p. 31). Sexual harassment can include but is not limited to unwelcome or inappropriate touching, hugging or kissing; sexually suggestive comments, looks, suggestions, jokes or allusions; indecent exposures; sexually explicit emails or text messages that offend someone; sexually explicit pictures, photos or gifts that make someone feel offended; somebody making other people watch or look at pornographic material against their wishes, etc. Sexual harassment in the higher education system can occur in all disciplines and all levels of education (BA students, MA students, PhD students) and in all institutions (all staff). Some analyses show that women often do not speak to anyone about these incidents and, of those who do, only 10 % talk about it with their colleagues or superiors and only 4% contact the police (European Parliament, 2018). Another important fact is that, although both men and women can be victims and perpetrators of sexual harassment, studies show that the majority of the victims are women and the majority of the perpetrators are men. In one study, the European Union Agency for Fundamental Rights (FRA) found that in 86% of cases of sexual harassment, women were sexually harassed by men (FRA, 2014, p. 113).

According to some studies (Resanović, 2021, p. 8), sexual extortion, as one of form of sexual harassment, is particularly present in the context of higher education institutions, especially when it comes to the student–teacher relationship. The root cause lies in the extreme misbalance of power, which provides the person in power (in this case the teacher) with the potential to threaten (directly or indirectly) the victim (in this case the student) into providing sexual favours. Most often in academia, the victim may get the message that the student will not be able to pass the exam or finish their studies or get an appropriate and well-deserved promotion if she speaks about the harassment imposed by her professor, mentor or any kind of superior.

## **Context**

According to available data, sexual harassment is 'one of the most common forms of violence against women in Serbia' (Babovic & Reljanovic, 2020, p. 10).

Recent research has shown that 41.8% of women over the age of 15 have been exposed to some form of sexual harassment (*ibid.*, p.11). These figures may also be higher given the stigma and taboo that is related to the topic in a (still) patriarchal Serbian society, an assumption that is backed up by the fact that only a small number of cases are officially reported to the authorities (*ibid.*, p. 27). Furthermore, despite the existence of an anti-harassment legal framework (Law on the Prohibition of Discrimination, Law on Labour, Law on Prevention of Abuse at Work, Law on Gender Equality and Criminal Code) in Serbia, its implementation remains lacking and without a proper systematic approach in all areas, including higher education institutions.

The University of Belgrade is the biggest and the oldest state university in Serbia. It is a comprehensive, research-oriented university dedicated to academic excellence. As officially stated in its Mission Statement:

The mission of the University of Belgrade is to provide superior education and exceptional knowledge to its students, not only in terms of their intellectual growth and development, but also in terms of the growth and development of their human qualities and ethical values, to inspire their desire and inclination to be leaders; to move the boundaries of knowledge and higher education, to promote intellectual surroundings which recognise and honour true values, and to respect and accept human diversity. Devoted to research, education, progress and prosperity, the University of Belgrade strives to set the strongest standards in higher education, to value and encourage intellectual and personal growth and to stimulate meaningful engagement, which serves the well-being of the entire society.<sup>1</sup>

The complexity in the structure of the University of Belgrade is best appreciated and understood by bearing in mind that it consists of 31 faculties, 11 institutes and 1 library. The significance of this in the context of dealing with sexual harassment at the institutional level is the fact that all the faculties and institutes represent separate and legally independent entities according to the statute of the university. This is particularly important since it accords (financial, above all other) autonomy to university members (faculties, institutes, library), allowing them to do business independently like any other firm or company in Serbia. In reality, this means, for example, that the faculties operate led by the demands of the neoliberal market, which has in turn led to significant differences in profit and earnings between the faculties that are 'more in demand' and their less profitable counterparts. Basically, the university does not have the mandate over business matters in the faculties or institutes. Consequently, this leads to a somewhat

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<sup>1</sup>See University of Belgrade website: <http://www.bg.ac.rs/en/university/mission-statement.php>. Accessed 8 August 2021.

decreased overall influence of the university's governing bodies in all decision-making processes, with decisions often made through a complex procedure of negotiations. Nonetheless, all the member institutions are encouraged to harmonise their documents with the university's policies. When it comes to the rights of all members of the educational process, this means in practice that the faculties and institutes aim at least for the level of rights prescribed by the university. This level can be exceeded but should not be less than prescribed in the university's policies.

However, the point that has made a difference with regard to gender equality has been the University of Belgrade's participation in the TARGET project since 2017. One of the main aims of this project is to implement customised GEPs in six European research performing and research funding organisations as part of a sustained, reflexive and participatory institutional transformation process towards enhanced gender equality in institutions of higher education. As a result of this process, the first University of Belgrade GEP was adopted in April 2019. One of the main goals of this GEP was to establish a permanent gender equality body at the university level that would, among other things, be responsible for suggesting activity plans related to achieving gender equality at the University of Belgrade. In May 2019, the 12-member gender equality board was formally established and very well received. The members were purposely selected to ensure a balanced representation of all important university stakeholders: the board includes representatives of all four faculty groups, institutes, teaching and non-teaching staff, students. At its inaugural meeting, the initiative for adopting the university's first anti-sexual harassment policy was presented as one of the priority activities. Another activity organised soon after within the framework of the TARGET project was a co-creation workshop that focused on sexual harassment and provided the participating experts, members of the University of Belgrade community of practice (CoP) and representatives of its partner institutions with an opportunity to discuss ideas, experiences and good practices on developing and implementing anti-sexual policies at the institutional level.

There was also an important contextual incentive to the initiative to adopt an anti-sexual harassment policy at the university level. Several cases of sexual harassment had been reported that year, drawing a lot of media and public attention towards the topic and also creating a space to open up the topic of sexual harassment in the academic context. Among others, the case of Miroslav Mika Aleksic, a well-known drama professor who was accused by more than seven of his current and former female students of abuse and/or rape ([Balkaninsight, 2021a](#)), launched an avalanche of '#metoo' stories ([Euronews, 2021](#)) that also included cases of sexual harassment within the University of Belgrade ([Balkaninsight, 2021b](#)). Another case that particularly resonated throughout academia was the formal accusation of rape submitted by a student of the Faculty of Orthodox Theology against the Vice Dean ([Nova, 2020](#)).

## **Sexual Harassment Policies at the University of Belgrade: From the Bottom to the Top**

In order to be able to deal with such cases, there is a need to develop specific, sustainable and self-reflective institutional mechanisms that regulate the problem of sexual harassment in higher education institutions (Resanović, 2021, p. 12). This is especially important since Serbian law allows for many different interpretations of sexual harassment and leaves gaps in regulations and given the specific manifestations of the phenomenon in the academic context. When it comes to the University of Belgrade, the main tools to regulate this issue were previously found in The University of Belgrade's Code of Professional Ethics as well as the rulebooks adopted by certain member institutions (Univerzitet u Beogradu, 2016). Recently, the Rulebook on the Prevention of and Protection from Sexual Harassment at the University of Belgrade was approved by its governing bodies.

The Code of Professional Ethics defines ethical principles governing higher education, publication of scientific results, attitude towards intellectual property, relations between teachers and associates, other employees and students as well as acts of a higher education institution and its teachers, associates and students in legal transactions and in their attitudes towards the public and the media. It is a document that determines in the most comprehensive manner (albeit at a somewhat general level) the obligation to respect the principles of gender equality, including measures to protect the dignity of women (e.g. Univerzitet u Beogradu, 2016, Article 14, which is dedicated to the prohibition of harassment). The Rules of Procedure of the Ethical Committees and the Professional Ethics Committee of the University of Belgrade, adopted in the same year as the Code of Professional Ethics, contain provisions that regulate the procedure in the event of a violation of the Code and prescribe measures for sanctioning such violations. However, they do not set out a specific and detailed procedure for cases of sexual harassment.

Although the Code of Professional Ethics (Univerzitet u Beogradu, 2016) provides a basis for protection against inappropriate conduct, including gender-based discrimination and sexual harassment, it is not concrete enough and does not provide clear procedural instructions on how to act on such cases once they have been reported or noted. Accordingly, developing and adopting specific policies that focus explicitly on sexual harassment was the next important step in developing the University of Belgrade's institutional mechanisms for the prevention of and protection from sexual harassment.

At present, three member institutions have adopted policies in relation to protection against sexual harassment: the Faculty of Political Sciences, the Faculty of Philosophy and the Faculty for Special Education and Rehabilitation. One example of a good practice participatory process in drafting such a document was identified at the Faculty of Political Sciences, which was the first faculty at the University of Belgrade to introduce the Rulebook on Employees' Conduct in Relation to Prevention and Protection against Sexual Harassment and Blackmail of Students at the University of Belgrade in 2014 (Fakultet politickih nauka, 2014). The process was not easy at the time and took about six months. The faculty members and the Dean were very supportive, as were civil society groups.

There was also legal advice on the process. The Centre for Women's Studies (CSO) and the Centre for Gender and Politics (a department in the faculty) were included in the drafting of and discussions surrounding the document. The rulebook is intended to serve to prevent sexual harassment and protect both female and male students against its occurrence. It clearly defines what sexual harassment is and the penalties that are foreseen for any perpetrators. It stipulates that harassment does not only involve unwanted physical contact but also unwanted calls, speech, body contact or emotional persecution. An employee found to have harassed a student is prohibited from further communication with that student and may be fired. Penalties are also envisioned for students who try to misuse the policy. Gender-sensitive language is used systematically throughout the document. The deadline for submitting a complaint of sexual harassment is not stipulated. However, the rulebook only protects students against harassment and not the faculty staff.

In contrast to its counterpart at the Faculty of Political Sciences, the Rulebook on Protection against Sexual Harassment and Blackmail at the University of Belgrade – Faculty of Philosophy, which was approved in 2019, focuses not only on the protection of students but of 'all participants in the educational process', including all situations and persons related to the educational process and not limited to activities within the faculty (Filozofski fakultet, 2019). It defines sexual harassment in more detail and also covers cyber harassment, explicitly including, for example, 'unwanted communication through email, social networks and platforms'. The initial statute of limitation for reporting sexual harassment (10 months for reporting an employee and five months for reporting a student perpetrator) was prolonged in a revised version to last until the end of the student's status in cases where the perpetrator is a staff member and up to two years in cases in which the perpetrator is another student. Since sexual harassment is understood as a breach of work discipline, the sanctions and penalties are well defined by other existing rulebooks.

Similar to the Faculty of Philosophy's Rulebook, the Rulebook on Protection against Sexual Harassment and Blackmail of the Faculty of Special Education and Rehabilitation (FASPER, 2019), which also dates from 2019, covers all staff and students. The statute of limitation for reporting an act of harassment is set at three months from gaining knowledge of the act or six months from the actual act itself.

When it comes to protection procedures, all three rulebooks envision two possible actions that can be taken: consultations or protection measures. However, there are some differences in the specific details on how these actions should be carried out and by whom as well as in the statutes of limitation for reporting the harassment. Also, none of the three rulebooks allows for anonymous complaints to be filed.

As already mentioned, by adopting a participatory and self-reflective process of monitoring the state of gender equality at the university level as part of the TARGET project, a need was recognised for an 'umbrella' policy on sexual harassment. The assumption thereby was that a policy that applied to all member institutions of the university would establish a better basis upon which they could

provide prevention and protection against sexual harassment to their students and staff. Bearing in mind that the member institutions of the University of Belgrade are separate legal entities, and that the university does not have a mandate to impose specific measures on them, this policy needed to be broad enough for all the member institutions to accept it and then be able to implement it; it also had to be specific enough to provide a framework for procedures needed to protect victims. Accordingly, in July 2021, the university's governing bodies adopted the Rulebook on Prevention and Protection from Sexual Harassment at the University of Belgrade. It is the first such policy at the university level and refers to all its member institutions.

The first part of the document contains the institution's full commitment to prohibiting discrimination and any form of abuse or harassment as well as a definition of the target group, which is defined quite broadly: the policy covers students, all university staff as well as all persons in the process of enrolling in any programme at the university. Sexual harassment is defined in line with the CoE definition as:

any kind of unwanted verbal, non-verbal or physical act of sexual nature that has an aim or effect of violating the dignity of a student or employee; degrading of sex, gender or sexual orientation; leading to acceptance of conduct of sexual nature by promising award or through threat or blackmail; comments regarding sex, gender or sexual orientation that are being made against the will of the other person, as well as sexually intonated body language; suggesting intimacy to an employee or a student against their will, as well as withholding rights or threatening to damage honour and dignity of the employee or student for not accepting such suggestion; incitement or leading to behaviour described above. (*Univerzitet u Beogradu, 2021, p. 2*)

The second part of the document defines procedures for the prevention of and protection against sexual harassment. When it comes to prevention, the document envisions some very important support systems, and this is the part where it is most innovative and progressive. The whole process of 'taking a reflexive approach to gender equality for institutional transformation' certainly played a part in articulating some of the provisions in this rulebook. For example, the university recommends continuous training for 'all the students and employees on all matters relevant to prevention of sexual harassment' (*Univerzitet u Beogradu, 2021, p. 3*) and also emphasises the role of curricula and textbooks in the prevention of any kind of discrimination or harassment based on sex, gender or sexual orientation. The most important innovation in comparison to the previously adopted faculty rulebooks is the introduction of a commissioner for equality in each member institution. The main role of these commissioners would be to organise training activities with the aim of raising awareness of and preventing sexual harassment. The commissioners will also assume an important role in the procedures of protection against sexual harassment as the persons responsible for initially handling the complaint. The rulebook is, however, less progressive when

it comes to the statute of limitations – setting this at only six months from the (last) time the act of sexual harassment was perpetrated.

## **Discussion and Conclusion(s)**

The process of raising awareness and taking decisive steps towards combatting sexual harassment is complex. This is especially the case in higher education institutions. The process at the University of Belgrade is still ongoing – albeit well on its way – and can be analysed by taking a number of factors into account.

Addressing the issue of sexual harassment in Serbia has recently received increasing attention due to the series of public statements made by young women who testified to being victims of sexual harassment. As of January 2021, Serbia was experiencing a ‘me too’ movement of its own. For example, the actresses Milena Radulović and Iva Ilinčić made corresponding accusations against Miroslav Aleksić, their teacher in a private drama school (BLIC, 2021); Danijela Štajnfeld likewise accused her fellow actor and politician Branislav Lečić of sexual misconduct (Sabbati & Prpic, 2018); the Faculty of Contemporary Drama at the Belgrade’s University of Arts, announced that several cases of sexual harassment had been reported; in the town of Jagodina, the local mayor, a prominent member of the governing party, was accused of sexual harassment; at the Petnica Research Centre, a regular associate was accused of sexual harassment by a number of high school students attending the centre’s programmes (N1, 2021).

Importantly, these public statements were made to a long-standing feminist movement, which had been branching out for decades into diverse activities; violence against women was one of the movement’s key areas of focus. Some feminist organisations, such as the Autonomous Women’s Centre against Violence (established in 1993), which have a very strong presence in the media, offering assistance (legal, psychological, etc.) to victims and are generally very active in raising public awareness of violence against women and the problem of sexual harassment. Other feminist organisations such as the Centre for Women’s Studies have invested 30 years into continuous feminist education and have thus contributed greatly to raising public awareness of the same issues. Many other organisations have likewise played an important part in substituting for a lack of reaction in mainstream institutions.

A consequence of this concerted feminist activism is that drawing attention to concrete sexual harassment cases alerts the public – so there was an expectation that the accusations would be processed. Furthermore, women’s organisations were – and still are – the main lobbyists for improving the legal framework and its implementation with regard to sexual harassment.

Within this context, special notice was given to the fact that sexual harassment in any educational institution should take into account the far-reaching psychological and professional consequences of the abuse of power in the relations between teacher and student. All of the above is reflected in the work procedures and establishing of rulebooks on sexual harassment at the University of Belgrade. At a broader level, it created the influences corresponding to the bottom-up process in creating gender equality policies, inasmuch as it created

public support for establishing and strengthening responses to sexual harassment issues at the University of Belgrade.

The Rulebook on the Prevention of and Protection from Sexual Harassment at the University of Belgrade is a great step forward in combatting sexual harassment in the leading – and one of the most important – institution in the higher education system in Serbia. Combatting this form of GBV was – and still is – especially difficult to address given the misbalance of power in academia between those most likely to be the potential victims and those traditionally in the position to be the perpetrators. That is why it was especially important to have the opportunity to fall back on the GEP, rely on the support of the gender equality board and rector and have the benefit of the experience within the TARGET project.

However, the process is by no means complete. While there are still difficulties being found in each step of the implementation process, there is strong hope is that the support system built during recent years will prove to be sustainable.

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