

# **Responding to Sexual Harassment at Radboud University: Disincentive Policy or a Challenging Task?**

A Qualitative Content Analysis on Radboud University's Response to Sexual Harassment Cases of Academic Staff against Students



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## Abstract

Sexual harassment is a persistent issue at universities in the Netherlands. One of the largest groups of victims of sexual harassment at Dutch universities are female students. A relatively understudied group of perpetrators are academic staff members. This thesis aims to uncover how it is possible that sexual harassment from academic staff against female students remains a persistent issue at Dutch universities, despite investments in formal rules condemning it. Based on feminist institutionalism, it is expected that there is a mismatch between the formal and informal institutions of university's responses to sexual harassment, allowing for the persistence of sexual harassment. This thesis investigated whether such a mismatch exists and if it can be explained by either gender norms, hierarchy or institutional interests. This is done by conducting a case study analysis at Radboud University in the Netherlands, analyzing the implementation of the university's *Regulations on Undesirable Behavior*. Seven interviews were held with the relevant members of professional staff involved in implementing the regulation. The results show that there is indeed a mismatch between the formal and informal institutions of this regulation, which can be explained by hierarchy, institutional interests, and unclarity regarding the existing consequences to sexual harassment.

**Key words:** sexual harassment, female students, academic staff, gender norms, hierarchy, institutional interests, formal institutions, informal institutions, Radboud University.

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## 1. Introduction

In 1974, Carmila Wood, an administrative assistant at Cornell University's Laboratory of Nuclear Sciences, submitted her resignation after years of experiencing unwanted sexual attention of her male superior Boyce McDaniel – a valued academic and the director of the Laboratory of Nuclear Sciences (Carstairs & Hughes, 2021). Wood decided to resign because her complaints about McDaniel's behavior were not taken seriously, after which her mental health began to decline due to the insecure occupational environment (Aron, 2017; Blakemore, 2018). Her resignation made it challenging to apply for unemployment benefits as she had left because of her own 'personal and non-compelling' reasons (Mearhoff, 2018). Wood sought justice, for which she approached Lin Farley, a women's rights activist and journalist teaching about 'women and work' at Cornell University. Farley was a devoted feminist and one of the first to teach a course related to women's studies at Cornell University (Blakemore, 2018). Up to that point in her career, Farley realized that a vast majority of the women she had worked with, either students or colleagues, had experienced unwanted sexual advances at university or their jobs (Aron, 2017). There was, however, no research to back this up, and there was no term to name the phenomenon. When Wood approached Farley for help, Farley became inspired to do more. Farley realized that they needed to name this phenomenon, because people needed to become aware of the fact that all women were talking about the same thing. As a result, Farley, Wood, and others coined a term, and organized a 'campus speak out' against *sexual harassment* (Aron, 2017; Blakemore, 2018; Carstairs & Hughes, 2021).

Calling themselves Working Women United, the women distributed flyers to advertise the campus speak out event. They approached people on campus, the two major factories in the region, local businesses, and feminist groups and organizations (Aron, 2017). As a result, in May 1975, hundreds of women gathered to listen to each other's stories, and to protest against their shared sexual harassment experiences. This marked one of the first protests against sexual harassment in history (Blakemore, 2018). The event was picked up by the New York Times, after which it got national attention, and people started to realize the gravity of the issue (Aron, 2017). Farley named the event life changing for women: "No longer did they have to explain to their friends and family that 'he hit on her and wouldn't take no for an answer'. What he did had a name." (Blakemore, 2018, para. 2). This protest started a movement that quickly spread across the United States and Canada, in which many women opened up about their experiences of sexual harassment (Carstairs & Hughes, 2021). It was the start of a long fight to make sexual harassment a legal concept, and thereby legally forbidden. Nevertheless, one thing was certain: people had become familiar with the term and phenomenon sexual harassment due to the infamous case of Carmila Wood at Cornell University.

Nearly 50 years later, a lot has improved with regards to combatting sexual harassment. For instance, awareness on sexual harassment has increased tremendously and many countries around the globe have acknowledged sexual harassment as a form of discrimination (European Institute for Gender Equality, 2023). However, the legal victories that have been made against sexual harassment in the past few decennia do not seem to have had much impact on its prevalence at universities, as it remains a persistent issue (Joseph, 2015). This is not different at universities in the Netherlands, which is the country of focus in this thesis. In the Netherlands, sexual harassment is a common phenomenon among both staff and students (Naezer, Brink, & Benschop, 2019; ISO, 2022; Inspectie van het Onderwijs, 2022). However, most data appears to be available on sexual harassment among female students specifically, who form a large group of sexual harassment victims. A study commissioned by the Interstedelijk Studenten Overleg (ISO) – the Netherlands’ largest representative organisation for students in higher education – shows that 10% of female students have experienced sexual harassment at university, compared to 2% of their male peers (Brink & van den Broek, 2022).<sup>1</sup> In addition, a study commissioned by Amnesty International shows that 1 out of 10 students experienced rape during their student time in the Netherlands (I&O Research, 2021). It can therefore be expected that the number of actual sexual harassment experiences may be much higher. The largest groups of perpetrators of sexual harassment against female students are their peer students (Brink & van den Broek, 2022). Another relatively understudied group of perpetrators, however, is academic staff members: approximately 20% of the sexual harassment cases of students can be ascribed to them (Brink & van den Broek, 2022). Therefore, this thesis focuses on the prevalence of sexual harassment of academic staff against female students.

The large-scale prevalence of sexual harassment at universities, however, has already been known for years. This gave impetus to Dutch universities to invest in their response to sexual harassment. One of these universities is Radboud University, which is used as a case study in this thesis. In the past three years, Radboud University implemented a revised version of their official complaint procedure, provided multiple facilities to students, and adopted a Codes of Conduct for its personnel (Radboud Universiteit, 2022). In other words, policies and procedures were implemented that should combat sexual harassment. Regardless of these investments, however, the above-mentioned recent research shows that the prevalence of sexual harassment from academic staff against students remains an issue (I&O Research, 2021; Inspectie van het Onderwijs, 2022; ISO, 2022). Therefore, this research seeks to find an answer on the following research question:

***Despite official rules condemning sexual harassment at Radboud University, how can the prevalence of sexual harassment of academic staff against students be explained?***

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<sup>1</sup> The study commissioned by ISO does not differentiate among universities in the Netherlands. It therefore remains unclear if sexual harassment is more common at specific universities.

There are several theories that seek to explain the prevalence of sexual harassment. This thesis follows the reasoning of social cultural theory and organizational theory, which agree that gender norms and hierarchy explain the prevalence of sexual harassment. Social cultural theory states that embedded gender norms seem to be responsible for the occurrence of sexual harassment (Gutek & Morasch, 1982; Kitzinger & Thomas, 1995; Pina, Gannon, & Saunders, 2009). This can be explained through the presence of a dominant masculine culture that includes the norm of establishing superiority over girls and women, which can be expressed through sexual harassment (Robinson, 2005; Cantalupo, 2014; Pina, Gannon, & Saunders, 2009). Organizational theory explains the prevalence of sexual harassment through stating that strong hierarchical differences create a relationship of dependency (Pina, Gannon, & Saunders, 2009). Such an environment makes it relatively easy for people high in the hierarchy to conduct sexually harassing behavior, and difficult for people low in the hierarchy to oppose such behavior. These theories can be applied to universities as well, since universities can be considered gendered institutions in which masculine norms are dominant (Kirkner, Lorenz, & Mazar, 2020), and where a strong hierarchy is present (Amienne, 2017).

To answer the research question, this thesis uses feminist institutionalism theory, which essentially combines the reasoning of social cultural theory and organizational theory. Feminist institutionalism argues that gendered hierarchical norms remain present in the informal institutions, despite changes to the formal institutions (Mackay, Kenny, & Chappell, 2010). Formal institutions refer to formal rules, official legislative acts, constitutions, and laws, whereas informal institutions refer to how these operate in practice (Waylen, 2014). It is therefore expected that despite attempts of universities to invest in their formal response to sexual harassment, gendered hierarchical norms remain present in informal institutions, creating a mismatch that allows for the prevalence of sexual harassment. In addition to gender norms and hierarchy, this thesis also includes institutional interests as an explanatory factor for the expected mismatch between the formal and informal institutions. Because universities have large economic interests, they are likely to be interested in protecting their reputation. Sexual harassment cases are damaging to such a reputation, especially if prestigious academics are involved (Naezer, Brink, & Benschop, 2019). Therefore, universities may respond to sexual harassment in a manner that benefits their reputation.

This study focuses on Radboud University's *Regulations on Undesirable Behavior* to research whether there is a mismatch between the formal and informal institutions. The *Regulations on Undesirable Behavior* essentially lists Radboud University's formal response to sexual harassment cases. In total, seven interviews were conducted with employees of Radboud University, who are involved in the above-mentioned regulation. Based on a qualitative content analysis of the interviews, I find that hierarchy and institutional interests seem to influence Radboud University's response to sexual harassment, and that visibility of sanctions to sexual harassment appear to be essential for establishing a structural and uniform response to such incidents.

This thesis is structured as follows. In the next chapter, I present the literature review and theoretical framework, in which the trends of sexual harassment at universities are discussed, as well as existing theoretical explanations for sexual harassment. In chapter 3, the methods for data collection and data analysis are presented. I explain why it was decided to conduct interviews, how the pool of interviewees was selected, and how the interviews were conducted and analyzed. In chapter 4, the results of the analysis are explained, which is followed by a conclusion and a reflection on the most important findings. In chapter 5 practical recommendations are provided to Radboud University, which are based on the main findings of this thesis.

## **2. Literature Review and Theoretical Framework**

This chapter provides an overview of the relevant literature and trends on the prevalence of sexual harassment at universities, with the main focus on sexual harassment perpetrated by academic staff against female students. These trends are followed by a short overview of the main existing theoretical explanations of sexual harassment, which are natural biology theory, sex-role spillover theory, social cultural theory, and organizational theory. These theories are subsequently addressed and applied in relation to sexual harassment at universities. Feminist institutionalism is subsequently used as a basis for the theoretical framework, after which a research question and hypotheses have been formulated.

### **2.1 Defining Sexual Harassment**

Sexual harassment is a difficult concept to define, making it a contested concept. This means that there is not one common understanding among experts on the exact definition and use of the concept (Gallie, 1955). Amnesty International (2023, para. 34) defines sexual harassment as “...Any unwelcome sexual behavior. This could be physical conduct and advances, demanding or requesting sexual favors or using inappropriate sexual language”. Such a definition of sexual harassment, however, leaves a lot of room for interpretation. The defining feature of sexual harassment in this definition is that it consists of ‘any unwelcome sexual behavior’, but such understanding greatly varies from person to person. In addition, the examples used in Amnesty’s definition consist of concrete transgressive actions, whereas sexual harassment also includes rather subtle forms of behaviors, as explained by the European Institute for Gender Equality (EIGE). They describe sexual harassment as follows: “...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, in particular when creating an intimidating, hostile, degrading, humiliating or offensive environment” (European Institute for Gender Equality, 2023, para. 6). This definition thus recognizes that sexual harassment also consists of less concrete actions, such as non-verbal types of behavior. It also emphasizes that both the purpose and effect of certain actions are reasons for identifying certain type of behaviors as sexual harassment. For instance, if one comments on their colleagues’ appearance, then this may not have occurred with the intention of violating the dignity of this person, but it could have had this specific effect. Therefore, sexual harassment can occur in many different forms, and focuses on the intentions of the perpetrator or the effect it had on the victim.

This thesis uses the United Nations Secretariat’s definition of sexual harassment, that was shaped in 2008. The United Nations Secretariat (2008, p. 1) sought to provide a universal definition of sexual harassment, which they define as follows:

“Sexual harassment is any unwelcome sexual advance, request for sexual favor, verbal or physical conduct or gesture of a sexual nature, or any other behavior of a sexual nature that might reasonably be expected or be perceived to cause offence or humiliation to another, when such conduct interferes with work, is made a condition of employment or creates an intimidating, hostile or offensive work environment. While typically involving a pattern of behavior, it can take the form of a single incident. Sexual harassment may occur between persons of the opposite or same sex. Both males and females can be either the victims or the offenders.”

The reason for selecting this definition is not only because it provides a more specific meaning of sexual harassment, but it also addresses a timeline in which it can occur and the identity of the people who can be involved. It acknowledges that sexual harassment can consist of all types of behavior, as long as it has a sexual nature. This can therefore vary from non-verbal actions to concrete physical actions. In addition, the definition elaborates on the frequency in which sexual harassment takes place. It recognizes that it often occurs through a pattern of behavior, but that this is not a requirement. It specifically states that one action is sufficient for something to be sexually intimidating. In addition to providing a timeline, this definition ties sexual harassment to the workplace, which fits the topic of this thesis as it focuses on sexual harassment within an organization. The last plus is that it specifically states that both men and women can be perpetrators and victims of sexual harassment. This is an important aspect as sexual harassment is often understood as a problem (Cense & Redert, 2022)<sup>[1]</sup> (Cense & Redert, 2022)<sup>[2]</sup>, for which it is important that such a definition recognizes this. Therefore, the United Nations Secretariat provides a coherent definition of sexual harassment, for which it is used as a basis in this thesis.

Regardless, nearly all definitions of sexual harassment – including the three definitions mentioned above – leave room for interpretation, due to which confusion on what sexual harassment entails remains. It is hardly possible, however, to provide a more concrete definition than the United Nations Secretariat has done, because it is essentially impossible to provide universal definitions of ‘unwanted’, ‘intimidating’, ‘hostile’, ‘degrading’, ‘humiliating’ or ‘offensive’ as the meaning ascribed to these words differs per person. For instance, whereas one may consider certain types of behavior to be unwanted, others understand it to be merely annoying. Or whereas one may consider a certain comment to be hostile, others understand it as humorous. Such difference in interpretation is strongly influenced by people’s different (cultural) backgrounds (World Health Organization & Pan American Health Organization, 2012). Therefore, the context and the experience of both the victim and perpetrator is essential for determining if sexual harassment has occurred, which generally confuses people as to what line they should not overstep (Reardon, 2018). This is also one of the reasons why sexual harassment is difficult to measure, which is elaborated in the following section.

## 2.2 Measuring Sexual Harassment

The widely differing estimates and findings on the prevalence of sexual harassment in the existing literature show that it is difficult to measure. While reviewing studies on the prevalence of sexual harassment in higher education, Bondestam and Lundqvist (2020) found that even the findings of well-cited international studies vary greatly. Context, concepts and definitions, methodology, and underreporting are all reasons for the varying percentages of these results (Bondestam & Lundqvist, 2020). For instance, studies using a large sample size and detailed questions on sexual harassment experiences generally find higher percentages of sexual harassment prevalence. Another factor that seems to increase the prevalence rate, is when research is conducted on sexual harassment experiences of marginalized groups (Bondestam & Lundqvist, 2020). Therefore, methods can influence the outcome of research on the prevalence of sexual harassment.

Moreover, as mentioned previously, the ambiguousness of the meaning of sexual harassment also complicates measuring its prevalence (Reardon, 2018). There is a variety of opinions on what sexual harassment exactly means and entails. This can generally be explained through people's different (cultural) background and personal experiences, that influence their understanding of the phenomenon (World Health Organization & Pan American Health Organization, 2012). The fact that such understanding of sexual harassment differs per person, community or culture, makes it difficult to estimate how often it actually occurs (Bondestam & Lundqvist, 2020; The European Institute for Gender Equality, 2023). For instance, sexual harassment happens relatively often in some countries because its citizens are more likely to perceive certain types of behavior as sexually harassing compared to people of other countries (Inhoffen, 2017). This way, the French are three times more likely to view a sexual joke as sexual harassment than people from Denmark (Inhoffen, 2017). The prevalence of sexual harassment thus strongly depends on people's understanding of sexual harassment.

Underreporting is another important explanation for the ambiguity of sexual harassment rates. Victims tend to refrain from reporting their unfortunate experience, because they fear not to be taken seriously (Fitzgerald, Swan, & Fischer, 1995; Pershing, 2003; Naezer, Brink, & Benschop, 2019; Reich, Anderson, & Maclin, 2021) or because they are ashamed for what happened to them (Fisher, Daigle, Cullen, & Turner, 2003; Naezer, Brink, & Benschop, 2019; Reich, Anderson, & Maclin, 2021). The EIGE also names the negative effect that reporting has on one's career and work relations as a primary reason not to report (The European Institute for Gender Equality, 2023). As a result, many sexual harassment cases remain in the dark, for which it is difficult to establish how often it occurs.

These challenges of measuring the prevalence of sexual harassment are also reflected in the existing literature on sexual harassment in Dutch higher education. The percentages mentioned vary greatly, and it is difficult to determine how these differences can exactly be explained. It can be assumed,

however, that it relates to one of the challenges mentioned above. Additionally, it is striking how little information is available on this topic, since there are only a few studies on the prevalence of sexual harassment in Dutch higher education. This makes it difficult to obtain an accurate overview of how often sexual harassment occurs at Dutch universities. Nevertheless, the following section provides an overview of the available information.

### **2.3 Prevalence of Sexual Harassment**

It is commonly agreed that sexual harassment is a global issue of which women tend to be its primary victims (Plan International, 2018). Unfortunately, however, there is limited data on the scale of this problem on a global level, making it difficult to determine how common sexual harassment exactly is worldwide. Nevertheless, due to regional studies it is evident that it is a persistent issue in different parts of the world. For instance, survey data from UN Women in the United Kingdom revealed that 97% of the UK women between 18 and 24 years old experienced sexual harassment at least once in their life (UN Women, 2021). Similarly, 81% of surveyed adults aged 18 and older in the United States admitted having experienced at least one form of sexual harassment in their lifetimes (UC San Diego Center on Gender Equity and Health & Stop Street Harassment, 2019), compared to 55% in Europe (European Union Agency for Fundamental Rights, 2014). In addition, an extensive study of ActionAid (2015) on sexual violence in Brazil, Bangladesh, Liberia, Nepal, Cambodia, South Africa and Zimbabwe revealed that sexual harassment persists in the Global South as well. For example, survey and interview data showed that 90% of the women in Nepal experienced sexual harassment at least once in their lives, and 80% of the South African respondents reported to have experienced any form of sexual abuse in the year before the survey was conducted (ActionAid International, 2015). This shows that even though (cultural) context strongly influences someone's understanding of sexual harassment, it is evidently a large-scale and global issue.

University campuses seem to be no exception regarding the prevalence of sexual harassment. As mentioned in the introduction, the term actually originated from an infamous sexual harassment case at an Ivy League University in the United States, creating a social movement that quickly spread around North America (Carstairs & Hughes, 2021; Aron, 2017). This gave impetus to Dziech and Weiner to conduct large-scale research on the occurrence of sexual harassment on campuses in the United States in 1990. In their widely recognized book *the Lecherous Professor*, they stated that women have experienced sexual harassment at universities ever since these institutions opened their doors to them. After studying the results of multiple surveys on sexual harassment at different American universities, Dziech & Weiner (1990) concluded that sexual harassment at universities happens in such great numbers, that it is a problem of epidemic proportion. Based on their data, 20% to 30% of female students dealt with unacceptable and unwanted sexual behavior on campuses in the years 1979 and 1980 (Dziech & Weiner, 1990). Since then, sexual harassment at universities still occurs in the same, if not worse, epidemic proportions: a research report of the National Academies of

Sciences, Engineering, and Medicine (2018) names a study of RTI International, which conducted a pilot survey among undergraduate students at multiple US universities in the academic year 2014-2015. This survey included questions on crude sexual behavior and unwanted sexual attention. The results showed that 14% to as high as 46% of the students experienced such behavior and attention (Krebs, Lindquist, Berzofsky, Shook-Sa, & Peterson, 2016). Additionally, several scholars of Georgia State University initiated a comprehensive survey on sexual misconduct on campuses. The survey included behavior-based questions to measure sexual harassment. The results of this survey at Penn State University and University of Texas System show that 20% to 50% of the students experienced sexual harassment, depending on their level of education and major (The National Academies of Sciences, Engineering, and Medicine, 2018). For that reason, sexual harassment still seems to be a major problem in higher education in the United States.

A similar trend is found throughout the world. After conducting a comparative literature study on sexual harassment in higher education in Europe, the Middle East, Africa, and Asia and Australia, Joseph (2015) found that it is a common issue at universities all over the globe. Apart from Australia, where 1 out of 10 female students indicated to have experienced sexual harassment at university (Heywood, Myers, Powell, Meikle, & Nguyen, 2021), research shows that in essentially all other regions of the world at least 50% of the female students have experienced an incident of sexual harassment at their university (Okeke, 2011; Feltes, et al., 2012; Joseph, 2015; Rezvi, Prithvi, & Hossain, 2021). One of the lowest percentages was found in Spain and Italy, where approximately 50% of the students had experienced at least one incident of sexual harassment at university (Feltes, et al., 2012). One of the highest percentages, on the other hand, was found in Ethiopia, where nearly 80% of the female students have experienced physical forms of sexual harassment (Mamaru, Getachew, & Mohammed, 2015). These percentages clearly show that sexual harassment at universities is a widespread issue that is present in all regions of the world.

The Netherlands, which is the country of focus in this thesis, is no exception in this regard (Naezer, Brink, & Benschop, 2019). Naezer *et al.* (2019) published an extensive study on harassment, among which sexual harassment, in Dutch academia, showing that sexual harassment is still an issue of great concern at Dutch Universities. Examples of common forms of sexual harassment are “compliments” and “jokes” that are implicitly sexual, staring and gazing at someone’s body, and unwanted physical contact (Naezer, Brink, & Benschop, 2019). It especially seems to be common among students: the NOS – the national public broadcast cooperation in the Netherlands – revealed an investigation in 2020 showing that sexual harassment at universities had doubled in a time span of two years. From all reports of sexual harassment filed at Dutch universities, 60% of the reports was filed by students. The sexual harassment varied from sexual comments to assault (NOS, 2020). In addition, a study commissioned by the Interstedelijk Studenten Overleg (ISO) showed that nearly 30% of the students in the Netherlands have experienced sexual harassment at university (Brink & van den Broek, 2022).

Even though these numbers clearly show that sexual harassment is a persistent issue at Dutch universities, the studies do not provide data on its prevalence at each Dutch university specifically. This makes it impossible to determine whether sexual harassment is more common at certain Dutch universities than at others.

Female students seem to form the largest group of sexual harassment victims in Dutch higher education (I&O Research, 2021; Ficheroux & Sukmana, 2022; Van der Veldt, 2022; Brink & van den Broek, 2022), together with non-binary students (Brink & van den Broek, 2022). The study commissioned by ISO (2022) shows that 10% of the female students admitted to having experienced sexual harassment in higher education, compared to 13% of non-binary students. In addition, a study of I&O Research (2021) – commissioned by Amnesty International – shows that 1 out of 11 female students attending higher education in the Netherlands experienced rape during their student years. Nevertheless, rape is considered to be sexual violence rather than sexual harassment. This means that it has a ‘higher degree of severity’, due to which it generally happens less often than sexual harassment (Fonds Slachtofferhulp, n.d.; Rutgers Expertisecentrum seksualiteit, 2017). It can therefore be expected that the number of sexual harassment experiences of female students in Dutch higher education may be much higher than rape experiences. Nevertheless, besides the study commissioned by ISO, little information is available on the sexual harassment experiences of non-binary people in higher education. Therefore, this thesis continues to focus on sexual harassment experiences of female students.

The largest group of perpetrators of sexual harassment against female students are their male peers (I&O Research, 2021; van der Veldt, 2022; Brink & van den Broek, 2022), but interestingly, another large and understudied group of perpetrators are academic staff members (Inspectie van het Onderwijs, 2022; van der Veldt, 2022; Brink & van den Broek, 2022). In other words, sexual harassment from academic personnel against female students at universities is more common than one might think. A study commissioned by the Dutch Ministry of Education, Culture and Science showed that more than half of the students who experienced harassment in Dutch higher education, indicated that their harasser was a (academic) staff member (Inspectie van het Onderwijs, 2022). ISO (2022) confirms that staff members form a large group of perpetrators. Their study shows that 15% of the students experienced physical forms of sexual harassment from academic personnel, and 20% indicated to having experienced non-physical forms of sexual harassment from academic staff (Brink & van den Broek, 2022). The large difference in percentages between these studies can probably be ascribed to the fact that the study commissioned by the ministry focused on all types of harassment (including sexual harassment), whereas ISO’s study focused on sexual harassment specifically. Regardless, the numbers show that sexual harassment of academic staff against students happens relatively often.

Nevertheless, when talking about female students as victims of sexual harassment, questions remain about whether there may be a difference in the number of sexual harassment experiences between undergraduates (bachelor students) and graduates (master and PhD students). Unfortunately, data on this matter at Dutch universities does not seem to be available, but studies show that there is generally no clear answer to this question. On the one hand, it seems that students at both levels are similarly exposed to sexually harassing behavior by academic staff (Lott, Reilly, & Howard, 1982; Cortina & Berdahl, 2008; Swartout, 2018), but there are also studies showing that graduate students tend to experience sexual harassment more often (Kelley & Parsons, 2000; Rosenthal, Smidt, & Freyd, 2016; The National Academies of Sciences, Engineering, and Medicine, 2018). Overall, it seems that both undergraduates and graduates tend to be equally exposed to sexual harassment at universities, but that there is an increased chance for graduate students to experience sexual harassment by academic staff specifically, whereas undergraduates often experience sexual harassment from peer students (Wood, Hoefler, Kammer-Kerwick, Parra-Cardona, & Busch-Armendariz, 2021). Especially at the graduate level, after all, academic staff can have crucial influence over one's further career, making graduate students a vulnerable group to sexual harassment from academic staff (Cortina & Berdahl, 2008). However, there are still insufficient studies to establish whether this is indeed true, for which more research in this field would be needed. For that reason, this study focuses on both undergraduate and graduate students.

Furthermore, even though it was established that sexual harassment by academic staff against female students is a widespread issue at Dutch universities, there is a serious gap between the numbers of sexual harassment incidents taking place, and the number of reports filed against the harassers (Naezer, Brink, & Benschop, 2019; Bondestam & Lundqvist, 2020; I&O Research, 2021; Ficheroux & Sukmana, 2022). Studies commissioned by the Dutch ministry of Education, Culture and Science (2022) and Amnesty International (2021) show that most Dutch students do either not take any (formal) action or talk about their regrettable experience with someone who is not affiliated to the university. For instance, the study commissioned by ISO showed that 62% of the students did not report the incident of sexual harassment (Brink & van den Broek, 2022). It is therefore expected that only the top of the iceberg of sexual harassment incidents at universities has been revealed.

There are several explanations for the underreporting of sexual harassment cases by female students. Firstly, there is a lack of perceived credibility towards female victims of sexual harassment. Female students often experience not being believed while reporting an incident, or the gravity of the incident is being questioned (Naezer, Brink, & Benschop, 2019). Therefore, female students are generally afraid to be blamed or disbelieved (Cortina & Berdahl, 2008; Naezer, Brink, & Benschop, 2019). In addition, incidents are frequently interpreted as a personal problem, in which students are partly held responsible for the incident that occurred (Cortina & Berdahl, 2008). This way, students are often instructed to personally resolve the situation by talking to the harasser, putting the responsibility on the

victims instead of on the perpetrator (Kulbaga & Spencer, 2019; Naezer, Brink, & Benschop, 2019). This is a general problem as the ‘protection mechanisms’ of universities tend to rely on the initiative taking of victims (Kirkner, Lorenz, & Mazar, 2020). In other words, victims of sexual harassment are expected to come forward to report the incident that they experienced. However, this is the least common response to sexual harassment as most victims choose to avoid or ignore the harasser (Kirkner, Lorenz, & Mazar, 2020; Inspectie van het Onderwijs, 2022). Due to the disbelief and the responsibility put on victims, women tend to ‘self-silence’ (Ahrens, 2006). This means that women are generally ashamed of the incident that occurred, they blame themselves for the incident, or they start to doubt its seriousness (Ahrens, 2006; Cortina & Berdahl, 2008; Naezer, Brink, & Benschop, 2019). This is supported by the study commissioned by ISO (2022), which shows that 84% of the students who experienced social insecurity indicated that they did not consider the situation to be severe enough. Additionally, nearly 10% of the students partly blamed themselves for the incident that occurred (Brink & van den Broek, 2022).<sup>2</sup> Self-silencing is a patriarchal phenomenon, since talking about sexual harassment experiences challenges the existing gender norms, in which young girls learn to regard themselves as inferior to men (Chubin, 2014). This allows for the continued and unacknowledged presence of self-silencing, which leads students to refrain from reporting sexual harassment.

Secondly, institutional procedures of universities are either deficient or unknown to students. There seems to be a lack of understanding among university employees on what to do with reports of sexual harassment. The study by Naezer *et al.* (2019) on harassment in Dutch academia shows that people are often sent back and forth between persons and departments of the university. This indicates that there is no clear procedure for dealing with complaints of sexual harassment. Additionally, students are often unaware of the tools and facilities that are available after experiencing sexual harassment. The study commissioned by Amnesty International (2021) revealed that approximately 70% of the Dutch female students are not aware of the facilities available at university after experiencing rape. For instance, reaching out to a confidentiality person or student psychologist (I&O Research, 2021). This is substantiated by the study commissioned by the Dutch Ministry of Education, Culture and Science (2022), which demonstrated that one third of the students does not know where to go after experiencing (sexual) harassment.<sup>3</sup> Even though these numbers do not cover sexual harassment

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<sup>2</sup> These numbers concern situations that relate to social security, which includes sexual harassment. However, these numbers do not exclusively concern sexual harassment.

<sup>3</sup> The studies commissioned by Amnesty International and the Dutch Ministry of Education, Culture and Science show a large difference in percentages with regards to students’ awareness of the facilities at their educational institution. It is not entirely clear where these differences come from, but they can most likely be ascribed to the different focus of the studies. Whereas Amnesty International’s study focused on rape specifically, the study of the ministry focused on harassment in general. It can be assumed that someone who experienced rape seeks a different type of assistance than someone who experienced intimidation.

specifically, it clearly shows that students are not familiar with the tools and facilities available at Dutch universities.

Thirdly, the strong hierarchal organization of universities creates an environment in which academic staff members have the power to ‘make or break’ the study career of students, resulting in a dependency that complicates filing reports against academic staff (Amienne, 2017). Since students strongly depend on academic staff for grading, supervision and graduation, they do not want academic staff to turn against them (Cortina & Berdahl, 2008). This is a recurring explanation for the reluctance to file reports against academic staff. Unfortunately, there do not seem to be studies on this topic in the Netherlands. Only the study that was commissioned by ISO provided a small insight: it showed that 12% of the students who experienced social insecurity was afraid for a negative reaction of their educational institution, and 6% of the students was afraid for the direct consequences due to their dependent position (Brink & van den Broek, 2022). Moreover, Naezer *et al.* (2019) found in their study on harassment in Dutch academia that academics in powerful positions actively use the hierarchal dependency to silence their pupils. For example, by threatening with serious consequences if the pupil would speak up. This way, PhD students admitted to “tolerate behavior that you wouldn’t tolerate otherwise” to protect their career (Naezer, Brink, & Benschop, 2019, p. 25). Even though the study of Naezer *et al.* does not focus on sexual harassment against female students specifically,<sup>4</sup> it still shows that the hierarchal organization of Dutch universities creates an environment in which it is risky to file a report against someone with a higher academic rank. Therefore, sexual harassment from academic staff against students cannot be separated from hierarchal power structures, in which students’ dependency on academic staff allows for the prevalence of sexual harassment, essentially protecting academics.

Fourthly, related to this powerful position of academic staff is the prestigious reputation they bring along with them, which is of utmost importance to universities (The National Academies of Sciences, Engineering, and Medicine, 2018; Naezer, Brink, & Benschop, 2019). Because of the neoliberal ideology that has become dominant over the years, many universities transformed into corporations with great economic concerns (Ball, 2012). Phipps (2020) explains that inherent to a university’s economic position is their reputation, for which prestigious academics are essential. For that reason, universities tend to make decisions that benefit their reputation rather than their students’ well-being. As a result, reports of sexual harassment against academic staff tend to be brushed under the carpet and are dealt with internally to prevent commotion that can be harmful to the university’s reputation (Whitley & Leila, 2015; Horbach, Breit, & Mamelund, 2019; Phipps, 2020). A participant of the study commissioned by the Dutch Ministry of Education, Culture and Science confirmed such reasoning. After reporting an incident of harassment, the student was requested to keep quiet: “I was advised

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<sup>4</sup> PhD students are considered staff in the Netherlands instead of students.

against sharing my experience with others and certainly not with the media” (Inspectie van het Onderwijs, 2022, p. 6). Another result of universities guarding their reputation, is that the side of the academic is often chosen over the student’s. Especially when the academic is considered to be the ‘star’ of the university (Naezer, Brink, & Benschop, 2019, p. 26). This regrettably suggests that the reputation of academic staff provides them with a protective shield due to which sexually harassing behavior is not (severely) punished.

## **2.4 Theories of Sexual Harassment**

The above-mentioned information shows that there are various aspects that enable the prevalence of sexual harassment from academic staff against female students at Dutch universities. In this section, I discuss which theoretical explanations are available to explain this phenomenon. A challenge of providing a theoretical explanation on the prevalence of sexual harassment is that academics commonly accept that there is not one single theory that best explains it (Pina, Gannon, & Saunders, 2009). Instead, there are four widely accepted theories that seek to explain sexual harassment, which are the natural biology theory (Tangri, Burt, & Johnson, 1982; Pina, Gannon, & Saunders, 2009), sex-role spillover theory (Gutek & Morasch, 1982; Pina, Gannon, & Saunders, 2009), social-cultural theory (Farley, 1979; Malovich & Stake, 1990; Tangri & Hayes, 1997; Pina, Gannon, & Saunders, 2009), and organizational theory (Tangri, Burt, & Johnson, 1982; Pina, Gannon, & Saunders, 2009; Bondestam & Lundqvist, 2020). Each of these theories will be reviewed and addressed in the following paragraphs.

Before elaborating on the theories, it is important to briefly explain the concepts *agency* and *structure* as they are fundamental concepts to fully understand the theoretical framework of this thesis. Agency refers to explanations that are based on the behavior or actions of individual actors, such as individual people (Lewis, 2002). In other words, individual actors are able to independently make and execute decisions (Sibeon, 1999; Lewis, 2002, pp. 18-19). A critique of using an agency centered analytical approach, however, is that it possibly overlooks the wider societal conditions in which individual actors are embedded. Such social conditions are referred to as ‘social structures’, which could be norms, values, habits, and rules that define the context in which individuals operate (Lewis, 2002; Peters, 2016). This subsequently influences individuals’ decisions and behaviors, making their decisions not entirely independent. Lewis (2002, p. 18) describes this as “social structure both facilitates and constrains the behavior of actors, influencing their decisions about what course of action to pursue and thereby having an impact on the course of social events”. Organizations can function as such ‘social structure’, both facilitating and constraining the behavior of actors (staff and students) interacting within the institution. Therefore, this thesis uses a structure centered approach to see how the organizational structure of universities influences the behavior of staff and students with respect to sexual harassment.

The first commonly accepted theory to explain the prevalence of sexual harassment is the *natural biology theory*, which explains sexual harassment from a biological perspective. It states that sexual harassment is essentially a consequence of evolution, that is driven by a strong male drive to procreate. This drive leads men to exhibit sexually harassing behavior (Barak, Pitterman, & Yitzhaki, 1995). In other words, men tend to have a higher sex-drive because they feel the need to reproduce, due to which there is a mismatch between the sexual desires of men and women, which results in sexually harassing behavior (Tangri & Hayes, 1997; Pina, Gannon, & Saunders, 2009). Kapila (2017, p. 33) states that a strength of this theory is that it "...acknowledges the innate human instincts potentially driving sexually aggressive behavior". However, even though such biological aspects of sexual harassment may be interesting to consider, it has mainly been criticized for its lack of explanatory depth; it disregards the fact that there are also differences between men as not all men engage in sexual harassment. Hence, this theory does not provide an explanation for why some men do harass and others do not (Pina, Gannon, & Saunders, 2009). Secondly, this theory does not explain differences in the prevalence of sexual harassment between societies, since sexual harassment tends to be more common in some societies than in others (Abrahams, et al., 2014). Thirdly, this theory completely overlooks the role and 'biological needs' of women as it fully ascribes the occurrence of sexual harassment to a natural 'sex-drive' of men. Therefore, this seems to be a rather weak theory to explain the prevalence of sexual harassment.

Another theory that explains the prevalence of sexual harassment is the *sex-role spillover theory*. This theory suggests that cultural and social norms regarding sex roles spill over into public places, such as the workplace, which subsequently leads to sexually harassing behavior (Gutek & Morasch, 1982; Wamoyi, Ranganathan, Mugunga, & Stöckl, 2021). It thus argues that both men and women learn to adhere to traditional, normative expectations of gender roles, due to which they adopt a different role with respect to sexual contact (Wamoyi, Ranganathan, Mugunga, & Stöckl, 2021). For example, men generally learn to be active and to show initiative during sexual activities, and that they are the ones that should pursue sexual pleasure (Holland, Ramazanoglu, Sharpe, & Thomson, 1998; Humphreys, 2007). Women on the other hand, generally learn to be passive and compliant (Holland, Ramazanoglu, Sharpe, & Thomson, 1998; Humphreys, 2007). Consequently, there may be a mismatch between what is considered to be acceptable behavior, in which men are more likely than women to perceive certain behaviors and appearances as sexual (Beres, Herold, & Maitland, 2004; Metts & Spitzberg, 2016). This way, men may feel as if they are allowed to conduct certain sexual behaviors towards women, whereas it is actually sexual harassment. A disadvantage of sex-role spillover theory is that it assumes that all men and women internalize these sex roles, due to which it does not explain why some men engage in sexual harassment and others do not.

The *social cultural theory* provides a more structural explanation for the prevalence of sexual harassment by taking into account the wider social and political context in which it occurs. For that

reason, this theory understands sexual harassment as a logical consequence of the current and historical gendered culture that sustains masculine norms and practices (Gutek & Morasch, 1982; Kitzinger & Thomas, 1995; Pina, Gannon, & Saunders, 2009), such as masculinity, assertiveness, and heterosexuality (Kronsell, 2005). From a young age, boys face the pressure of adhering to these masculine norms, which include dominance, aggression and intimidation towards women, which is expressed through sexual harassment (Robinson, 2005; Cantalupo, 2014). Such culture is also called a culture of *hegemonic masculinity*, which Connell (1995, p. 77) defines as "... the configuration of gender practice which embodies the currently accepted answer to the problem of the legitimacy of patriarchy, which guarantees (or is taken to guarantee) the dominant position of men and the subordination of women". This theory, therefore, states that sexual harassment occurs as a consequence of masculine norms that dominate society, and simultaneously maintain the existing gender inequalities by keeping women in an inferior position (Malovich & Stake, 1990). It has both strengths and weaknesses. An advantage of this theory is that it provides a logical synthesis towards the explanation of sexual harassment, by examining gender issues, patriarchy, and dominance (Pina, Gannon, & Saunders, 2009). In addition, empirical studies show support for the fact that sexual harassment occurs more often in workforces in which masculine norms are dominant (Brown, 1998; Lafontaine & Tredeau, 1986; Pina, Gannon, & Saunders, 2009). For instance, the military is known for its dominant masculine culture, and how that strongly influences the frequent occurrence of sexual harassment (Kronsell, 2005; Koeszegi, Zedlacher, & Hudribusch, 2014). A disadvantage of the theory, however, is that gender roles are understood as stereotypical masculine and feminine behaviors, whereas gendered culture has evolved over time. This way, different types of behaviors are considered to be normal for each gender nowadays (Pina, Gannon, & Saunders, 2009).

The fourth and last theoretical explanation is offered by *organizational theory*, which explains sexual harassment as a result from existing power structures and inequalities within organizations (Pina, Gannon, & Saunders, 2009). Pina *et al.* (2009, p. 131) describe this as "... there are powerful and powerless individuals, the relationship of which should be defined by hierarchy, and consequently the exercise of power within that hierarchy should be expected and accepted". This phrase suggests that the powerless should accept the powerful positions of their superiors, including their behaviors that may be sexually harassing. In addition to these power differences, this theory states that there is an increased likelihood of sexual harassment to occur within organizations that seem to tolerate sexual harassment through ethics, norms and policies (Gutek & Morasch, 1982; Fitzgerald, Drasgow, Hulin, Gelfand, & Magley, 1997; Willness, Steel, & Lee, 2007; Pina, Gannon, & Saunders, 2009). For instance, not having a clear procedure on how to deal with cases of sexual harassment, or lacking (severe) sanctions on sexual harassment, can sustain its prevalence (Fitzgerald, Drasgow, Hulin, Gelfand, & Magley, 1997; Willness, Steel, & Lee, 2007; Pina, Gannon, & Saunders, 2009). Such permissiveness of an organization thus strongly influences a (potential) victim's willingness to file a

report, the availability of sanctions to harassers, and how serious complaints of sexual harassment are taken (Pina, Gannon, & Saunders, 2009). Organizational theory, thus, considers both hierarchy and the permissiveness of an organization to be crucial factors for sustaining sexual harassment. It is considered to offer one of the strongest explanations of sexual harassment as empirical testing shows evidence for its reasoning (Pina, Gannon, & Saunders, 2009). Studies have shown that organizational climate and hierarchical dependency are incredibly important factors for explaining the prevalence of sexual harassment, since employees are generally too afraid to go against their superiors because they fear it will impact their job negatively (Willness, Steel, & Lee, 2007). A weakness of this theory, however, is that it overlooks individual explanations of sexual harassment by disregarding how individual's opinions, perceptions, experiences etc. can influence the occurrence of the phenomenon (Pina, Gannon, & Saunders, 2009). This is a weakness since the prevalence of sexual harassment can hardly be ascribed to the organizational setting only.

While taking the above-mentioned theories into account, two theories are unsuitable for explaining the prevalence of sexual harassment from academic staff against students at universities. These are the natural biology theory and the sex-role spillover theory. As previously mentioned, the biology theory explains sexual harassment through focusing on the natural sex-drive of men (Barak, Pitterman, & Yitzhaki, 1995). Therefore, if this theory is correct, we should find all men engaging in sexual harassment in any type of organization. However, this is not the case empirically, and hence we disregard this theory for the purpose of this thesis (Pina, Gannon, & Saunders, 2009). In addition, sex-role spillover theory explains the prevalence of sexual harassment through ingrained gender norms that influence the manner in which both men and women act in sexual contact. This subsequently creates a mismatch in which men, more often than women, perceive certain behaviors as sexual, causing them to behave in a way that is sexually harassing (Holland, Ramazanoglu, Sharpe, & Thomson, 1998; Humphreys, 2007; Pina, Gannon, & Saunders, 2009; Wamoyi, Ranganathan, Mugunga, & Stöckl, 2021). This theory, however, is less suitable for explaining the prevalence of sexual harassment as it also assumes that all men and women internalize these gendered sex-roles, for which it cannot explain why some men engage in sexual harassment and others do not.

More suitable theories to explain the prevalence of sexual harassment at universities are social cultural theory and organizational theory. Social cultural theory is relevant since it provides a structural explanation through arguing that people's norms and behaviors are strongly influenced by the gendered (organizational) culture in which they are embedded (Gutek & Morasch, 1982; Pina, Gannon, & Saunders, 2009). This theory has thus been applied to organizations before, stating that organizations are embedded in gendered societies, making them gendered organizations. Gendered organizations sustain a masculine culture with its corresponding norms and behaviors, that enable the persistence of sexual harassment (Farley, 1979; Pina, Gannon, & Saunders, 2009; Cantalupo, 2014). Studies using social cultural theory to explain sexual harassment at universities specifically do not

seem to exist, but Kirkner *et al.* (2020) explain that universities are gendered institutions. Therefore, the presence of a gendered culture, in which masculine norms are dominant, offers an important structural explanation for the prevalence of sexual harassment at universities.

Additionally, the majority of the existing research on this topic uses organizational theory to explain the prevalence of sexual harassment at universities. It is often argued that the hierarchal structures at universities are culpable for the large-scale occurrence of sexual harassment from academic staff against students (The National Academies of Sciences, Engineering, and Medicine, 2018; Naezer, Brink, & Benschop, 2019; Bondestam & Lundqvist, 2020). As mentioned previously, this can be explained through students' reluctance to filing complaints against academic staff, because they fear for their study careers (Dziech & Weiner, 1990; The National Academies of Sciences, Engineering, and Medicine, 2018; Naezer, Brink, & Benschop, 2019; Bondestam & Lundqvist, 2020). In case of bad intentions, the large power differences also enable academic staff members to threaten students, and thereby obligating them to endure sexual behavior. Another strength of organizational theory for explaining the prevalence of sexual harassment at universities, is through acknowledging that inadequate organizational procedures, policies, and processes can sustain a culture of tolerance that enables sexual harassment to persist (Fitzgerald, Drasgow, Hulin, Gelfand, & Magley, 1997; Willness, Steel, & Lee, 2007; Pina, Gannon, & Saunders, 2009). This thesis, however, focuses on the hierarchy aspect of this theory as it is a recurring explanation for sexual harassment at universities.

Hence, gender norms and hierarchy are identified as the main theoretical explanations for the prevalence of sexual harassment. This has not gone unnoticed at universities either. In fact, the previously mentioned trends and explanations for the prevalence of sexual harassment have been known for quite some years. Therefore, many Dutch universities have invested in creating a safe study environment by strengthening their response to sexual harassment. One of those universities is Radboud University in the Netherlands, on which this thesis focuses. Radboud University emphasizes that social security is fundamental for enabling a safe study environment (Radboud Universiteit, 2022). Therefore, Radboud University also enforced several rules and regulations to foster such a study environment. For instance, through enacting a *Codes of Conduct* for its staff in 2022 (Radboud Universiteit, 2022), a *Guide to Social Safety* for student associations (Radboud Universiteit, 2022), and by raising awareness of the available facilities at the university, such as confidentiality persons or student psychologists. Additionally, there is a revised official complaint procedure since 2021 that students and staff can use after experiencing (sexual) harassment (Radboud Universiteit, 2022).<sup>5</sup> It is therefore safe to say that Radboud University has strengthened its official rules to condemn sexual harassment.

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<sup>5</sup> Radboud University's complaint procedure was updated in April 2021. It thus existed already before 2021, but it is unclear when it was first enforced.

Nevertheless, even though Radboud University has invested in combating sexual harassment through investing in its formal rules, previously mentioned research clearly shows that sexual harassment of academic staff against students is still occurring on a large-scale (I&O Research, 2021; Brink & van den Broek, 2022; Inspectie van het Onderwijs, 2022). This results in the following research question:

***Despite official rules condemning sexual harassment at Radboud University, how can the prevalence of sexual harassment of academic staff against students be explained?***

## **2.5 Feminist Institutionalism to Explain the Prevalence of Sexual Harassment**

This thesis uses feminist institutionalism as a basis for the theoretical framework to explain universities' response to sexual harassment cases, because it combines the essential 'gender norms' and 'hierarchy' reasoning of social cultural theory and organizational theory (Kenny, 2007; Mackay, Kenny, & Chappell, 2010). Feminist institutionalism can help to answering this research question through its three essential components. The first two components are rooted in the definition of institutions, which feminist institutionalists generally define as "the formal and informal 'rules of the game' that shape political life" (Mackay, 2011, p. 181). There are thus two types of institutions, which represent the first two components. *Formal institutions* refer to formal rules, such as official legislative acts, constitutions, and laws. *Informal institutions*, on the other hand, essentially refer to how formal institutions operate in practice due to informal rules, such as customs, traditions, beliefs and self-imposed codes of conduct (Waylen, 2014). The third component is *gender*, which feminist institutionalists define as a social construct that is based on the perceived differences between men and women, and which naturalizes and conveys relationships of power and hierarchy (Hawkesworth, 2005; Mackay, Kenny, & Chappell, 2010). This means that gender is inherent to unequal power differences as masculine traits are valorized in contrast to feminine traits. Therefore, feminist institutionalism argues that gendered hierarchical norms explain why informal institutions function differently than formal institutions (Mackay, Kenny, & Chappell, 2010; Chappell & Waylen, 2013).

Feminist institutionalism provided useful insights into how gendered informal institutions play an important role in institutional resistance, since gender norms appear to have shifted from formal institutions to informal institutions (Mackay, Kenny, & Chappell, 2010). In many western societies, among which the Netherlands, formal rules have now been designed in a manner that should prevent gender-based discrimination. This means that formal institutions are no longer allowed to be gendered (Chappell & Waylen, 2013; Wettenbank, 2015). However, pre-existing gender norms can survive in informal institutions, enabling the conventional gendered expectations to persist (Chappell & Waylen, 2013). In other words, "where formal rules have been changed, informal ones continue to operate to contradict them" (Chappell & Waylen, 2013, p. 607). Applying this to universities' response to sexual harassment cases, it can be expected that formal rules addressing sexual harassment are not gendered, but that gender norms remain present in informal institutions, i.e. the way in which formal rules are implemented in practice.

*Hypothesis 1: Even if formal institutions explicitly sanction sexual harassment, gender norms can influence the functioning of informal institutions.*

The same argument applies to the hierarchal structures, and thus the power differences: it is expected that conventional power relations survive in informal institutions, whereas attempts are made to formal institutions to contest them. For instance, Mackay *et al.* (2010, p. 583) explain that “male-dominated political elites have shifted the focus of power from formal to informal mechanisms in order to counteract women’s increased access and presence in formal decision-making sites or ‘take flight’ to different institutional arenas” (Hellsten, Holli, & Daskalova, 2006). This is illustrated through a study conducted by Raney and Collier (2021), who used feminist institutionalism to analyze sexual harassment in the Canadian and British Houses of Commons. Their study showed that after several cases of sexual harassment against female employees in the Canadian House of Commons were revealed, the House understood that action had to be taken to prevent sexual harassment in the future. Consequently, a *Staffing Policy* and a *Code of Conduct* were enforced that included grievance procedures that allowed for informal resolutions, mediation, or a formal independent third-party investigation if necessary. Yet, the staffing policy stated that if one experiences sexual harassment, they first had to report it to their manager “if that person is an MP” (Raney & Collier, 2021, p. 391). If a resolution was not found at this stage, then the complainant could choose to file a formal complaint with either the staff member’s MP, the party whip or the Chief Human Resources Officer. Even though this policy thus allows staff members to submit an official complaint with someone other than their direct MP, they still have to first report the incident to them (Raney & Collier, 2021). Therefore, the policy overlooks internal power dynamic as the staff members rely on the good will of their MPs, who are also their bosses. As a result, many reports of sexual harassment remained in the dark as victims were afraid of damaging their career. Therefore, this provision that was aimed at preventing sexual harassment cases actually sustained the privilege of those in power (Raney & Collier, 2021). This shows that attempts to formally prevent and penalize sexual harassment can be undermined by the shift of power to informal institutions.

*Hypothesis 2: Even if formal institutions explicitly sanction sexual harassment, power differences can influence the functioning of informal institutions.*

In addition to gender and power differences as core explanations for the prevalence of sexual harassment between academic staff and students at Radboud University, this thesis also includes institutional interest as a predictor for the prevalence of sexual harassment. The primary weakness of feminist institutionalism seems that it falls short in explaining the role of institutional interests. According to rational choice institutionalism,<sup>6</sup> it can be expected that these also persist in informal

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<sup>6</sup> For further explanation about rational choice institutionalism, please see Rational Choice Institutionalism by Kenneth A. Shepsle (2006).

institutions. As mentioned earlier, universities have great economic and reputational concerns, and academic ‘stars’ are inherent to those (Naezer, Brink, & Benschop, 2019). As a result, the people responsible for universities’ reputation tend to make decisions that benefit this reputation, and when these conflict with the welfare of students, the former may be prioritized. As a result, sexual harassment cases tend to be brushed under the carpet or are dealt with internally to prevent commotion that can be harmful to the university’s reputation (Whitley & Leila, 2015; Horbach, Breit, & Mamelund, 2019; Phipps, 2020). For that reason, it can be expected that institutional interest influences the functioning of informal institutions.

*Hypothesis 3a: Even if formal institutions explicitly sanction sexual harassment, institutional interests can influence the functioning of informal institutions.*

These hypotheses will be tested through studying Radboud University’s formal response to sexual harassment. In the next chapter, I will discuss the data collected and the methods used to test the hypotheses and to answer the research question.

### **3. Data & Methods**

This chapter discusses the data that was collected, and which methods were used to collect and analyze this data. Radboud University's *Regulations on Undesirable Behavior*, which was used as a case study, was analyzed to answer the research question. This regulation essentially constitutes Radboud University's response to sexual harassment cases. Seven interviews were conducted with employees of Radboud University who are involved in the procedure that the regulation describes. The interviews were analyzed through conducting a deductive as well as an inductive qualitative content analysis.

#### **3.1 Case Study**

A qualitative case study analysis is used to research how it is possible that sexual harassment persists at Radboud University, despite the strengthening of formal rules. Gerring (2004, p. 342) defines a case study as "an intensive study of a single unit for the purpose of understanding a larger class of (similar) units". It allows for generating an in-depth understanding of phenomena (Gerring, 2004; Ormston, Spencer, Bernard, & Snape, 2014), for which it is an ideal method to research the persistence of sexual harassment at Radboud University. The information obtained by this research may subsequently be useful for understanding the persistence of sexual harassment at other similar organizations.

Radboud University is selected as a case for this study. The university is situated in Nijmegen, the Netherlands, and holds approximately 24.000 students who are distributed over seven different faculties (Radboud University, 2022; Radboud University, 2023). As already indicated in the previous chapter, Radboud University has been actively working on their social security policies in the past few years. This makes it a suitable university for researching how it is possible that sexual harassment is still a widespread issue, regardless of their strengthened formal institutions. In addition, there are several conveniences for the researcher by selecting Radboud University as a case. First of all, because the researcher of this thesis is a student at Radboud University, due to which she is familiar with the university and its structures. This enables access to relevant sources of information. Secondly, the researcher is a native speaker of the language spoken at the university, which is Dutch. This is an advantage in carrying out the interviews and analyzing the universities' formal and informal institutions. Thirdly, the researcher deeply cares about this issue. Since she studies at Radboud University, this is an issue that directly affects her and many people in her direct environment. This thesis may potentially help the university making their policies against sexual harassment more effective. Therefore, there are several reasons that make Radboud University a suitable case for this study.

#### **3.2 Analyzing Formal and Informal Institutions**

There are different methods for analyzing formal and informal institutions. Scholars generally agree that it is relatively easy to analyze formal institutions, since these entail rules, policies, tribunals,

committees, sanctions and so forth (Chappell & Waylen, 2013). Formal rules are therefore tangible and quite easily accessible. The relevant formal institution for this study is Radboud University's *Regulations on Undesirable Behavior*, which outlines the formal steps to be taken if a student experiences undesirable behavior, among which sexual harassment (Radboud University, 2021). It therefore essentially describes Radboud University's formal response to sexual harassment cases. As explained in the second chapter, organizational response to sexual harassment has an incredibly important role in its prevalence: poor response creates a tolerant culture that sustains sexual harassment. Therefore, researching both the formal and informal functioning of this regulation can provide an insight on whether Radboud University's response to sexual harassment cases plays a role in its persistence.

Informal institutions, on the other hand, are more challenging to analyze. Scholars generally have different views on the most suitable method for researching informal institutions. This thesis uses the preferred method of feminist institutionalists, who agree that in-depth interviews are the most suitable method for studying informal institutions (Chappell & Waylen, 2013). Because in-depth interviews allow for analyzing norms, beliefs and practices, which are inherent to informal institutions. These interviews then need to be held with the most relevant actors involved in implementing the institution in question. Therefore, interviews were held with the most relevant actors of Radboud University's *Regulations on Undesirable Behavior*, which are: the confidentiality persons, the complaint committee and the Executive Board. All these actors play a role in establishing the universities' formal response to sexual harassment cases, for which their views, norms, and understanding of sexual harassment are essential. The primary challenge and limitation of this method, however, is that the relevant actors are often not aware of the existing informal rules, because they are "... embedded in the everyday practices that are disguised as standard and taken for granted" (Chappell & Waylen, 2013, p. 605). In other words, it is possible for informal institutions to remain invisible, which needs to be taken into account. To try to circumvent this, the researcher decided to conduct semi-structured interviews, which leave room for asking questions about the logic or reasoning of certain informal rules or actions that are being addressed. This way, interviewees can be encouraged to think about the logic behind their decisions or actions. Semi-structured interviews are further explained in the next section.

### **3.3 Semi-structured Interviews**

Semi-structured interviews are conducted to analyze the informal institutions, and thus the norms and views of the relevant people involved in the formal complaint procedure at Radboud University. Semi-structured interviews have "the purpose of obtaining descriptions of the life world of the interviewee in order to interpret the meaning of the described phenomena" (Kvale & Brinkmann, 2009, p. 327). It thus allows the interviewee to indicate which angles they deem important (Brinkmann, 2020), which makes it a suitable method to gain personal thoughts and views of persons, and for acquiring useful one-on-one information of key actors (Adams, 2010). It also allows for the interviewer to slightly

deviate from the script to further elaborate on topics that are discussed during the interview. For that reason, semi-structured interviewing is a useful method for obtaining information on the norms and views of the relevant people involved in implementing the *Regulations on Undesirable Behavior*. In total, seven interviews were conducted with different people from their respective bodies.

The first body to be interviewed are the confidentiality persons, who are normally the primary contact persons for students that have experienced sexual harassment (Radboud University, 2021). They listen to students' experiences and advise them on what actions to take. This varies from solely discussing their experience to filing an official complaint (Radboud University, 2021). Therefore, confidentiality person's perspective and understanding of sexual harassment are relevant to obtain since they play an essential role in advising students to (not) file a complaint in the first place. If a student indeed decides to file a complaint, then the confidentiality person is available to assist the student throughout the entire process. It needs to be mentioned, however, that a confidentiality person only has the capacity to advise a student, and that it is the students' sole decision and responsibility to actually file the complaint. This can be done independently (from a confidentiality person) as well (Radboud University, 2021). At Radboud University, there are three confidentiality persons for students with respect to 'undesirable behavior'. The aim was to interview all three of them, but unfortunately due to their full agendas, they were only available for one interview.

The second relevant body is the independent complaint committee, consisting of legal experts that are external to Radboud University. The complaint committee has a chair and a deputy chair, and two members and two deputy members. It is their task to determine whether a complaint can be considered admissible. If this is the case, the complaint committee conducts an investigation into the incident and decides whether the complaint can be considered upheld (Radboud University, 2021). In other words, in the context of sexual harassment the complaint committee states whether sexual harassment has indeed occurred or not. If the complaint is considered upheld by the complaint committee, it subsequently submits a report of the investigation along with an advice to the Executive Board of Radboud University (Radboud University, 2021). For that reason, their perspectives and understanding on sexual harassment is of interest to this study, because the complaint committee has a crucial role in establishing the universities' response to sexual harassment. The complaint committee holds one president, two members, and two deputy members. The two deputy members started their position shortly before planning the interviews for this study, for which their participation was rather inconvenient. It was possible, however, to conduct interviews with the two (permanent) members of the committee.

The third body to be interviewed are members of the Executive Board. The Executive Board is the highest governing body of the university and is responsible for its daily management (Radboud University, 2023). With regards to the *Regulations on Undesirable Behavior*, the Executive Board has

a crucial role, because it is their task to decide upon a sanction in case a complaint is considered upheld by the complaint committee (Radboud University, 2021). Therefore, the Executive Board essentially decides upon Radboud University's formal response to sexual harassment, for which their views are important to understand. The Executive Board consists of three members. Due to their busy schedule, however, it was possible to only interview one of them.

In addition to the confidentiality persons, the complaint committee and the Executive Board, study advisors are also included as relevant actors in this study. Even though study advisors are not directly involved in *Complaint Regulations on Undesirable Behavior*, they are generally the first point of contact for students. Because study advisors are easily approachable and familiar to students, it can be expected that students will first contact their study advisor after experiencing sexual harassment at university. For that reason, it is relevant to obtain their views and perspectives on sexual harassment, and what actions they undertake if students experience this. Three study advisors were interviewed from two different faculties. Therefore, representatives of the important key actors of the procedure were interviewed, for which all relevant different perspectives were included in this research.

The only actor that may be missing is students who have experienced sexual harassment at Radboud University themselves. They most likely would have provided a better overview of the functioning of the *Regulations on Undesirable Behavior*, but it was decided against including them to not make them relive a trauma. Therefore, for ethical reasons it was decided to not include students in this research.

### **3.4 Organization of the Interviews**

Since sexual harassment is a sensitive topic, the interviewees were promised full confidentiality and anonymity to make them more comfortable with speaking openly about sexual harassment and their respective roles in the *Regulations on Undesirable Behavior*. Therefore, once the transcripts of the interviews were finalized, the interviewees were allowed to first view the transcript to make any changes or withdrawals to their statements. Additionally, no distinction is made between the different professions in the results section, and their views are addressed in a gender-neutral manner. This is done to prevent the interviewees from being traced. A disadvantage of this approach, however, is that useful and relevant information may have been lost.

Moreover, ample time before the interviews took place the interviewees were sent an extensive email that explained the purpose of the interview, and what they could expect from the interview. Due to the aftermath of the COVID-19 pandemic, half of the interviews were conducted online. The other half of the interviews were held in person on the campus of Radboud University. This did not affect the validity of the interview as both the interviewer and the interviewees had become accustomed to working online. Before the start of the interviews, the interviewees were asked for permission to record the interviews for transcription purposes. The interviews lasted 40 to 60 minutes and were conducted between June 2022 and March 2023.

### 3.5 Operationalization

Four different interview guides were developed: one for each body. Most of the questions of the four different interview guides correspond to each other, but there are also questions that focus on the specific profession of the interviewee. The questions that correspond aim to ascertain the interviewees' views on gender norms, hierarchy, institutional interest, and the procedure as a whole. An overview of these questions can be found below, together with an example of one of the responses of the interviewees. This illustrates the operationalization of gender norms, hierarchy and institutional interests. Each interview started, however, with questions that were intended to make the interviewee at ease. For example, how they were doing, whether they had a busy time at work, and what their job exactly entails. With the latter question a transition to sexual harassment could be made, asking about their specific role in sexual harassment cases. Subsequently, questions on gender norms, hierarchy and institutional interests were asked. The full interview guide can be found in Appendix 1: Interview Guides.

#### 3.5.1 Gender Norms

The following questions were asked to discover the interviewee's views on gender norms. The questions aim to discover whether gender norms influence the perceived responsibility of perpetrators and victims of sexual harassment incidents, and if the interviewees were thinking of sexual harassment, perpetrators and victims in a gendered manner. For instance, if sexual harassment is something only women experience. Additionally, questions are developed to find out if the interviewees are aware of the existing gender norms in society.

Table 1: Interview questions on gender norms

Question	Answer of Interviewee
Do you think there is a shared responsibility between the perpetrator and victim for the sexual harassment incident that occurred?	<i>"Yes well... are those shirts occasionally too short? Are those skirts sometimes too short? Yes of course that's quite a difficult subject... But even then ... if you are wearing a shirt that may be too short, or if you are wearing a skirt that's too short, there is no way you can say 'this is allowed.' No way."</i>
How do you assess whether a student has indeed experienced sexual harassment?	<i>"Well... It is not up to me to assess that" ... "Imagine that someone has had sex with someone else, (though of course sexual harassment is not just about sex), and feels very bad about it, that is sufficient reason to talk about that and take that seriously."</i>
Research shows that in 80% to 90% of sexual harassment cases at university, the perpetrator is a man,	<i>"Mmm yes ... yes classic gender roles. Or yes, not gender roles, but um.... yes everything around sexuality and the culture and so on. That men are dominant and that they, to a</i>

and the victim is a woman. What would be your explanation for that?	<i>certain extent, are allowed to be aggressive, and that women are... maybe somewhat assertive, which can quickly be seen as something negative. So that they are not stimulated to indicate their boundaries, and that men feel that they are allowed to cross that boundary, or can joke about it.”</i>
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### 3.5.2 Hierarchy

The following questions were asked to find out the interviewees’ views on hierarchy. The questions intend to discover if the interviewees consider Radboud University to be a hierarchal institution, and if they feel as if this could influence students’ decisions to not report sexual harassment. Moreover, the questions aim to find out the interviewees’ opinions on sexual harassment cases when an academic staff member is involved, and if they think it will influence the manner in which the university deals with such cases.

Table 2: Interview questions on hierarchy.

<b>Question</b>	<b>Answer of Interviewee</b>
Imagine a student comes to you with an experience of sexual harassment, would it be different for you if the perpetrator is a teacher compared to a student?	<i>“Yes ... I think I would feel even worse if it were a teacher.”</i>
Another large group of perpetrators are academic staff members, namely, 1 out of 3 on average. What would be your explanation for that?	<i>“I definitely think that relates to power differences. The fear from the student of not being able to stand up to that, and therefore allow for it to happen.”</i>
And do you think students themselves will handle an experience differently if the sexual harassment comes from a teacher instead of a peer?	<i>“Yes absolutely. They are much more fearful to speak out in that case...for the power differences and yes.. looking up to the university.”</i>
Does it matter for the complaint procedure whether the alleged perpetrator is a student or a member of the academic staff in how a complaint is handled?	<i>“No no absolutely not.” ... “Every complaint is treated with the same intention. There is no difference in that.”</i>

### 3.5.3 Institutional Interest

The following questions were asked to discover the interviewee’s views on institutional interest. The questions aim to find out how sanctions are devised at Radboud University and why this task lies with the Executive Board. Therefore, a question is included on how the university can guarantee that sanctions are not biased.

Table 3: Interview questions on institutional interests

Question	Answer of the Interviewee
The executive board is responsible for possible sanctions. What do you think about the fact that this is their responsibility?	<i>“It depends a bit on whether the executive board may have other interests. Because if it's about a teacher, it could be that, if they know each other personally or something, or someone has a very big name at the university, then I can imagine that there could be something of bias involved, yes”</i>
Do you advise the executive board on any sanctions?	<i>“No, because that's not our job. We do try to look at, and that's up to the chair, and that's more of a personal conversation and not so much on paper, to see how some things can be prevented or paid more attention to.”</i>
How can the Executive Board guarantee that they can make an independent decision regarding a sanction?	<i>“We have clear rules. It's not allowed. We are all responsible for providing a safe working environment.”</i>
Do you think that sexual harassment should always be sanctioned?	<i>“Instinctively, yes. But in practice it is difficult, because how can you prove it?”</i>

### 3.6 Qualitative Content Analysis

Once the interviews and its transcripts were finalized and approved by the interviewees, the transcripts were analyzed through conducting a qualitative content analysis. This means that the texts of the transcripts were divided into different categories through coding (Mayring, 2019). “Coding is a ways of indexing or categorizing the text in order to establish a framework of thematic ideas about it” (Gibbs, 2019, p. 2). It thus allows for categorizing the data and to make sense of them in relation to the research question. A qualitative content analysis can be used both deductively as well as inductively. Such a deductive approach refers to a method in which the categories are fully based on the theories used, whereas the inductive approach refers to a method in which the categories are created based on the data collected (Mayring, 2014). It is also possible, however, to use both approaches (Mayring, 2014). In this case, the first step is conducting a deductive qualitative content analysis, and the second step is doing an inductive qualitative content analysis. This thesis uses such mixed method qualitative

content analysis as it allows for testing the theory as well as for discovering other possible explanations for the prevalence of sexual harassment at Radboud University. Therefore, I first categorized the transcripts according to gender norms, hierarchy and institutional interests, after which I considered other noteworthy categories that recurred in the interviews. In the end, four different categories were found, which are extensively discussed in the results chapter.

### **3.7 Positionality**

While conducting and analyzing the interviews, it is important to bear in mind the positionality of the researcher, because interview knowledge is socially constructed in the interaction of the interviewer and the interviewee (Kvale & Brinkmann, 2009). In this thesis, the positionality of the interviewer is not entirely neutral, since the researcher greatly values the topic of sexual harassment. This can be demonstrated through the researcher's study Gender Equality, Diversity and Inclusion in Politics, and through the researcher's extracurricular activities and jobs in this field. Additionally, the researcher is a student at Radboud University, due to which this topic directly affects her. Even though the researcher has been as objective and neutral as possible, it is an important aspect to take into account.

## 4. Results

This chapter discusses the results of this research. First, the functioning of the formal and informal institutions of the *Regulations on Undesirable Behavior* is explained. The results show that there is a mismatch between these formal and informal institutions, after which it is examined if this mismatch can be explained by gender norms, hierarchy, and institutional interests. In addition to these three categories, one other explanatory category was found. The chapter ends with a conclusion and reflection on the research.

### 4.1 Formal Institutions

The *Regulations on Undesirable Behavior* of Radboud University extensively explain which type of behavior is considered to be undesirable, and what steps can be taken when a student experiences such behavior. Undesirable behavior at Radboud University includes sexual harassment, which the regulation defines as “any form of verbal, non-verbal or physical behavior with a sexual connotation aimed at or resulting in the violation of a person’s dignity, in particular when an intimidating, hostile, degrading, humiliating or offensive environment is created, which is in any event understood to be the case when submission to or rejection of such behavior is used as the basis for decisions which affect the person concerned” (Radboud University, 2021, p. 1). Other types of undesirable behavior that the regulation mentions are harassment, discrimination, aggression and violence, and bullying. The current version of the regulation was enforced in April 2021, and hence it is relatively new (Radboud University, 2021).<sup>7</sup> It should be mentioned that the regulation already existed before this date, but it is unclear what has changed in the current version compared to the older version.

If students experience sexual harassment, then according to the regulation their point of contact are confidentiality persons. During a consult with a confidentiality person, students can talk about their experiences in confidence, after which the confidentiality person “offers support, guidance and advice on possible informal solutions” (Radboud University, 2021, p. 3). Such advice, for instance, could be a referral to the student psychologist or to seek mediation services. In case the confidentiality person deems it necessary, they can also refer the student to legal support. This includes reporting the incident to the police or filing an official complaint to the independent complaint committee. Such decisions are made with the help of ‘escalation scales’, which portrays all the possible steps that a student can undertake after experiencing undesirable behavior. This scale varies from essentially doing nothing to using the above-mentioned legal steps. It is not clear, however, when a confidentiality person considers a sexual harassment incident ‘severe’ enough to decide on advising such a legal approach.

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<sup>7</sup> The Regulations on Undesirable Behavior can be found on the following website:  
<https://www.ru.nl/en/regulations/regulations-on-undesirable-behaviour>

The confidentiality person is only bound to act with permission of the students (Radboud University, 2021).

In case a student decides to submit an official complaint, then the confidentiality person has a supportive role in the process. The confidentiality person assists with writing a complaint letter, which includes the name of the student, the identity of the accused person, what exactly happened, where and when the incident occurred, and what kind of proof the student has. This proof does not have to be solid, but it should support the complainant's storyline. For instance, a witness could be someone who the victim called after the incident. If the complaint committee considers the complaint admissible, then hearings with both the victim and complainant are held. This is elaborated later in this chapter. Before, during, and after the hearings, the confidentiality person keeps an eye on the well-being of the student and offers assistance where necessary. The support of the confidentiality person continues until after the complaint committee has decided on a verdict. There are three confidentiality persons Undesirable Behavior for students at Radboud University, who are appointed by the Executive Board for a period of four years. Reappointment is permitted (Radboud University, n.d.).

The second body a student usually interacts with after submitting an official complaint is the independent complaint committee, because an official complaint is normally submitted to them. It is also possible to submit the complaint directly to the Executive Board. If students decide to directly submit the complaint to the Executive Board, then the board must seek advice of the independent complaint committee. This also works the other way around: the complaint committee should immediately inform the Executive Board once a complaint has been filed. This committee is thus involved in any case. The complaint committee is appointed by the Executive Board, and its major task is to investigate complaints, and to provide an opinion on the merits to the Executive Board. It includes a chair and a deputy chair, which both require a legal background, and two members and two deputy members. All members need to have demonstrable experience with respect to dealing with undesirable behavior and are not allowed to be affiliated to Radboud University in any way. The chair and deputy chair are appointed for a period of four years, and the other members are appointed for a period of two years. Reappointment is permitted, and efforts are made to achieve an even distribution of male and female members. The committee is supported by a lawyer from Radboud University, which operates as the committee's secretary (Radboud University, 2021).

In order to file an official complaint, certain information is required. A complaint cannot be submitted anonymously. Therefore, the following information should be submitted according to the Regulations on Undesirable Behavior (Radboud University, 2021):

- a. A description of the undesirable behavior;
- b. The name of the accused;
- c. The date;

- d. The time, place, and circumstances;
- e. A description of the steps already taken by the complainant and the relevant documents;
- f. The names and addresses of any witness or details of any other evidence.

The complaint committee first considers whether the complaint is admissible, for which the above-mentioned information is essential. The committee uses it to determine whether they consider it possible to find out what exactly happened. Another manner in which the complaint committee may seek information to assess the admissibility is by holding an explanatory interview with the complainant. There are no clear conditions for when a case can be considered admissible since it strongly depends on the case and the documents submitted. An important aspect could be, however, that the chronology of the story must be correct, and that the evidence is true. If the complaint is considered inadmissible, then the complaint committee must notify the complainant and the Executive Board of this matter within two weeks' time. The accused shall then not be informed about the complaint. In case the complaint is considered admissible by the complaint committee, it will start an investigation on the matter (Radboud University, 2021).

Such an investigation includes several steps. First, the accused is informed of the complaint that was filed against them. Subsequently, both the complainant and the accused are separately invited for a hearing, during which the experiences of both parties are carefully heard and considered. The complainant and the accused may bring an advisor, and both can request a witness to be heard. The latter is also something that can be decided by the complaint committee. Once the hearings are completed, reports will be drawn up of each hearing. The people heard will be asked to sign the report of their hearing, with or without comments. If the complainant or the accused refuses to sign their report, then a note to that effect will be added to the report, but the report is still taken into consideration. The complaint committee subsequently issues a report to the Executive Board on the merits of the complaint. Once this step is completed, the complainant and the accused are notified accordingly. The complaint committee then has eight weeks to draw up a written report that will be delivered to the Executive Board. This report must include the following information (Radboud University, 2021):

- a. The details of the complainant and accused, and their hierarchal or functional relationship;
- b. The substance of the complaint;
- c. The findings of the complaint committee;
- d. The grounds on which the complaint has been declared admissible;
- e. The ground on which the complaint has or has not been upheld.

Within fourteen days after the Executive Board has received the written report of the complaint committee, it must send its decision to the complainant, the accused and the complaint committee. If the complaint is upheld by the complaint committee, the Executive Board may decide to impose sanctions or any other disciplinary measures. This regulation, however, does not elaborate on what such disciplinary measure could look like. The Executive Board will explain its decision to the complainant and the accused in a face-to-face meeting, after which the relevant dean or director of the faculty will be informed of its decision. This whole procedure is visualized in the figure below.

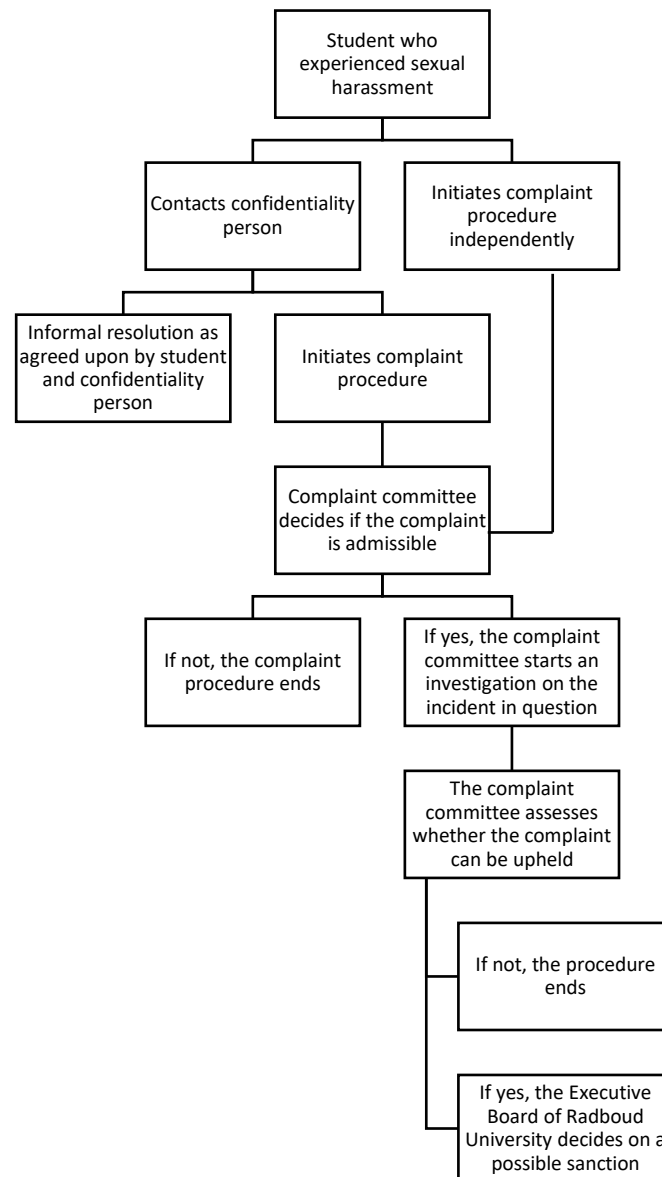


Figure 1: Complaint procedure according to Radboud University's Regulations Undesirable Behavior

As mentioned previously, the current version of the *Regulations on Undesirable Behavior* was enforced in April 2021. Since then, zero complaints have been filed (Radboud University, 2021) (Radboud University, 2022).<sup>8</sup> This is further elaborated in the next section. The annual reports do not indicate how many reports and complaints have been filed about sexual harassment specifically.

#### 4.2 Informal Institutions

In order to assess the informal institution – how the *Regulations Undesirable Behavior* functions in practice – the interviewees were each asked about their knowledge and opinion on the procedure, and their roles within the procedure. The findings of the interviews are elaborated below.

It appears that the formal procedure as described in the *Regulations Undesirable Behavior* is essentially never used. As mentioned previously, the current version of the *Regulations on Undesirable Behavior* exists since April 2021. Even though it is unclear what exactly changed compared to the previous version of the regulation, the number of reports and complaints filed were quite similar in the past five years (Radboud Universiteit, 2018; Radboud Universiteit, 2019; Radboud Universiteit, 2020; Radboud University, 2022).<sup>9</sup> The table below shows that the number of reports fluctuated a bit in the last five years, but that there were no major discrepancies, with exception to the peak in 2021. It is, however, unclear what caused this peak. Similarly, the number of complaints remained the same in the past five years, with a peak in 2018. In this case it is also unclear what explains this peak. The table does make abundantly clear, however, that it is uncommon to use the complaint procedure at Radboud University.

Table 4: Overview of the reports and complaints of undesirable behavior at Radboud University between 2017 and 2021

Year	Number of Reports	Number of Complaints Filed
2017	30	0
2018	23	5 <sup>10</sup>
2019	19	0
2020	36	0
2021	52	0

The lack of use of the complaint procedure was reflected in the answers of the interviewees, since none of them experienced the submission of an official complaint of undesirable behavior. The interviewees gave two major reasons. The first reason is that the barrier of filing a complaint is too high. “*The steps you have to take to file a complaint are not amiss. So yes... that can also be prohibitive*” (R3). As a result, students tend to dismiss the option once they are informed about the

<sup>8</sup> In 2021, one complaint was submitted, but it was withdrawn later in the process.

<sup>9</sup> Unfortunately, the annual report of 2022 has not been published yet.

<sup>10</sup> From these five submitted complaints, one was considered inadmissible, one was not upheld, one was partially upheld, and two were upheld.

exact functioning of the procedure. *“Often if you explain what the complaint procedure exactly entails, then reporters usually say ‘well, never mind then’”* (R1). Another interviewee mentioned that there tend to be more disadvantages to submitting a complaint than advantages: *“...the conditions to file such a complaint and the advantages and disadvantages ... are complicated. And sometimes I also think to the disadvantage of the complainant”* (R7). The demanding nature of the procedure can be explained by its duration and intensity. It normally takes six to ten weeks before a procedure is finalized, in which students constantly have to relive the incident that occurred.

Additionally, it can be intimidating that a complaint committee needs to ask formal, direct and sensitive questions on the matter. *“But all this time, you are very busy with that [the incident that occurred] so you can't really start with ending this chapter. You have to relive all sorts of things about that. You are sitting in a setting, supported by your confidentiality person if you like, talking to people who are going to ask you all kinds of questions about it, but who are wearing a slightly different hat. They are much more neutral and distant and will ask questions like ‘oh, did you make it clear etc.’ All those things that are so difficult. And not that you necessarily need to have indicated that [consent], but I do hear that it is difficult”* (R1). This is confirmed by another interviewee *“And ultimately, if you really file one of those official complaints, then you have to tell your whole story again in front of a committee. So that can just be intimidating.”* (R7). The procedure is therefore considered to be emotionally taxing. Additionally, there is no guarantee that the student will achieve the desired outcome, which may be a sanction against the accused. One of the interviewees also indicated that students are unsatisfied with this procedure and called it a *‘disincentive policy’* (R7). Therefore, the barrier to filing a complaint is considered too high.

The second reason that complaints are essentially never filed, is because there tends to be a preference for informal solutions, rather than taking the *‘formal route’*. *“Don't only focus on the complaint committee. That is a tool, but only a limited number of complaints end up there. And that's not only because it's a tedious procedure, but also because other interventions are often more effective, more productive ... also look at the informal solutions, involving your supervisor, engaging with people, or in the case of students, taking a particular student out of class (R1)*. This was substantiated by another interviewee: *“I partly think that it is not always necessary either [to file a complaint]. Sometimes someone just wants to share their experience and say ‘this has happened and I want to talk about this.’”* (R7). Therefore, informal solutions allow for the implementation of disciplinary measures without involving the independent complaint committee. For example, through involving the direct manager of the employee involved, who then decides on a sanction. *“...that doesn't take away the fact that a teacher or an authority figure has to strongly dim undesirable behavior. They have to say ‘I'm not allowing this, so if anything happens I want to know’. So this person needs to act”*(R2).

Informal solutions are preferred because it allows for finding relatively quick solutions at a lower and personal level. This is also something that students prefer as they usually just want the undesirable behavior to stop in the quickest and most subtle way possible. *“It is often about the behavior of another person that you want to stop”* (R1). Another interviewee mentioned the possible appointment of ‘social security officers’ that could enhance informal solutions. That would be a person who tries to resolve sexual harassment disputes through conversing with students. *“I know for example, this is also interesting by the way, a colleague of mine was at a meeting with other universities, and they have social safety officers. Have you heard of that by any chance? ... Well, that's interesting, that's someone who's complimentary to the confidentiality person, and who actually starts conversations with the perpetrators, so to speak”*. *“So then an informal resolution is sought between victim and perpetrator?”* (Interviewer). *“Yes, that's the idea of it.”* (R5). Therefore, there seems to be a common understanding that informal solutions can offer a better approach, depending on the situation. It is unclear, however, how often this actually occurs, as only one interviewee mentioned having had conversations in which informal solutions were sought.

Another frequently mentioned long-term informal solution, was to invest in the culture of Radboud University. Most of the interviewees considered an open culture to be fundamental in preventing and solving sexual harassment cases. *“It is important that undesirable behavior is discussable from the very beginning. People should be able to talk about this, indicate what one experiences to be desirable behavior and what not”* (R2). This is substantiated by another interviewee: *“Actually also engaging in conversations with each other on ‘what do we think is acceptable and what not?’. I think that's actually very important as well. And how do we actually want to interact with each other?”* (R4). Such culture includes an open ‘reporting culture’, in which people can easily find the confidentiality persons, and where they are encouraged to contact them. *“Important is the reporting culture ... that must be well-designed”* (R3). However, such an open culture does not seem to be present at Radboud University yet. One interviewee even openly questioned if addressing one’s behavior is something that employees at Radboud University do, indicating that it is not a standard approach: *“What are we going to do as a university? ... Do we actually address each other’s behavior?”* (R5). That efforts are still needed to create such a culture was substantiated by another interviewee: *“I think it's important that leadership is becoming a more important role in these situations. The team is important in the sense that you need to look out for each other and take care of each other. I find that essential. I think that they have not paid sufficient attention to that in the past”* (R4). For that reason, it seems as if an open culture in which people can address each other’s behavior, and in which there are essentially no barriers to reporting are not present yet at Radboud University. That being said, the interviewees are aware of its importance and are working towards creating such a culture.

It should be mentioned, however, that even though most interviewees have a preference for informal solutions to sexual harassment cases, they acknowledge the importance of the complaint procedure.

Many interviewees mentioned that complaints could be important for the university (R1) (R5) (R6) (R7), because “...it would be a shame if it all just kind of lingers in the middle because nobody says anything about it formally. So somehow, I do think it could help” (R5). The reason for this line of thinking is because it provides a better overview of why and how often sexual harassment occurs, and it normally results in quicker policy change. “What I do think, in the bigger picture, is that it is important for the university that complaints are submitted once in a while. Because that's more likely going to lead to, say, different policies, or different... well yes, I think it has its benefits ... so it would be good for the university if it happened from time to time” (R1). “Because it will generate awareness?” (Interviewer). “Yes. And then it ends up with the Executive Board, and it provides a much better overview of this problem” (R1). Interestingly, the same interviewee also indicated that because of this reason, there are sometimes discussions about whether the use of informal solutions is indeed preferable. “Are we doing the right thing to solve it informally in certain cases ... or should this be organized differently? So, we really have those discussions with each other” (R1). Another consequence of using informal solutions is that Radboud University's response to sexual harassment cases remain invisible, due to which staff and students at Radboud University have no idea what the consequences to sexual harassment are.

Regardless, the absence of an open reporting culture is also reflected in the experience that there is still a large group of students who do not turn to confidentiality persons. The interviewees gave several explanations for students tending to stay away. First of all, students seem to be unable to find the confidentiality person or they are unaware of their existence: “I still hear that people do not know they exist or that they can't find them” (R1) and “I can also imagine that they are not known to everyone” (R6). The foremost reason, however, seems to be that there tends to be a misconception among students on what a confidentiality person exactly does: “For many reporters, there is a barrier to go to the confidentiality person. Even though they know of their existence, they don't always know how confidentiality persons exactly work.” (R1). This is reflected in the experience that students tend to fear losing control over the follow-up steps of their experience. For instance, they are afraid that immediate action against the perpetrator will be taken or that someone higher up in the university will be informed, which will generate more attention to their case. “I notice that there is quite a barrier for students to approach a confidentiality person. In one way or another, they have the idea that their experience will immediately gain attention. So that is a pity” (R5). This is substantiated by another interviewee: “I know that it is not necessarily the case that a consequence must follow, that is also up to the student, but I can imagine that students themselves experience it differently” (R6).

In addition, many students that do consult a confidentiality person are referred by their study advisor. Therefore, the experience is that a large group of students first contact their study advisor in case they experience undesirable behavior. “I think in most cases they first contact the study advisor, yes” (R5). Additionally, when an interviewee was asked if they think that confidentiality persons are the first

point of contact to students who experienced sexual harassment, their answer was “*Also quite often the study advisor*” (R1). This may partly be explained by the apparent invisibility and misconceptions surrounding the confidentiality persons. Therefore, it seems that the visibility and knowledge surrounding the confidentiality persons should be improved: “*I think there should be more attention for what a confidentiality person exactly does*” (R5). This is also something Radboud University is actively working on.

Furthermore, the interviewees provided ambiguous information on the advice that the independent complaint committee submits to the Executive Board if a complaint is upheld. Because when a complaint is upheld, the complaint committee is tasked with providing an advice to the Executive Board. “*They advise the Executive Board on what to do*” (R1). This is not an easy task as each complaint is carefully considered by the complaint committee. “*It takes a lot of time and care to finally come to a verdict with an advice*” (R2). Such advice consists of actions that the Executive Board could possibly take, which can greatly vary depending on the situation. “*You can give an advice on cultural research ... you can give advice on personal disciplinary measures*” (R3). The Executive Board is not obliged to follow this advice, but it is expected of them to do so. One of the interviewees mentioned that if the Executive Board does not follow the advice, it “*scolds the complaint committee*” (R3). Nevertheless, the same interviewee acknowledged that “*the boards’ liberties lies with the word ‘can’*” (R3), referring to the fact that the Executive Board may decide otherwise. In addition, there seemed to be disagreement on which matters the complaint committee can advise. The interviewees gave conflicting answers on the committee's powers, specifically with regard to advising on sanctions against employees. Whereas one of the interviewees clearly stated that it is possible to advise on “*personal disciplinary measures*” (R3), another interviewee mentioned that this is not a task of the independent complaint committee as they “*... advise indeed, but not on whether a sanction should be imposed*” (R2). It is thus not entirely clear if the independent complaint committee may advise on such disciplinary actions, or if that task is solely ascribed to the Executive Board. These competences are also not specified in the *Regulations Undesirable Behavior*. An explanation for these unclarities could be that no complaints have been submitted yet, due to which the interviewees had to speak from a hypothetical situation.

Another aspect of imposing sanctions that seems to deviate in the informal institutions, is that other parties than mentioned in the *Regulations Undesirable Behavior* are involved in this process. Several interviewees mentioned that the faculty in question – where the relevant student or employee studies or is employed – also have a relevant influence in deciding on sanctions, and that they are usually involved in this process. Referring to discussions between faculties and the Executive Board on possible sanctions, one respondent indicated that “*I believe there are always conversations, yes...*” (R7). In addition, another interviewee mentioned the following on whose task it is to impose sanctions: “*Or the faculty or deans, it is not always the Executive Board*” (R4). In fact, it seems as if

the Executive Board is primarily involved when the accused has a high rank, such as a professor or faculty dean. *“The faculty director, the dean, is responsible at the time he or she appointed employees. So, that follows from appointing the people and that is a task of the dean. So that's why this task [imposing sanctions] lies with them. The Executive Board decides on the professors and so forth”* (R4). In other words, the faculties seem to have a significant influence, but this is not mentioned anywhere in the procedure.

Moreover, another factor that complicates imposing sanctions is that there are unclarities on how far Radboud University's powers extend. In other words, what can the university do legally? One interviewee mentioned a case from the past regarding undesirable behavior, in which the complaint committee considered the complaint upheld. However, the Executive Board subsequently did not impose a sanction, because they realized that the incident did not occur within the legal powers of the university. *“There was a situation once in which a sexual harassment complaint was upheld, but the Executive Board said: we can't do anything about this. Of course they also believed that this shouldn't be allowed to happen, but they said that it wasn't their responsibility and that they couldn't do anything about it. That happened once and it was very painful”* (R1). Therefore, it seems as if the process of devising and implementing sanctions is not yet streamlined. This also leads to great frustration among students, who feel that sanctions of sexual harassment fail to materialize. One of the interviewees mentioned a group of students who founded a *social safety care club*, where students can come together to talk about undesirable behavior experiences. *“...if I think about why that social safety care club was founded, that is also precisely because they were dissatisfied, at least they were, with how the university deals with these kinds of complaints ... They even called it a 'disincentive policy'”* (R7). This shows that there is ambiguity about devising and imposing sanctions.

The previous paragraphs show that there are several mismatches between the theoretical functioning of the procedure *Regulations Undesirable Behavior* (formal institutions), and how it works in practice (informal institutions). It became apparent that the barrier of using the complaint procedure is considered too high by students, that the confidentiality persons are not always contacted, and that there is a preference for seeking informal solutions. In addition, there are unclarities on how sanctions are devised and imposed. The following section delves into possible explanations for these mismatches.

### **4.3 Explanations Mismatch Formal and Informal Institutions**

As indicated in the second chapter, it can be expected that gender norms, hierarchy and institutional interests influence informal institutions, i.e. the way institutions work in practice, and thereby prevent the formal institutions from working optimally. This would explain Radboud University's poor response to sexual harassment cases, sustaining its prevalence. Therefore, this section assesses

whether gender norms, hierarchy and institutional interests could indeed explain the mismatch between the formal and informal institutions.

#### 4.3.1 Gender Norms

It seems as if gender norms are embedded in the informal institutions of Radboud University, but that they do not influence their response to sexual harassment. Gender norms were mostly reflected in hypothetical examples that the interviewees provided. In these examples, the perpetrator was a man, and the victim was a woman: *“Imagine explaining it to your wife as a husband”* (R3) or *“A guy surely knows, in a conventional situation, if he doesn’t keep his hands to himself”* (R4). Nevertheless, this is not entirely surprising considering that empirical evidence confirms that women tend to be the largest group of victims, and men the largest group of perpetrators. Additionally, most of the interviewees were aware of their choice of words while providing their examples. For instance, some of them included a small disclaimer on the choice of gender they used in their example, as can be seen in the quote above: *“in a conventional situation”* (R4), referring to traditional gender norms. This indicates that the interviewee was aware of their gendered example.

Their awareness can most likely be explained by their understanding of existing gender norms in society, which they used to explain why women tend to be the largest group of victims of sexual harassment. *“Yes classic gender roles. Or not gender roles, but um.... yes everything around sexuality and culture and so on. That men are dominant and that they, to a certain extent, are allowed to be aggressive, and that women are ... maybe somewhat assertive, which can quickly be seen as something negative. So that you're not being motivated to state your limits. And that men feel as if they are allowed to cross those [limits] or can joke about it. That they think that's still acceptable, so to speak. Whereas for a woman that can feel very threatening. So, the whole structure, I think. I also think it's changing, but it is deeply rooted in our culture”* (R6). Such thinking about gender norms was substantiated by other interviewees: *“That has everything to do with the interaction between men and women. The physical aspect as well as their cultural positioning of course”* (R2) and *“Men remain the hunters and women who also ... those are also the ones who allow themselves to be seduced. It's still a little bit conventional, the old-fashioned standards remain somewhat prevalent. I think that will remain for a very long time”* (R4). This shows that the interviewees are aware of the existing gender norms in society that partly explain the prevalence of sexual harassment, as explained by social cultural theory (Gutek & Morasch, 1982; Kitzinger & Thomas, 1995; Pina, Gannon, & Saunders, 2009).

However, when the interviewees were asked about their views on a shared responsibility of sexual harassment between perpetrators and victims, it also seemed as if gender norms were embedded in the informal institutions, but do not influence Radboud University’s response. There was a common understanding that victims should never be held accountable for the sexual harassment they endured.

*“We call that blaming the victim. We don’t do that”* (R1). This reasoning was substantiated by other interviewees: *“It would be too easy to say about the victim: ‘regardless of what you experienced, you are partly responsible for this’”* (R3) and *“...no, if someone goes too far then someone goes too far. And then that's not your... then that's not the victim's responsibility”* (R6). Whereas some interviewees clearly considered sexual harassment to be always the fault of the perpetrator, others did not think of it in black and white. In the latter group, gender norms were sometimes clearly embedded: *“Are those shirts sometimes too short? Are those skirts sometimes too short? Yes, that’s a pretty difficult topic. But even if... even if you’re wearing a shirt that may be too short, or your skirt is a bit too short, then there is no way that you can say ‘this is allowed’”* (R4). Even though the interviewee is convinced that sexual harassment is never permitted, this answer also indicates that it is unwise of women to wear revealing clothes. This corresponds to today’s gender norms, since there is often the understanding that if women dress sexy, they seek sexual attention (I&O Research, 2021). Others acknowledged that the people involved in sexual harassment cases are often acquaintances of each other, due to which they have some sort of relationship. *“Uhm... I don’t necessarily think so, but in the end... of course, there is often a relationship. So, for example, the persons involved had a relationship, so then there is a past. So that could explain why someone would show this type of behavior, which is of course not an excuse. But what I want to say is that there is often a relationship...”* (R5). It therefore seems to be more complicated to determine one’s responsibility in a sexual harassment case when the people involved knew each other well and had a relationship before.

Thus, even though it seems that gender norms are embedded in informal institutions, it is unlikely that gender norms influence Radboud University’s response to sexual harassment cases. Because the interviewees seemed to be aware of the existing gender norms and agreed that victims are never to blame for sexual harassment incidents. For that reason, the first hypothesis can be rejected.

#### 4.3.2 Hierarchy

Nearly all interviewees mentioned the hierarchical structures at Radboud University as a factor that greatly complicates sexual harassment cases. Radboud University files sexual harassment reports in essentially two different categories: sexual harassment in which the perpetrator is a student, and sexual harassment in which the perpetrator is an employee. Based on these filed reports, it can be concluded that sexual harassment from academic staff against students occurs frequently at Radboud University. Approximately 1/3 of the reported sexual harassment experiences can be ascribed to employees: *“...it certainly occurs here too. Actually, quite a lot”* (R1). At the same time, however, the interviewees are convinced that only the tip of the iceberg is revealed. They experience that students are more hesitant to report sexual harassment incidents when the perpetrator is an academic staff member. Mostly because students are afraid of the effects it may have on their study. *“Yes, then they are much more fearful to talk about it. Yes, afraid for eh...the power differences and, yes, they look up to the*

*university*" (R5). The hierarchy at Radboud University, therefore, seems to partly explain that students refrain from filing reports of sexual harassment against academic staff members.

Furthermore, it appears that there is not a common understanding of what is considered acceptable behavior between academic staff and students. "Do you think that [type of behavior that is allowed] is clear for everyone?" (interviewer). "No, I don't think so" (R7). Whereas some interviewees believed that any sort of relationship between academic staff members and students should be forbidden, other interviewees considered it to be only problematic when there is a direct power relation involved. "If a law student has a relationship? with a PhD from NWI [faculty of sciences] ... and they run into each other in the pub, then that's a completely normal relationship in my view. Because they have nothing to do with each other. It becomes different if that law student gets a relationship with a PhD from law, in which there is a dependency. And then it becomes different in my opinion" (R4). Interviewees admitted that discussions on this topic are insufficiently held: "I notice that lecturers don't really talk to each other about this. They don't have a strong opinion on it either. There are plenty of lecturers who say 'yes, but students are of age, aren't they?' They understand the problem if they have to assess someone, that's something that nearly every lecturer understands. But if it's not your student then there is no problem. I disagree with that" (R1). There were no clear guidelines on this matter until July 2022, when Radboud University's Codes of Conduct were enforced. The Codes of Conduct state that staff is not allowed to have a relationship with a student as long as there is a professional relationship that could compromise the impartiality and objectivity of staff, which could benefit or disadvantage the student (Radboud Universiteit, 2022). The Codes of Conduct, however, are not legally binding. The long absence of the Codes of Conduct could have weakened Radboud University's response to sexual harassment, since there was unclarity on what was unacceptable behavior.

Hierarchy also seems to influence the division and implementation of sanctions, because people lower in the hierarchy tend to face the consequences, regardless of the outcome of the complaint committee's investigation. An interviewee mentioned that if a PhD student would file a complaint of sexual harassment against their promotor - who is normally has a higher academic rank - and this complaint is upheld, then there is a large possibility that the PhD student will be relocated. "Then you are still left with a situation that has to be resolved at work. Unfortunately, it is often the lowest person in the hierarchy that is relocated. That's so unfair but happens very often. So even if you won, you still have to solve a big problem" (R1). It would therefore not be surprising that if a student experiences sexual harassment from one of their lecturers or supervisors, that the student faces the consequences. For example, through having to follow another course. This indicates that hierarchy influences Radboud University's response to sexual harassment, favoring academic staff higher up in the hierarchy.

Moreover, the above-mentioned example of a PhD student filing a complaint against their promoter was used by the interviewee to explain the preference for informal solutions. Because if a complaint is

filed, further cooperation is usually no longer possible. Unfortunately, it has not become clear from the interviews if hierarchal power differences complicate informal resolutions as well. For example, it was not evident if the interviewees have more trouble addressing a professor regarding undesirable behavior than a (PhD) student. Therefore, it is unclear to what extent hierarchy influences informal solutions to sexual harassment.

Even though it remains unclear if hierarchy plays a role in Radboud University's informal solutions to sexual harassment, it does seem to influence Radboud University's formal response to sexual harassment from academic staff against students. The fear of students to file a complaint against an academic staff member shows that the formal procedure does not take this sufficiently into account. Additionally, the interviewees' experiences regarding solutions to sexual harassment incidents demonstrates that hierarchy plays a role in such solutions. For that reason, the second hypothesis can be accepted.

#### *4.3.4 Institutional Interest*

The Executive Board is responsible for deciding on sanctions in case a complaint is upheld by the complaint committee. One of the aims of the interviews was to discover the interviewees' views on this specific responsibility of the Executive Board. It seemed, however, that most interviewees did not have a clear opinion on this matter or were unsure who would be better equipped for this task. There was a common agreement that the Executive Board may be positioned too high in the organization, due to which there is a certain distance between them and employees and students. *"I'm not sure who should be tasked with this, but I think it would be better if it would be someone lower in the organization"* (R5). Another interviewee suggested that it may be better if faculty deans would be responsible for deciding on sanctions. *"I think it might be better if this task lies with the faculty. But there are pros and cons. My reason for placing this task with the faculty is because that's ultimately where someone is appointed or studying. So, in the case of an employee, there is a supervisor. So then... yes then it's a little closer to where someone ultimately works or studies. But that can also be a disadvantage, that it is too close... and the Executive Board is a bit more abstract and ultimately responsible as well. So, in that sense it is not so strange that this task lies with them"* (R7). This shows that the people who are involved in Radboud University's response to sexual harassment cases have no clear ideas on who is best equipped for deciding on sanctions.

There was only one interviewee who mentioned that the Executive Board may have other interests that could influence their decision on a sanction. Especially when a 'big name' is involved. *"I think it... it depends a bit on whether the Executive Board can have other interests. Because if it's a teacher then they could know each other or something, or someone has a very big name at the university. Then I can imagine that there could be something of bias involved, yes"* (R6). The interviewee clearly mentioned that there is no reason to doubt the Executive Board's intentions, but through appointing

this task to the Executive Board, they can be put into a difficult situation where interests of the university may clash. *“I truly believe that they consider this to be an important issue and I have no reason to doubt them, but yes... you don't know. It's possible [to have other interests]”* (R6). The explanation for this task lying with the Executive Board is because they have a *“duty of care”* (R4) towards their employees. Caring for one's employees includes deciding on disciplinary measures in case they committed a violation. Hence, this task cannot be entrusted to an independent actor. Thus, even though it is unclear to whom this task best belongs, there is a chance that the Executive Board may have clashing interests while deciding on sanctions, due to which the objectivity of this part of the procedure can be questioned. This would not be solved, however, by placing this responsibility with the faculties, as clashing interests may also apply to them.

Although the Executive Board is responsible for deciding upon sanctions according to the *Regulations Undesirable Behavior*, faculties also appear to be closely involved in this process. It seems, however, that this was not always easy in the past. An interviewee mentioned that there have been clashes between the faculties and the Executive Board while deciding on sanctions. *“I think that, at our faculty, there has been some friction between the opinion of the board and the opinion of the faculty about what should happen. Then you notice that the Executive Board is situated at a great distance”* (R7). The dispute concerned the severity of the sanction. Since faculties have to implement sanctions, there is sometimes a mismatch between the sanction that the Executive Board decides upon, and the feasibility of implementing it. *“... the Executive Board can easily say something like 'do A or B', but they don't have to implement it. And thus...in particular if something is decided that uhm... is perceived within the faculty as too mild, there are consequences there”* (R7). These consequences refer to the difficulty implementing sanctions may have. For instance, if a sexual harassment incident occurred and the Executive Board decided upon a relatively mild sanction, then it is eventually the faculty that must restore the disturbed work relationships. This means that despite faculty deans apparently being involved in the process of deciding on sanctions, this does not automatically mean that there is a common agreement on the content of the sanctions.

Unfortunately, it did not become clear from the interviews if institutional interests influence Radboud University's response to sexual harassment cases. This can partly be explained through the fact that complaints are rarely if ever submitted. As a result, sanctions are essentially never implemented through the formal procedure either. Nevertheless, several interviewees hinted that institutional interest has played a role during sexual harassment cases in the past, but they could not provide any substantive information on this due to confidentiality reasons. It is clear, however, that there is ambiguity surrounding the process of deciding upon sanctions. Therefore, it seems likely that institutional interests influence Radboud University's response to sexual harassment, but there is insufficient evidence to either reject or accept the third hypothesis.

#### 4.3.5 Other Explanations

In addition to hierarchy and institutional interests, there seems to be another primary explanation for the mismatch between the formal and informal institutions. As addressed by organizational theory, it seems that there is unclarity and ambiguity about the actions to undertake when sexual harassment occurs. The interviewees acknowledged that Radboud University is paying a lot of attention to sexual harassment. There are many initiatives to improve its facilities and to raise awareness and knowledge on this issue. For instance, through appointing “*an ombuds officer for students... precisely to have an independent person*” (R4) or by “*explicitly mentioning it [sexual harassment issues and the university’s facilities] during the introductions*” (R7) for students who start studying at Radboud University. Even though such initiatives and awareness raising are praised by the interviewees, there also seems to be a lack of knowledge on the steps to take if it actually occurs. “*I think all the awareness raising is very good. But I generally think that the question remains ‘what if it happens?’ What kind of consequences are there? And what are we going to do as a university? Right now, there is a lot of attention for it, there are confidentiality persons, and there is a lot of awareness raising. But what are exactly the consequences, and do we actually address people? That remains in the dark indeed. Perhaps that is the reason why it keeps simmering through*” (R5). “*Would you then say that the follow-up steps are unclear?*” (Interviewer) “*Yes, I think so*” (R5). This shows that it remains unclear what consequences of sexual harassment are, and how employees should act once it occurs.

Moreover, despite the existence of the *Regulation on Undesirable Behavior*, it seems that this is not a procedure that employees are expected to know of. “*I honestly have to admit that I’m not very familiar with it. There are so many regulations that... and thankfully people don’t experience this [sexual harassment] every week. I usually work in a way that I know where I can find it if I need it, and that I know. I do think... the regulation hasn’t existed for long, or at least it has been updated, that I should at least read it again carefully. But I just haven’t found the time yet. So, I’m not super familiar with it*” (R7). This was confirmed by another interviewee: “*I have to admit that I dare not say that I read the regulation from A to Z*” (R6). One of the interviewees also indicated that they recently looked up the regulation themselves, because they needed it for a case. “*I was just googling it. Actually, I was talking about this with some colleagues the other day, because there was a case for which we searched this regulation. So, we looked up the regulation ourselves. But I must say we were not informed about it*” (R5). Other interviewees confirmed that they were not informed about the regulation when they started working at Radboud University (R6) (R7). This shows that the interviewees generally have little knowledge on the content of this regulation, which may not be surprising considering that they have not been informed about it.

Another manner in which the interviewees’ lack of knowledge on the content of the regulation was demonstrated, was through asking the interviewer for clarifications or explanations of parts of the regulation. “*Which point are you talking about? Because I don’t see it*” (R3) and “*But if a complaint is*

*submitted, do you know where it ends up?”* (R5). One interviewee was surprised about the fact that a student needs to submit proof while submitting an official complaint: *“I didn’t know this was in there, because that’s absurd”* (R4). However, this interviewee later nuanced their statement as this person does not have sufficient knowledge on the legal aspect of such complaint: *“...well, at some point it becomes a legal document and I’m not a legal expert. So, I don’t know what is required for that”* (R4). It may be expected, however, that someone who plays a role in Radboud University's response to sexual harassment cases, is aware of the fact that proof is required for filing a complaint. Additionally, one interviewee was thinking out loud what the pros and cons of the procedure could be, indicating that this person is not aware of those. *“I could for example think about the possible benefits it [filing a complaint] would bring. For instance, I don’t know if this is the case, but would it be possible to arrange certain things that wouldn’t be possible otherwise?”* (R6). In other words, perhaps filing a complaint could help with arranging a new supervisor, switching classes or implementing a suspension. Therefore, the above-mentioned information shows that not everyone is aware of the functioning and content of the regulation, which makes it difficult to assess when this regulation can and should be used. This could partly explain the lack of use of the regulation.

The lack of use of the regulation can also be explained by the apparent absence of a mandatory protocol of dealing with sexual harassment cases. It is not mandatory for students and staff who have experienced undesirable behavior to make use of the complaint procedure. Nor is it mandatory for staff to refer them to it. *“I believe that here is not a certain procedure that we should follow. At least not that I... well, actually I know that it doesn’t exist”* (R6). This indicates that the *Regulation on Undesirable Behavior* is not viewed as Radboud University’s formal response to sexual harassment among its employees. However, if there is no mandatory protocol or regulation for dealing with sexual harassment cases, then it becomes incredibly difficult for an organization to respond uniformly to such cases.

Furthermore, the formal institution regarding undesirable behavior at Radboud University is fully based on the initiative taking of victims. The interviewees indicated that the experience and especially the will of the student is leading. In other words, if a student reports a sexual harassment experience, then it is up to the student to decide on what to do with it. *“I would be very careful with my opinions and advice. I would try to question ‘what is important to you and what do you want out of this?’”* (R6). This was confirmed by other interviewees: *“we try not to advise but to let students decide themselves”* (R1) and *“...it very much depends on the needs of the students”* (R5). However, previous research shows that such systems generally do not work well. The most common reaction to sexual harassment experiences is to stay quiet (Kirkner, Lorenz, & Mazar, 2020; Inspectie van het Onderwijs, 2022). In case students do have the courage to come forward, then it is generally difficult for them to decide on the following steps. This issue was also raised by one of the interviewees, who felt that the university could take on a more guiding role: *“Apparently, the university should take on a more guiding role. Or*

*at least, the impression should be given that students don't have to do it all by themselves. Because I think... yes... that by putting the responsibility on students like 'it's up to you whether you want to do something with it', feels too heavy. Therefore, it may be useful if the university takes on a more guiding role"* (R5). Therefore, to enhance Radboud University's response to sexual harassment, it may be better to not only put the responsibility to file reports and complaints on students.

Taking the above-mentioned information into account, the key findings seem to be that there is insufficient knowledge on the content and functioning of the procedure, that the procedure is essentially never used, and that there are no clear sanctions for sexual harassment. It therefore seems that the implementation of the formal institution should be enhanced. This can also improve the functioning of the informal institutions. Because once it is clear how to formally respond to sexual harassment cases and what kind of sanctions exist for this type of behavior, then it can be expected that becomes easier for employees to address sexually harassing behavior of others informally as well. In other words, it can be expected that improved formal institutions also improve informal institutions in terms of responding to sexual harassment.

#### **4.4 Conclusion Results**

The aim of this thesis was researching how the prevalence of sexual harassment of academic staff against students can be explained at Radboud University, despite the university's official rules condemning sexual harassment. Based on the reasoning of feminist institutionalism, the formal and informal institutions regarding Radboud University's formal response to sexual harassment were researched. Formal institutions refer to formal rules and regulations, whereas informal institutions refer to how these actually operate in practice (Waylen, 2014). The formal institution in question was Radboud University's *Regulations on Undesirable Behavior*, which thus constitutes the university's formal response to sexual harassment. Based on social cultural theory, organizational theory, feminist institutionalism, and the available literature, it was expected that there would be a mismatch between the formal and informal institutions, which could be explained by gender norms, hierarchy and institutional interests. In other words, gender norms, hierarchy and institutional interests were expected to be responsible for making the regulation operate differently than it should, allowing for the persistence of sexual harassment at Radboud University. The research question was researched by conducting interviews with the relevant people involved in the *Regulations Undesirable Behavior*, which are confidentiality persons, members of the independent complaint committee, and the Executive Board of Radboud University. In addition, study advisors were included, since they are generally the first point of contact for students. A total of 7 interviews were held between June 2022 and March 2023.

The results confirmed that there seems to be a mismatch between the formal and informal institutions, as explained by feminist institutionalism. From gender norms, hierarchy and institutional interests, it

seems that ‘only’ hierarchy and institutional interests can explain the above-mentioned mismatches. Consistent with organizational theory, the hierarchal structure explains students’ increased fear of filing reports of sexual harassment when an academic staff member is involved. Students are aware that filing such a report may have consequences for their studies, since they depend on their lecturer or supervisor for grading or graduation. This demonstrates that Radboud University’s current formal institution does not make students feel safe and secure in filing a report of sexual harassment against academic staff. The results also showed that such fear is not entirely unjustified as people lower in the hierarchy are likely to face the consequences, even if they are not at fault. This closely relates to institutional interests as it also shows that Radboud University seems to be wary of implementing disciplinary measures against their (acclaimed) academic staff. Because if Radboud University responds to sexual harassment in a manner that protects employees high in the hierarchy, then it can be expected that this is done out of reputational concerns. It remained unclear, however, to what extent hierarchy influences informal solutions to sexual harassment. For example, it was not evident if the interviewees have more trouble addressing a professor regarding undesirable behavior than a (PhD) student. Surprisingly, gender norms did not seem to influence Radboud University’s response to sexual harassment. Even though gender norms appeared to be embedded in the interviewees’ manner of thinking about sexual harassment, they were also aware of these gender norms. This way, there was a common understanding that there is never a shared responsibility for sexual harassment between the victim and perpetrator, and that different types of behaviors are expected of men and women. It can thus be concluded that gender norms do not explain the prevalence of sexual harassment at Radboud University.

Support was thus found for organizational theory, but not for social cultural theory, making the reasoning of feminist institutionalism inconclusive. It may therefore be interesting to conduct more empirical research on sexual harassment based on feminist institutionalism, since this barely exists so far. It would be valuable information if more studies find that gender norms do not seem to influence informal institutions, or that this may depend on the type of organization, country or culture.

Additionally, it could be interesting for feminist institutionalists to complement the theory with aspects of rational choice institutionalism, since the interests of institutions and people high in the hierarchy seem to influence organizational response to sexual harassment, allowing for its perpetuation.

However, in addition to hierarchy and institutional interests, the aspects of organizational theory that this thesis did not focus on also seem to explain the perpetuation of sexual harassment: inadequacy and unclarity of procedures and sanctions. In fact, the above-mentioned conclusions are mostly based on hypothetical situations since Radboud University’s complaint procedure is essentially never used, for which there appear to be several explanations. Firstly, it seems that students perceive the barrier to use the complaint procedure as too high. They fear, amongst others, that they may lose control of their complaint and that it may gain more attention than wanted. Secondly, the confidentiality persons are

not always contacted. Either because students cannot find them, or because they have misconceptions on what confidentiality persons exactly do. Thirdly, there seems to be a preference for resolving sexual harassment cases informally. This means that informal solutions are sought or that a perpetrator is sanctioned without involving the complaint committee. An advantage of informal solutions is that it allows for quicker and more subtle solutions, which is generally more pleasant for the victim. A disadvantage, however, is that the university loses sight of how often sexual harassment actually occurs, and that it remains unclear what the consequences to sexual harassment are. Because if sexual harassment cases are resolved behind closed doors, then the existing sanctions for sexual harassment remain invisible. As a result, there are no structural and uniform responses to sexual harassment at Radboud University. This was also reflected in the interviews, since there was unawareness on the concrete steps to take if sexual harassment occurs.

Moreover, several people involved in the *Regulations on Undesirable Behavior* are inadequately aware of the existence of the regulation and its content. For that reason, it can be expected that knowledge on this regulation is even lower among those who are not directly involved. This indicates that the *Regulations on Undesirable Behavior* is not viewed as Radboud University's formal response to sexual harassment among its employees. Therefore, it can be expected that the apparent absence of a formal response to sexual harassment complicates a uniform response to such cases. An explanation for the unawareness surrounding the *Regulations on Undesirable Behavior* could be that the regulation is relatively new, since it was enforced in April 2021. Additionally, most of the interviewees have a job with a wide range of tasks and high work pressure, which could explain that there is insufficient time to adequately delve into this issue. Nevertheless, it thus seems that together with hierarchy and institutional interests, inadequate procedures and sanctions largely explain the perpetuation of sexual harassment at Radboud University.

To answer the research question of this thesis, the prevalence of sexual harassment of academic staff against students at Radboud University can be explained through a mismatch between the formal and informal institutions of the *Regulations on Undesirable Behavior*, which is influenced by hierarchy, institutional interests, and unclarity surrounding the regulation and the consequences to sexual harassment. Therefore, it can be argued that a more structural formal response to sexual harassment at Radboud University is needed. Students and employees at Radboud University need to be aware of the consequences to sexual harassment, because clear sanctions highlight that sexual harassment is not tolerated. This can subsequently improve Radboud University's informal response to sexual harassment as well, since people can refer to the existing consequences to undesirable behavior.

#### **4.5 Limitations & Future Research**

The outcome of this thesis showed that the formal institution regarding Radboud University's *Regulations on Undesirable Behavior* is not functioning optimally. This can be explained by the

mismatch between the formal and informal institutions due to hierarchy, institutional interests, and unclarity surrounding the *Regulations on Undesirable Behavior* and the consequences to sexual harassment. However, these results should be interpreted with caution due to several limitations of this study, which are discussed in the following paragraphs. Additionally, recommendations are provided for future research on this topic.

It should be noted that the *Regulations on Undesirable Behavior* is not the only instrument at Radboud University that condemns sexual harassment from academic staff against students. As mentioned previously, a *Codes of Conduct* were enforced in July 2022, which prohibits any (sexual) relations between staff and students. Since the *Codes of Conduct* were enforced in the middle of this research period, it was not included in this study. It may, however, influence the manner in which the university responds to sexual harassment cases as it provides clarity on what type of behavior is permitted and prohibited between staff and students, which did not exist before. Additionally, faculties can also enforce policies or rules that only apply to that respective faculty. This means that some faculties may invest more in awareness raising on sexual harassment than others, or that there is more clarity of the consequences to sexual harassment. Therefore, it would be recommended to research Radboud University's response to sexual harassment while taking all relevant rules and regulations into account, and while controlling for the differences between faculties.

Moreover, the results are partly based on hypothetical situations, since none of the interviewees had experienced a complaint procedure at Radboud University yet. This complicated analyzing the informal institutions. The results would have been more reliable if they were based on true experiences. In addition, since confidentiality and anonymity were promised to the interviewees, relevant information may have been lost. Because it was not possible to make a distinction between the different professions of the interviewees. For example, if people from certain professions were more influenced by hierarchy and institutional interests than others. Other relevant information could have been whether some professions are more knowledgeable on the prevalence of sexual harassment or the functioning of the *Regulations on Undesirable Behavior*. Therefore, it may be interesting to expand the pool of interviewees in future research in order to analyze any possible differences in experiences between professions, while their confidentiality and anonymity can be safeguarded.

An important perspective that was not included in this thesis was the one from students themselves. It would have been valuable to interview students who considered filing a complaint, or who have reported an incident of sexual harassment. Because learning about their experiences would have allowed for a more comprehensive understanding of the functioning of Radboud University's *Regulations on Undesirable Behavior*, and thereby their formal and informal response to sexual harassment. Including students in the pool of interviewees could therefore provide an insight into the university's shortcomings of their response. For example, through learning about the information and

advice students receive after reporting an incident of sexual harassment. Nevertheless, interviewing victims of sexual harassment is undesirable since they will have to relive a difficult or even traumatic experience.

Another aspect that requires more attention for future research into organizational response to sexual harassment, is analyzing the role of hierarchy in informal institutions. Because hierarchy definitely seems to influence Radboud University's response to sexual harassment, but it is hard to analyze its exact role since many sexual harassment disputes are resolved informally. It may therefore be interesting to research how students or staff experience any 'hierarchical hindrances' in informal solutions to sexual harassment. For example, if it is more troublesome for a confidentiality person to address a professor than a PhD student who conducts sexually harassing behavior towards students. In order to obtain such information, interviewees need to be able to freely speak about cases they experienced, and how they reached certain informal solutions to sexual harassment. This is a difficult task, however, since most relevant interviewees have a duty of confidentiality. Therefore, obtaining a better understanding of the role of hierarchy in informal solutions to sexual harassment includes its challenges.

Lastly, this thesis did not include an intersectional approach to analyzing sexual harassment. Unfortunately, there was insufficient time and capacity to do so. Therefore, it is recommended that future research on organizational response to sexual harassment includes an intersectional analysis. This could help to better identify sexual harassment at Dutch universities, especially since minority groups, such as non-binary people, tend to be victimized more often (Brink & van den Broek, 2022). Thus far little research has been conducted on this topic in the Netherlands.

## 5. Practical Recommendations

This last chapter includes practical recommendations to Radboud University with regards to their response to sexual harassment. These recommendations are based on the results found in this thesis.

In order to strengthen Radboud University's response to sexual harassment, there are several steps that the university can undertake. Firstly, it is recommended to raise awareness of the university's *Codes of Conduct*. As mentioned earlier, their *Codes of Conduct* list all types of behaviors that Radboud University expects and condemns from their employees. An improved knowledge of the existence and content of the *Codes of Conduct* can have several advantages. It provides clarity to staff on what type of behavior is allowed between them and students. As indicated in the results chapter, there has long been confusion on this topic, which made it unclear what type of behavior was prohibited and what not. An increased awareness on the *Codes of Conduct* can remove such doubt, which may prevent sexual harassment incidents between academic staff and students. Additionally, an improved knowledge of the *Codes on Conduct* can help with addressing other people's behaviors in case they do not align with these codes. Because it provides some sort of evidence that people can refer back to. Therefore, an improved knowledge of Radboud University's *Codes of Conduct* allows for a better understanding of what is considered undesirable behavior, which can subsequently help with addressing each other's behavior.

Secondly, information surrounding the confidentiality persons needs to be improved. It is of fundamental importance that students can find confidentiality persons and that they are aware of their working duties, because the confidentiality persons are essentially Radboud University's first step in their formal response to sexual harassment. An improved awareness and understanding of confidentiality persons' working duties can also help with better mapping the prevalence of sexual harassment at Radboud University. In addition, perhaps the precise role of confidentiality persons can be reconsidered. Instead of placing full responsibility with the student on what steps to take after experiencing sexual harassment, confidentiality persons may take on a more guiding role. Nevertheless, the researcher admits that it is challenging how to exactly organize this.

Thirdly, it should be clear what kind of sanctions exist for sexual harassment. Awareness on the consequences to sexual harassment can function as a preventative mechanism, because employees are then aware of what is at stake. Similarly to the *Codes of Conduct*, it can also help with addressing other people's behavior informally, because people can then warn that there are sanctions for undesirable behavior. It should be taken into account, however, that hierarchy and institutional interests most likely remain in the informal institutions, making it challenging to address other people's behaviors. Moreover, it is recommended to provide transparency on how the Executive Board decides on a sanction. Because it can remove some of the concerns regarding biased sanctions. In

other words, if the Executive Board wants to exude that other institutional interests play no role in devising sanctions, then they should be transparent on how these sanctions are devised.

To conclude, I hope this thesis can encourage Radboud University to provide clarity on the procedures and consequences of sexual harassment in order to strengthen its formal and informal response towards it, with the ultimate aim of achieving a safer study environment.

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## 7. Appendices

### Appendix 1: Interview Guides

Complaint committee	
1.	If I'm correct you are a member of the complaint committee of Radboud University, which is an independent committee. How did you become a member of this committee?
2.	Without providing me with any personal details, what kind of complaints are generally dealing with? <ul style="list-style-type: none"> <li>Sexual harassment is part of this?</li> </ul>
3.	What are, according to you, criteria for a case to be sexual harassment? <ul style="list-style-type: none"> <li>As far is known, in a majority of the sexual harassment cases, the victim tends to be a (young) woman, and the perpetrator tends to be a man. Is that your experience as well?</li> <li>Very often people tend to criticize <u>both</u> the perpetrator <u>and</u> the victim of sexual harassment incidents. In other words, many people belief that both have shared responsibility for what happened. What is your view?</li> </ul>
4.	I read in the <i>Regulations Undesirable Behavior</i> of Radboud University that if a student at experiences sexual harassment, the student is able to directly file a complaint with the complaint committee without the assistance of a confidentiality person. Is this something students are likely to do? And why do you think? <ul style="list-style-type: none"> <li>Are you obligated to accept a complaint when it meets all the required criteria or can you also dismiss it?</li> </ul>
5.	If student experience sexual harassment at Radboud University, then they have to show proof or they need a witness in order to file a complaint. Do you know the reasoning behind this policy? <ul style="list-style-type: none"> <li>What your own opinion on this policy?</li> <li>Research has shown that there is often little evidence in cases of sexual harassment. How do you experience this as a member of the complaint committee?</li> </ul>
6.	I read the annual report of 2020 that there were 35 students that requested a conversation with the confidentiality person, but not one single complaint was filed. Similar numbers were shown in 2019. How would you explain this?
7.	Research has shown that sexual harassment occurs most often between students themselves, but it is apparently also quite common academic staff members are perpetrators of sexual harassment, on average 1/3 cases. <ul style="list-style-type: none"> <li>How would you explain this?</li> <li>Do you recognize this based on your experience?</li> </ul>
8.	Is there a difference if students complain about sexual harassment done by an academic staff compared to when it's done by students?
9.	I understood that it is the executive board that in the end decides on a sanction. <ul style="list-style-type: none"> <li>Do you advise the board on a sanction?</li> <li>Do you think that perpetrators of sexual harassment should always be sanctioned? (Regardless of one's position?)</li> </ul>
10.	Is there anything you would change in the universities response to sexual harassment?
11.	Is there anything you would like to add?

Confidentiality persons	
1.	When did your term as a confidentiality person at Radboud University start?
2.	<p>Could you shortly explain to me what your job exactly entails?</p> <ul style="list-style-type: none"> <li>• Without providing me any personal details, could you give me a few examples of the type of problems students go to you with?</li> <li>• Is sexual harassment something that you come across to as well?</li> </ul>
3.	According to the <i>regulations undesirable behavior</i> of Radboud University, I understood that students who have experienced sexual harassment are encouraged to go to you first if they want to talk about it. What is your experience with students coming to you because of sexual harassment, without providing me with any personal details?
4.	<p>If you come across a case of sexual harassment, how do or would you assess whether this case is indeed a sexual harassment case?</p> <ul style="list-style-type: none"> <li>• What are the actions to be taken when there is a grey area? Grey areas are generally defined as bad sexual experiences, which are oftentimes not legally forbidden, or that people have different views of what sexual harassment contains.</li> <li>• I read in the regulations undesirable behavior that students who have experienced sexual harassment need to provide witnesses or proof in order to provide a complaint. Do you know the reasoning behind this policy?</li> <li>• Research has shown that victims of sexual harassment oftentimes do not have any proof or witnesses. How is in such case dealt with the students experience?</li> <li>• In the regulations undesirable behavior I read that students can file a formal complaint. When do you encourage students to file a complaint?</li> </ul>
5.	Very often people tend to criticize <u>both</u> the perpetrator <u>and</u> the victim of sexual harassment incidents. In other words, many people believe that both have shared responsibility for what happened. What is your view?
6.	<p>Based on your experience, do alleged perpetrators and victims often share certain characteristics? Think in terms of gender, age, position within the university etc.</p> <ul style="list-style-type: none"> <li>• Existing research has shown that, on average, approximately in 1/3 of the sexual harassment cases of students at universities, the perpetrator is an academic staff member. How would you explain this?</li> <li>• Is there a difference if students complain about sexual harassment done by an academic staff compared to when it's done by students?</li> <li>• Do you give the same advice to students who are harassed by an academic or a student?</li> </ul>
7.	Do students seem more hesitant to speak to you when the perpetrator is an academic staff member?
8.	In the annual report of 2020, I saw that there were 36 students who requested a conversation with one of you regarding undesirable conduct, but not one single complaint was filed. How would you explain this?
9.	<p>If a student does file a complaint regarding sexual harassment. Could you explain me your further role in the process?</p> <ul style="list-style-type: none"> <li>• If the complaint is upheld by the complaint committee, do you know how the executive board decides upon a sanction?</li> <li>• Is your opinion or thoughts on the case also requested and taken into account by the complaints committee or executive board?</li> <li>• If the complaint committee established that there is a valid complaint of sexual harassment. Do you think there should always be a sanction, despite one's position within the university?</li> </ul>
10.	Is there anything you would change in the current procedure in responding to sexual harassment?
11.	Is there anything you would like to add?

**Executive Board**

Lotte Jansen – s1063039

1.	Could you explain to me your working duties as a member of the executive board?
2.	Could you explain to me the role of the executive board in generating a safe environment at Radboud University? <ul style="list-style-type: none"> <li>• And with regards to sexual harassment?</li> </ul>
3.	What are, according to you, criteria for a case to be considered sexual harassment?
4.	I read in the <i>Regulations Undesirable Behavior</i> of Radboud University that student's first person to contact is a confidentiality person in case they want to talk about a sexual harassment experience, which could lead to filing an official complaint. However, I also understood that students can also directly come to the executive board to file a complaint. Based on your experience, is this something students are likely to do? And why do you think? <ul style="list-style-type: none"> <li>• Are you obligated to accept a complaint when it meets all the required criteria or can you also dismiss it?</li> </ul>
5.	Very often people tend to criticize <u>both</u> the perpetrator <u>and</u> the victim of sexual harassment incidents. In other words, many people believe that both have shared responsibility for what happened. What is your view?
6.	I read in the regulations undesirable behavior that students who have experienced sexual harassment need to provide witnesses or proof in order to file a complaint. Do you know the reasoning behind this policy? <ul style="list-style-type: none"> <li>• What would your response be when I would say that victims of sexual harassment oftentimes do not have any proof or witnesses?</li> <li>• How is in such case dealt with the students experience?</li> </ul>
7.	In the annual report of 2020, I saw that there were 36 students who requested a conversation with one of the confidentiality persons regarding undesirable conduct, but not one single complaint was filed. How would you explain this? <ul style="list-style-type: none"> <li>• Do you think there are no grounds for complaints?</li> </ul>
8.	Research has shown that sexual harassment occurs most often among students, but research shows that, on average 1/3 of the perpetrators of sexual harassment at universities tend to be academic staff members. <ul style="list-style-type: none"> <li>• How would you explain this?</li> <li>• Is there a difference to you if students complain about sexual harassment done by an academic staff compared to when it's done by students?</li> </ul>
9.	According to the <i>Regulations Undesirable Behavior</i> , the independent complaint committee investigates a complaint, and then informs the executive board whether the complaint is justified or not. If a complaint is justified, how does the executive board proceed? <ul style="list-style-type: none"> <li>• Will there always be a sanction?</li> <li>• If not, how can students believe that they will be safe from sexual harassment?</li> <li>• How is the content of the sanction determined?</li> <li>• Does it matter who the victim of perpetrator is?</li> <li>• In case an academic staff member is a perpetrator, does the type of contract of an employee – permanent or temporary – make a difference on a sanction based on different legal requirements?</li> <li>• How can the executive board guarantee a fair sanction while they also have to worry about the reputation and well-being of the university?</li> </ul>
10.	Is there anything you would change in the current procedure in responding to sexual harassment?
11.	Is there anything you would still like to add?

1.	<p>Could you explain to me what your job as a study advisor entails? jmegeen School of Management</p> <ul style="list-style-type: none"> <li>• Do students regularly come to you with personal problems? Problems that are not specifically study related?</li> <li>• Without giving me confidential details, can you give me an example of the kind of problems students come to you with?</li> <li>• Is sexual harassment also something that falls under this?</li> </ul>
2.	<p>In case a student experiences sexual harassment, what are the next steps you take as a student advisor?</p> <ul style="list-style-type: none"> <li>• Are the follow-up steps always the same or does it also depend on the situation? For example, what exactly happened and who the victim and/or perpetrator are?</li> <li>• If so, how do you assess that?</li> <li>• What action do you take if there is a gray area?</li> </ul>
3.	<p>According to Radboud University's Regulation on Undesirable Behavior, confidentiality persons are normally the first point of contact for students who have experienced sexually transgressive behavior. Is that also your experience?</p> <ul style="list-style-type: none"> <li>• Are you familiar with the regulation on undesirable behavior?</li> </ul>
4.	<p>So I have read the Regulation on Undesirable Behavior in detail, and it describes that students can file a complaint in case they experience undesirable behavior, and what steps the student can then take. Would you encourage a student to file a complaint or do you prefer another "solution"?</p> <ul style="list-style-type: none"> <li>• Do you think the complaint procedure is valuable to the university?</li> </ul>
5.	<p>Based on your experience, do alleged perpetrators and victims often share certain characteristics? Consider gender, age, position within the university, etc.</p> <ul style="list-style-type: none"> <li>• Do you think victims and perpetrators of sexual harassment share responsibility for the incident?</li> <li>• Research shows that on average, in 1 in 3 cases of sexual harassment, the perpetrator is a member of the academic staff, and in 80-90% is male. How would you explain this?</li> <li>• To you, is there a difference if a student experiences sexual harassment by an academic staff member compared to a student?</li> </ul>
6.	<p>Do you think students deal differently with an incident of sexual harassment if the perpetrator is a member of the academic staff compared to a student?</p>
7.	<p>I read the annual report of 2020 that there were 35 students that requested a conversation with the confidentiality person, but not one single complaint was filed. Similar numbers were shown in 2019. How would you explain this?</p>
8.	<p>Is there a difference if students complain about sexual harassment done by an academic staff compared to when it's done by students?</p>
9.	<p>Should a student use the complaint procedure and the complaint is upheld, the Executive Board will ultimately decide on the sanction. What do you think about this task lying with them?</p> <ul style="list-style-type: none"> <li>• Do you think a perpetrator of sexual harassment should always be sanctioned?</li> </ul>
10.	<p>Is there anything you would change in the universities response to sexual harassment?</p>
11.	<p>Is there anything you would like to add?</p>