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# Sexual harassment in academia

A policy topic with blurred lines



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**Sexual harassment in academia: a policy topic with blurred lines**

by

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## ABSTRACT

In 2017 a movement under the label “#MeToo” globally brought renewed attention to sexual harassment at work. Despite the important role universities fulfill in society and some of the specific characteristics of academia, as of 2018 scientific enquiry into the state of affairs at universities had been minimal for years. To gain insights into how sexual harassment was being handled as a policy topic, and to identify strengths and weaknesses in its policy framework, relevant policies of four Dutch universities were obtained through their websites. It was found that the Dutch universities had policy frameworks which had advanced to different levels. Dutch universities also displayed an awareness of the topic, and seemed rather capable of dealing with various challenges in defining the problem. They showed the capacity to come up with a range of preventative efforts, and had well-developed policy surrounding confidential advisors and a specialized committee for handling complaints. On the other hand, it was found that turning good intentions into good action with connections to the organization’s goals, adding concrete actions, assigning resources, and checking back on effectiveness falling short. The universities also struggled with finding an appropriate balance between providing support to targets of sexual harassment, and protecting the organization and its members from having no breathing room. Explanations for both types of major shortcomings could be found in the underrecognized presence of competing interests beside a hard stance against sexual harassment. Some recommendations are provided for universities to consider when further developing their sexual harassment policy framework.

The academic sector can be regarded as an important branch because of its two-fold impact on society: it plays a role in educating high-potential youth who have the outlook of ending up in influential positions, and it generates knowledge and innovations which have the potential to move the world forward (Chiong Meza, 2012; Boekholt, 2010). As such, this sector carries a serious responsibility in society, and consequentially may not only be internally, but also externally accountable for the effectiveness and morality of its functioning. This calls for organizational management that succeeds in attracting and maintaining high quality personnel, and enables all employees to function at their best.

One factor that can intervene with these goals is personnel facing negative or even traumatic experiences in the workplace. The recent global trending of “#MeToo” on social media, and consequent global discussions, have once again made sexual harassment a politically salient example of such behavior. The hashtag was intended to provide people with an easy way to signal they have experienced a form of sexual harassment. The result was an indication that sexual harassment is still prevalent, as well as a renewed interest on what stance individuals and organizations owed to take.

The current study intends to contribute to understanding sexual harassment at universities and how to counter it. This problem lends itself to be studied as a public administration problem, because of the political salience of the topic, and the public interest in the absence of interference through sexual harassment in the organizations under study. In the Netherlands specifically, the issue also becomes relevant for public administration, because the majority of the major universities in The Netherlands are public organizations (Chiong Meza, 2012). Aside from the public interest in the topic, and the involvement of public organizations, this topic also lends itself well to be studied as a public administration problem because both public administration and the problem have an inter-disciplinary nature. The study will employ insights from various disciplines, such as organizational, human resource, psychology, policy, and gender studies, to better understand the problem, and frame directions for resolutions. However, the focus will be primarily on attempting to resolve it as a policy problem.

Policies are seen as a way to contribute to a solution, because they are a formal expression of standards, intents, and rules organizational members are expected to follow. Especially in organizations that have become too large to facilitate direct interactions between all organizational members, this can be seen as an important, if not the primary, tool to control behavior of organizational members. This is relevant here, as together the Dutch universities offer between 24,000 and 25,000 full-time academic jobs and employ about 19,000 other employees (Chiong Meza, 2012; Vereniging van Universiteiten [VSNU], n.d.). The capacity of policies to counter sexual harassment has also been demonstrated previously (Gruber, 1998; Holland, Rabelo, Gustafson, Seabrook, & Cortina, 2016; Jacobson & Eaton, 2017). Furthermore, as will become clearer throughout the study, sexual harassment can be considered a wicked problem where no solution that covers the entire problem is readily apparent. As many policy problems are of this type (Bobrow, 2006; Hoppe, 2010), it is both sensible and interesting to approach this problem as a policy problem too.

Finally, the study will focus on the academic sector specifically as it manifests itself through universities. This focus can be supported through the important role universities play in society, the way academia is set up as an employment branch, and the lack of comprehensive and recent research into sexual harassment in this context at the time this study was being composed. In this brief introduction the basic elements of this study were spelled out, in the next chapter they will each be given more extensive attention. Through this, a sharper understanding of the problem is to be achieved, and with a grasp of which elements to study further empirically.

## 2.1 UNDERSTANDING THE PROBLEM

The first step in better understanding the elements of this study, is understanding why in the first place sexual harassment is a problem generally, and for organizations specifically. Sexual harassment can be seen as a problem in the first place, as it is no casual occurrence; those who become targets of it can experience a range of negative and potentially impactful consequences. People who have experienced sexual harassment can experience distress and a manner of limitations (Jacobson & Eaton, 2017; DeCou, Cole, Lynch, Wong & Matthews, 2016; Latcheva, 2017; Gillander Gådin & Stein, 2017; Gruber, 1998; Holland et al., 2016; Ministerie van Sociale Zaken en Werkgelegenheid [MSZW], n.d.-a; Thomas, 2004; Bennett, 2009). Specific examples include fearfulness (Stenberg, 2017; Harris, 2017; Gillander Gådin & Stein, 2017; Latcheva, 2017; MSZW, n.d.-a), discomfort with appearance and attention (Stenberg, 2017; Harris, 2017), post-traumatic stress disorder (DeCou et al., 2016; Gillander Gådin & Stein, 2017), depression or depressed moods (DeCou et al., 2016; Holland et al., 2016), anxiety (DeCou et al., 2016; Latcheva, 2017), shame or embarrassment (DeCou et al., 2016; Gillander Gådin & Stein, 2017; Latcheva, 2017), general distress (DeCou et al., 2016; Gillander Gådin & Stein, 2017; Holland et al., 2016; MSZW, n.d.-a), anger (Latcheva, 2017; MSZW, n.d.-a), a sense of vulnerability (Latcheva, 2017), low life satisfaction (Gillander Gådin & Stein, 2017), loss of self-confidence (Gillander Gådin & Stein, 2017; Latcheva, 2017; MSZW, n.d.-a), and reduced physical health (Gillander Gådin & Stein, 2017). These are not only relevant consequences from a human resource management perspective, but also from a humanitarian point of view: they represent real suffering by people who have become victims of malicious or criminal activity. Some degree of accountability exists for those in positions of collective responsibility, such as organizational management, to prevent such unwanted outcomes (Bobrow, 2006). There are also work-centric consequences such as job-related stress (Gruber, 1998; MSZW, n.d.-a), reduced job satisfaction (Holland et al., 2016; MSZW, n.d.-a), reduced job performance (Jacobson & Eaton, 2017; Holland et al., 2016), greater absenteeism (Jacobson & Eaton, 2017; MSZW, n.d.-a), and finally greater turn-over (Eyre, 2000; Thomas, 2004; Jacobson & Eaton, 2017; MSZW, n.d.-a). Low workforce turnover has been linked with greater performance of public organizations (Walker, Boyne, & Brewer, 2010). Thus, this directly relates to optimized functioning and retainment of personnel.

Aside from human resource and humanitarian arguments for why organizations should care about sexual harassment, they may also have legal obligations to do so (Gruber, 1998; Bennett, 2009; McDonald, 2012; Gillander Gådin & Stein, 2017; Latcheva, 2017). Indeed, almost 50 individual countries have outlawed sexual harassment in one form or another (McDonald, 2012). European Union regulations, for example, consider sexual harassment a type of illegal sex-based discrimination and a breach of equal treatment principles between men and women (Latcheva, 2017). Regulations may also be in place that can hold organizations liable if they cannot prove they have taken all reasonable preventive measures and have responded swiftly in ceasing the harassment after its occurrence became apparent (McDonald, 2012). In the Netherlands there are two legal routes to protect employees against sexual harassment (MSZW, n.d.-a). The first is through the labor conditions law ("arbeidsomstandighedenwet" or "arbowet"), which obligates companies to reduce or eliminate psychosocial labor stressors, one of which being sexual harassment (MSZW, n.d.-a; TNO, 2017). This law requires organizations to prevent sexual harassment, and where impossible to reduce it as much as possible (MSZW, n.d.-a; TNO, 2017). In order to achieve this, organizations need to make a risk analysis and create a plan of attack on how to deal with the identified risks (MSZW, n.d.-a; TNO, 2017). Furthermore, organizations need to inform their employees both about the risks and about the measures taken to tackle them (MSZW, n.d.-a; TNO, 2017). Finally, an inspectorate has been installed to regularly evaluate organizations on these criteria, and to start investigations after complaints have been made by for example labor unions, employee councils, or employee representatives (MSZW, n.d.-a; TNO, 2017). The second route is a general prohibition against sexual harassment through civil law which allows employees to claim damages in court against their perpetrator or their organization (MSZW, n.d.-a; TNO, 2017). Dutch law does not require organizations to have any specific reporting procedure, but in any organization sexual harassment experiences should be reportable through at least one of the following channels: managers, human resource employees, confidential advisers, company welfare officers ("bedrijfsmaatschappelijk werk"), employees councils, company doctors, or formal complaints procedures (TNO, 2017; MSZW, n.d.-b). The presence of such procedures has been found to be effective in reducing occurrence of sexual harassment experiences within the organization (Chamberlain, Crowley, Tope, & Hodson, 2008).

Sexual harassment is something that can happen to both women and men (Holland et al., 2016; MSZW, n.d.-a). This is important to note, as both in practice and in research sexual harassment is sometimes treated purely as a women's issue. Research, for example, sometimes only reports prevalence rates and experiences of

female subjects (e.g. DeCou et al., 2016). Another example consists of research logics that imply men *an sich* are dangerous, such as the contact hypothesis (Gruber, 1998; Ollo-López & Nuñez, 2018). One argumentation here is that this is because men sexualize interactions, “irrespective of specific occupational or situational norms” (Gruber, 1998, p. 306). However, it suggests that men as a group are sexually forward or even aggressive, while women are not. This is simply untrue: Greener (2007), for example, showed how female managers sexualized interactions with male subordinates to gain their cooperation. Additionally, Collison and Hearn (2001) refer to multiple studies that showed women of all-female organizational units also engaged in sexualized behavior. Within organizations, on the other hand, the picture of a voluntary meeting about sexual harassment that is attended by a great number of women and only a handful of men, among which at least one who feels the need to express how nonsensical all of this is, is not unusual.

This study emphasizes sexual harassment to be an issue for all sexes and genders. There are several important reasons for doing this. First of all, because not doing so discounts the struggles of male targets and misrecognizes the potential for female perpetrators. Secondly, because the type of thinking that blames men in general, places an unfair stigma on men whose behavior has always been appropriate and respectful. Thirdly, because implicating all men as (potential) perpetrators does not lead to workable solutions: with that logic the best, if not the only, solution is to institute a work-life where the sexes are completely separated from each other. This seems both undesirable and highly impractical. Worse yet, some studies have identified this very thinking of men as naturally sexually aggressive led to a passive stance against sexual harassment (e.g. Gillander Gådin & Stein, 2017). Finally, for some, unfortunately, something being considered a women’s problem, means it is unworthy of broader attention.

This while the problem is worthy of broader attention not only because of organizational functioning or legal obligations, but also because of high prevalence rates (Alvesson & Billing, 2009). High incidence rates make that many people are affected by it, and also squares it in the range of issues which are unlikely to be resolved without collective action and a form of governance (Hoppe, 2010). When no context was given for where the sexual harassment was to have taken place, prevalence rates between 28.5% and 61% have been found for women, and between 12.7% and 33% for men (Van Berlo & Van Beek, 2015; DeCou et al., 2016; Latcheva, 2017). A Dutch survey found incidence rates of 61% for women and 33% for men (Van Berlo & Van Beek, 2015). To make these numbers more concrete: if sexual harassment experiences would be equally distributed over all Dutch families, a family with a father, a mother, and a daughter will have at least one family member who has experienced sexual harassment. The same goes for a family with a father, a mother, and two sons. When the context of sexual harassment was given as job-related prevalence rates between 17% and 81% for women, and between 10% and 31% for men could generally be found (Timmerman & Bajema, 1998; McDonald, 2012; Holland et al., 2016; Jacobson & Eaton, 2017).

Differences in incidence rates found by different studies could be influenced by sample populations, definitions employed, and questioning methods (Illies, Hauserman, Schwochau, & Stibal, 2003; McDonald, 2012; Van Berlo & Van Beek, 2015). Prevalence rates for physical sexual harassment, for example, tend to be lower than prevalence rates of non-physical forms (e.g. Van Berlo & Van Beek, 2015). The influence of methodological differences can also explain part of the variance between the percentages for those who have experienced workplace sexual harassment, and those who have experienced it in general. However, it should also be noted the percentage of people who have experienced workplace harassment does not hold a one on one relationship with the percentage of people who have experienced sexual harassment in general, as one measurement is context-specific and the other not, and as employed people only form a sub-population of the entire population (OECD, 2019). This is especially likely to impact the percentages for women, as a smaller percentage of the total population of women is employed than the percentage of men of the total population of men (OECD, 2019). The global average percentage of women of the working age population is 61.2% versus 76.1% (OECD, 2019). Occasionally, some exceptionally low incidence rates (<10%) tend to be found (see Meriläinen & Kõiv, 2017; Parent-Thirion et al., 2017). These low rates could be the result of methodologies that base their incidence rate on a single direct question (see European Foundation for the Improvement of Living and Working Conditions [Eurofound], 2015). Such a method lacks clarity on what experiences should be or are included, and may lead participants to adapt their answer due to shame or social desirability. Some have also argued that generally people underreport sexual harassment experiences in surveys (McDonald, 2012).

To summate, in this section it was explained what kind of consequences targets and organizations may suffer as a result of sexual harassment. It was argued organizations can be said to have moral, organizational, and legal incentives to tackle sexual harassment within their organizations. Next, it was argued this study regards sexual harassment as a problem for all sexes and genders, and why this is an important notion in tackling the problem. Finally, prevalence rates were brought up. Together, these matters argue why sexual harassment should be considered a problem worth solving generally, and for organizations specifically. As mentioned here,



differences in prevalence rates can be generated by different conceptualizations of sexual harassment, in the next section then, more specific attention will be given to how sexual harassment can be defined.

## 2.2 SEXUAL HARASSMENT DEFINITIONS

As may have already been drawn from the wild variation between prevalence rates, sexual harassment is a somewhat elusive concept. Agreement between various organizations and researchers about what it constitutes is lacking. In a way this is what characterizes organizational sexual harassment as a political problem, as political problems are usually infested with differing, competing, and conflicting interests and problem framings (Hoppe, 2010). Most would agree that the most serious forms of physical assault constitute objectionable sexual harassment (Timmerman & Bajema, 1998). However, sexual harassment can also be said to include a range of more ambiguous behaviors. According to Jacobson and Eaton (2017) most sexual harassment occurring within a work environment is ambiguous in nature. Definitions differ from each other in their narrowness or broadness of behaviors included. Holland et al. (2016), as an example of a broad definition, mentioned unwanted sexual attention as a sub-form of sexual harassment and claim this occurs when: “the harasser makes romantic or sexual advances that are unwelcome, unreciprocated, and/or offensive” (p. 18). Another broad definition is employed by the Dutch ministry for Social Affairs and Employment: “Sexual harassment at work is any kind of sexual advance, request for sexual favors or other sexual verbal, non-verbal or physical behavior in the working environment, which is experienced as unwanted” (translated from MSZW, n.d.-a). Definitions can also be differentiated based on the various explanatory logics which they include. Holland et al. (2016) for example claimed that researchers tend to identify sexual harassment as a tool to enforce traditional gender roles, rather than as flirting or teasing gone wrong. The Dutch Ministry for Social Affairs and Employment, however, explained that sexual harassment can be both intentional as well as accidental (MSZW, n.d.-a). This because it was not the intention of the perpetrator, but the experience of the victim which they centralized (MSZW, n.d.-a). McDonald (2012) on the other hand said that “sexual harassment is one of a range of abusive or counterproductive workplace behaviors which have hierarchical power relations at their core” (p. 2). One specific subset of distinguishable explanatory logics is whether the definition includes or centralizes sex and gender harassment or discrimination. Gender harassment constitutes hostile behaviors, insults, and/or degrading attitudes that are gendered, but not necessarily sexual, in nature (Holland et al., 2016). Aside from Holland et al. (2016), Gillander Gådin and Stein (2017) also stressed how it reproduces an unequal gender order.

To understand these differences in definitions, it is necessary to understand how the construction of sexual assault and sexual harassment has changed over the years. The modern era started off with regarding these sexual transgressions as a non-issue. Sexual harassment was first named in the 1970s (Eyre, 2000; Thomas, 2004). With a few exceptions countries were only beginning to recognize rape, the most severe example of sexual harassment, within marriage between the 1970s and 1990s (Plummer, 1995). Outside of marriage, sexual assault was almost always considered as being provoked by a woman who conducted herself inappropriately – thus through her own faulty behavior she had actually consented (Plummer, 1995). Eventually, this highly oppressive notion spawned a strong counter-movement which emphasized the universality of the sexual harassment experiences for all women, as well as the possibility for any woman to become a victim regardless of her own conduct (Plummer, 1995). Broader more inclusive definitions can be related to this fight to move away from a situation of denial and victim blaming, to a recognition of the universality and pervasiveness of the problem.

The differences in explanatory logics can also be related to a changing in narratives. Initially, sexual assault was constituted as a result of uncontrollable sexual desire by the highly sexual male (Plummer, 1995). Later on, when victim experiences became more central this narrative was challenged by a construction of sexual assault being about power and violence (Plummer, 1995). The intent was then not seen as gratifying sexual desire, but as an expression of anger and dominance (Plummer, 1995). Both of these lines of thinking are reflected in different contemporary accounts, and thus definitions, of sexual harassment (e.g. Gruber, 1998; Holland et al., 2016).

Finally, the relation with sex discrimination, sex-based harassment, and gender-based harassment has most likely arisen because both the conservative desire-driven, and the early feminist power-driven explanations differentiate between women and men in such a way that women were doomed to be the victims of male aggressors: the conservative view posed men as sexual instigators and women as possessing no sexual desires of her own (Plummer, 1995). As such, men could assault or harass, but women could not. The power-driven view claimed men were disproportionately in possession of institutional and social power, while women were not (Plummer, 1995). Thus, men were likely perpetrators of assault and harassment, women were not. This way, in the minds of some people, femaleness and sexual harassment victimhood may have become so closely

associated, that sexual harassment may have become inextricably linked with sex discrimination, sex-based harassment, and gender-based harassment. Indeed, sexual harassment is sometimes legally recognized as a form of sex discrimination (e.g. Bennett, 2009; Latcheva, 2017).

How then, are these dilemmas best resolved? The fair answer is that this depends on the purpose attached to the definition. After all, a definition sets the stage for the discussion, and with that guides thinking about solutions and legitimizes and delegitimizes certain experiences. First it will be discussed how this study regards the various defining challenges, and then it will be proposed what a general definition for workplace sexual harassment might look like.

Previously, it was argued that perceiving sexual harassment as a woman's issue only, falls short in leading towards functional solutions and in legitimizing experiences of all who might be targeted. As said before, within the current study sexual harassment is not regarded as a women's issue, but as a people's issue. Therefore, sexual harassment and sex discrimination are seen as two separate, although perhaps related, problems. Neither is seen as a sub-form of the other, although it is entirely possible for them to co-occur. Sex-based and gender harassment, however, are more difficult to place. Within this study, these harassment forms will on their own not be constituted as sexual harassment, and thus not included in its definition. However, sex-based, gender, and sexual harassment may be extensions of each other. In regard to the explanatory logics, the preference is placed on the most value-free definition. The stance is taken that the phenomenon as a whole can best be explained, handled, and researched under the assumption that different cases can be based upon different motivations. Defining sexual harassment based upon presumed intentions of the perpetrators carries too great a risk of arbitrarily excluding cases which in terms of other criteria should be included.

The final consideration of how inclusive the definition should be is the most difficult one. A definition that is too narrow runs the risk of generating false negatives. In such cases, people who have been targeted and are experiencing real consequences may be left without means to redress the situation. Considering the painful situation that existed in the past where this was the norm, this seems unpreferable. On the other hand, broader definitions may generate false positives, and may stand in the way of healthy, consensual, and pleasant interactions between colleagues. Some men have already expressed fear about initiating friendly contact with women, or having overstepped boundaries as a result of potentially having missed signals of disinterest when their intent was to initiate consensual romantic and/or sexual interactions (see Victor, 2018; Valenti, 2017). Is sterilizing the work environment an acceptable price to pay to keep everyone safe? Alvesson and Billing (2009) make a case against this, demonstrating that sexualized interactions can occur within the workplace consensually and lead to a workplace characterized by fun and collegiality. This while the type of regulations that may be put in place to ban all risk for sexual harassment by banning all forms of sexuality can lead to restrictive and dull workplaces (Alvesson & Billing, 2009), a climate which is not conducive to the goal of having an organization where people have a desire to work and will perform optimally. Another consideration is whether any situation that has made a person uncomfortable should be labeled as sexual harassment. The mere awareness of a peer having unreciprocated feelings can be a source of discomfort, even in the absence of any behavior that is inappropriate. The final complication comes from the often ambiguous nature of the problematic behaviors (Jacobson & Eaton, 2017; Alvesson & Billing, 2009). The exact same behaviors can constitute friendly interactions between peers, can be the off-set of consensual and appreciated relations, can accidentally or non-accidentally make a person feel uncomfortable, or can be exploited in a predatory manner (MSZW, n.d.-a). There are often very subtle contextual variables that make the difference. These difficulties make organizational sexual harassment into a complex or wicked problem. To a degree this can be said to be characteristic for policy (design) issues (Hoppe, 2010; Bobrow, 2006). Hoppe (2010) characterizes wicked problems as having untraceable causes, unclear boundaries, and only ever allowing temporary and partial solutions. This is exactly what is going on here: any choice in favor of one aspect of the issue, will be a disservice to another part of the problem.

So, what definition does that lead to? This study recommends regarding sexual harassment as behaviors with a sexual connotation that have transgressed the boundaries of reasonableness, and have led to an unprofessional, harmful, offensive, hostile, or degrading work environment. When speaking of reasonableness, the severity, persistence, and context of the behaviors can be weighed in to determine this. These appear to be good criteria, as Gruber (1998) also indicated severity and pervasiveness of behaviors influence the likelihood that people perceive something as sexual harassment. The study recommends definitions see to it that they in any case include quid pro quo harassment, sexual coercion, and all forms of sexual assault. Quid pro quo harassment are instances where employment decisions, either positive or negative, are based upon a person's willingness to perform sexual favors (Jacobson & Eaton, 2017; Latcheva, 2017). The definition should also facilitate the inclusion of nonconsensual production or spreading of erotic material depicting an employee, or purposive but unprompted exposure of an employee to erotic materials. In terms of other forms of unwanted touching, jokes, remarks, questions, gossiping, requests for dates or sexual favors, gestures and the presence of

other sexual materials, it should have a way to differentiate between what happened in good fun and led to positive interactions, and what was malicious or harmful. It is recommended especially for such cases, to be able to weigh in the severity, persistence and context of the behaviors. This for example, so that two close friends can compliment each other's appearances in passing without this breaking regulations, but a senior staff member who comments on a junior staff member's curves during her professional lecture, spawning a collective laugh from the audience and distressing her deeply, could be reprimanded.

Thus, in this section it was discussed definitions can differ from each other on a variety of dimensions, such as broadness or narrowness, explanatory logics, and the degree to which they equate or link sexual harassment with sex and gender (issues). The consequences of each was touched upon. Finally, weighing the different aspects, a definition was proposed. However, as said before, definitions can depend on their purpose. Thus, in practice organizations may opt for a different incarnation. This topic will be returned to in the conceptual framework. In the next section, a more detailed discussion of what characterizes academia as a context, and how this relates or can be expected to relate to sexual harassment will take place.

### 2.3 ACADEMIA AS A CONTEXT

As stated previously, this study specifically focuses upon sexual harassment policies within the academic context. In the upcoming section more information will be provided about why this context is ripe for such a study and what characterizes the context. First, however some more attention will be given to institutional form of universities. To keep a grasp on the interaction between context and manifestation of policy at a particular institute, it was chosen to keep the national context in this study constant: the empirical aspect of the study will focus on Dutch universities only.

The first thing which should be noted about the Dutch context is the distinction between research universities ("universiteiten") and universities of applied science ("hogescholen"). Although both of them include "university" within their English denomination, within the Dutch context the universities of applied sciences are regarded as a clearly distinct group. Some practical differences are the research universities focusing primarily on research and theoretical knowledge, and employing a set up for students studying largely based upon independence and personal responsibility, while the universities of applied sciences focus primarily on practical skills and the work field and to a larger extent engage students in classroom settings and checks upon learning progress (Rijksuniversiteit Groningen, n.d.). When speaking of Dutch universities, the universities of applied science are not included as they do not represent the academic context which is intended to be studied. This leaves 21 universities which have been recognized by the Dutch government (NVAO, n.d.; Rijksoverheid, n.d.; Chiong Meza, 2012; DUO, 2019).

Among these are four possible distinctions to be made: funding, foundation, size, and philosophy (NVAO, n.d.; Chiong Meza, 2012; DUO, 2019; Dronkers & Need, 2008). Of the 21 universities, there are fourteen large (>5000 students) and four small (<500 students) universities which receive structural government funding (Chiong Meza, 2012). Of the other universities one university received no government funding, one received government funding indirectly through parent universities, and one did not provide sufficient clarity on the matter (Verdrag tussen het Koninkrijk der Nederlanden en de Vlaamse Gemeenschap van België inzake de transnationale Universiteit Limburg, 2001; Chiong Meza, 2012). As the last two universities did not have all information readily available, and had complicated organizational arrangements (due to being a daughter organization of multiple other universities), which are ultimately beside the point of this study, they will be discounted from further theoretical discussion here. Of the remaining nineteen universities, eleven were founded by the government and count as public universities (Chiong Meza, 2012). This means that their staff members fall under Dutch public employment laws (Chiong Meza, 2012). The other eight of them were founded by private parties, and will hereafter be referred to as privately-founded (Chiong Meza, 2012). Their employees fall under Dutch private employment law and private parties or organizations may co-determine staff hiring (Dronkers & Need, 2008; Chiong Meza, 2012). Furthermore, of the 19 universities, fourteen are of the larger variety (>5000 degree students), and the other five are of a smaller variety (<5000 degree students) (Chiong Meza, 2012; Nyenrode Business Universiteit, 2018). Finally, some of the universities distinguished themselves from the others by having a specific (religious) philosophical focus or origin, making up seven of the nineteen universities (Chiong Meza, 2012). These seven were all privately-founded.

An interesting matter arises for the seven universities which have a private origin, but also receive public funding. Although all private education facilities are to a degree bound by government regulations, the privately-founded ones which have accepted public funding have done so in exchange for a larger degree of public interference in their management and practices (Dronkers & Need, 2008). Considering that in the general sense

the public funding for Dutch universities is substantial (VSNU, 2016), and that the funding model for privately-founded and publicly-founded universities which receive structural public funding is the same (Chiong Meza, 2012), the amount of public interference in the privately-founded universities can be deemed substantial. As such, within the Dutch context, the privately-founded universities have become curious sub-form between private and public organizations.

Now, after understanding the organizational context, let us return to why universities make for a relevant study topic when discussing sexual harassment. As broader organizational sexual harassment statistics were looked for and called upon, statistics about academic staff specifically were also sought out. Here, however, problems were encountered. Of the few somewhat recent studies found specifically to focus upon sexual harassment at universities, none of them reported prevalence rates (Lee, 1998; Eyre, 2000; Thomas, 2004; Bennett, 2009). One of them suggested they may be hard to come by as openness about these matters within this sector is often restrained by confidentiality clauses (Eyre, 2000). One study tried to establish how many cases UK universities dealt with per year in the early and mid-nineties (Thomas, 2004). They encountered that half of their respondents did not supply any data on this matter (Thomas, 2004). Not keeping formal records and confidentiality were brought up as explanations, although some did not offer any explanation at all (Thomas, 2004). Of the thirty-one universities reporting their rates, fifteen reported having more than five cases per year in the mid-nineties, and sixteen reported having five or less cases (Thomas, 2004). Both the researchers and university representatives suspected actual incidence rates were higher (Thomas, 2004). Bennett (2009) claimed it was found sexual harassment was prevalent at South African universities in the 1990s but did not provide numbers. One study that did provide numbers was a meta-analysis by Ilies et al. (2003), who found an average prevalence rate of 15%. This, however, was based on data of US studies ranging between the mid-1960s to 2000. This number is thus influenced by very dated data. Taking a broader look, Parent-Thirion et al. (2017) cited prevalence rates for the educational sector in general and found very low incidence rates (<2%), but no insight was given how universities scored specifically. Meriläinen & Kõiv (2017) provided incidence rates for inappropriate behavior among academic staff at universities, finding 15% for Estonian universities, and 42% for Finnish ones. However, their definition did not clarify whether this was to be read as including sexual harassment or not, and if so what percentage of overall inappropriate behavior this represented.

Thus, recent and context-specific data was missing at the time this study was being written. And the problem did not stop there. When this study was initiated, only a handful of studies from this millennium which focused upon sexual harassment at universities or within the academic community could be found. A perception corroborated by Bennett (2009). Thus, the combination of the topic and the context appeared to be under-researched. This while the studies that could be found were not particularly positive about what they found to be going on, and public debate has focused upon several aspects of the academic world which may expose it particularly to the problems of sexual harassment. Indeed, studies focusing on other negative behaviors also indicated universities have certain features which set them apart from other organizations, and may heighten the potential for these negative behaviors (Meriläinen & Kõiv, 2017).

The first of these characteristics include the way hierarchy and power relations are organized. Some characterize academia as a hierarchical field with unequal power relations between staff (Eyre, 2000; Goldhill & Slobin, 2017; The Local, 2017; Nesvarova, 2017; Van der Ven, 2017a). This on its own is not a feature unique to academia, but two related organizational aspects may make it unusual. First of all, despite hierarchy and power differences, employees of different standings on the hierarchical chain may regularly be expected to work together. Secondly, another academic power issue comes from the weight given to an academic's publication in peer-reviewed journals (Van den Brink & Benschop, 2012). Serving as editors and peer-reviewers, fellow scholars in the field hold a certain amount of power over an academic's career success. Although it should not be this way, a bad relationship with a person serving in such a function could have a negative impact on the ease with which an academic can have their papers published. Both of these aspects together could create situations where a subordinate community member may be or feels ill-situated to reinforce personal boundaries, creating a situation where more senior community members can accidentally or purposively cross said personal boundaries (Jackson, 2017). Another aspect involves high specialization of staff and tightness of the job market (Goldhill & Slobin, 2017; Nesvarova, 2017). This means that opportunities for employment or promotion are scarce (Van den Brink & Benschop, 2012), thus both reducing the possibilities for selectiveness on the side of employees (i.e. passing up a position due to negative evaluations of a certain colleague or being stern on intolerance of unpleasant workplace interactions) and increasing opportunities for influential figures to exploit the eagerness of certain candidates (i.e. quid pro quo harassment). However, it also means that universities can be selective when hiring new academic personnel, thus having opportunities to deny those whose behavior is sub-par. Furthermore, the high degree of specialization means that there is a tight circle with relevant peers working on the subject, thus making it hard to completely avoid any particular person with whom one has had unpleasant

interactions, and making conflict with other members of this group potentially devastating. The latter could be both protective against sexual harassment (i.e. employees know bad behavior could terminate their career) or promote it (i.e. victims silence themselves after sexual harassment experiences due to fears of being on the short end of the stick when speaking up creates a conflict). Finally, the interaction with non-organizational members through conferences and peer-reviewed journals can be a relevant factor in this context (see Goldhill & Slobin, 2017; Jackson, 2017). These interactions may be a risk factor, as it may be harder to control the behavior of non-organizational members and the fact these colleagues may be of different nationalities may also create issues due to different values, understandings, and norms. In short, it can be said universities deal with a number of aspects which can either protect them against sexual harassment, or pose a risk factor for it.

However, some older studies have previously looked into how universities did or did not deal with this topic. There were several shortcomings they found at the time. First of all, the existing responses and procedures were not refined enough to prevent (some) targets from feeling disappointed and abandoned by their universities (Eyre, 2000; Bennett, 2009). They felt protecting reputations and (male) academics were more important issues than helping targets and banning sexual harassment (Eyre, 2000; Bennett, 2009). This could be compounded by the finding universities tended to frame incidents as the result of a deviant individual or as a (inter)personal problem, and did not take responsibility as an organization or frame it as a failing on the organization's behalf (Eyre, 2000; Thomas, 2004; Bennett, 2009). A similar attitude was found by Gillander Gådin and Stein (2017) when investigating a sexual harassment case at a high school. Furthermore, targets received backlash for speaking up (Lee, 1998; Eyre, 2000). Additionally, targets were given a heavy burden to prove sexual harassment occurred (Eyre, 2000; Bennett, 2009). It was also found universities had a heavy history of quid pro quo harassment and power-driven sexual harassment (Eyre, 2000; Bennett, 2009). Power and prestige of opponents, and organizational reputation may have overshadowed morality in decision-making in some cases (Eyre, 2000; Thomas, 2004). Additionally, universities were indicated to be patriarchal or lacking behind especially on instating gender equality (Lee, 1998; Eyre, 2000; Thomas, 2004; Bennett, 2009). This was also corroborated by other studies about other topics such as Van den Brink and Benschop (2012). Although this study does not frame sexual harassment as a women's problem, a lack of gender equality may influence the occurrence of sexual harassment considering it may predispose a certain group (women) to positions where they are (more) vulnerable to sexual harassment. Furthermore, it was also found that universities treated cases with such a high degree of confidentiality, it may have impounded their effectiveness and ability for policy learning (Eyre, 2000; Thomas, 2004). This also puts a damper on the suggestion made above that the tightness of the job market could also demote the occurrence of sexual harassment through excommunication of perpetrators and selective hiring on the side of universities: if someone's engagement with inappropriate behavior is kept secret the inability of targets to avoid them remains the same, but the ability of universities to pass perpetrators by in their hiring process is removed. Furthermore, universities stated they wanted to show no tolerance on sexual harassment and other inappropriate behaviors, but when it came down to taking hardline and effective action they did not come through (Eyre, 2000; Thomas, 2004; Bennett, 2009). Finally, it was found universities were still in need of developing formal procedures to handling complaints or developing workable experience with such procedures (Thomas, 2004; Bennett, 2009).

In this section the characteristics of Dutch universities were discussed, problems with establishing prevalence rates were brought up, relevant characteristics of the academic world were discussed out, and shortcomings of universities' efforts against sexual harassment as found by older studies were pointed out. In short, it can be said universities face a number of challenges in tackling sexual harassment as a policy problem, and knowledge about the current state of affairs is limited. As such, the current study will focus on sexual harassment at universities. It will look at how universities attempt to protect against and handle sexual harassment through their policies, and compare this against what is known about the functioning of sexual harassment from other research. This has led to the following research question:

**RQ.** What do different Dutch universities do against sexual harassment at a policy level, and what strengths and weaknesses can be identified?

In order to answer this question, the policy activities on this topic of four Dutch universities will be analyzed and described. In order to help interpret which facets of the universities' policies can be counted as strengths or weaknesses, this chapter will have two more sections. One which will specifically consider sexual harassment as a *policy* problem. The other will unify the materials of all sections of this chapter into a conceptual framework that can be used for the empirical part of the study. The study will conclude with an answer to the research question, which takes into account common strategies and problems. Some recommendations will also be given to strengthen sexual harassment policy efforts in the academic context. As such, the current study relates to the

policy evaluation to policy design (or policy formulation) phases of the policy cycle (Jasanoff & Wynne, 1998; Walt et al., 2008; Höchtl, Parycek & Schöllhammer, 2015).

## 2.4 POLICY DESIGN CONSIDERATIONS

Although this study will be policy analytical in the sense that it will analyze existing policies, this section will take a step back and consider policy design literature in order to better understand the challenges that may have been faced when writing relevant policies, and that may be faced in adapting them. This can facilitate a better grasp on where challenges may arise in the policy framework – and thus which aspects should receive definite attention when analyzing its policies – and facilitate a better understanding of shortcomings that may finally be found.

Generally, policy design is employed under the assumption that it will lead to certain organizational or behavioral outcomes which contribute to the movement towards achieving a desired goal (Bobrow, 2006). Policy making is a mixture between choices based on scientific knowledge, intuition, and normative standards (Bobrow, 2006). In its most abstract form policy design is seen as a deliberate effort to link specific policy tools with specific policy goals, based on systemic analytical efforts of their impact (Howlett & Mukherjee, 2018). However, in practice the process is messier, being influenced by feasibility perceptions, special interests, interaction processes between stakeholders and decision-makers, incentives for stakeholders to cooperate, power and resource imbalances, timing, leadership, institutional design, and the policy or organizational history (Walt et al., 2008; Howlett & Rayner, 2013; Howlett & Mukherjee, 2018; Hoppe, 2010; Hoppe, 2018). Various scholars disagree with each other to what extent these secondary influences on policy design are problematic or not (Bobrow, 2006; Howlett & Rayner, 2013; Howlett & Mukherjee, 2018; Hoppe, 2010; Hoppe, 2018).

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### FOUR STAGES OF POLICY DESIGN FROM HOPPE (2018)

As the goal of this section is to understand the challenges that come with sexual harassment as a policy topic, it was chosen to use the problem-structuring approach from Hoppe (2018). This approach suits the purpose well, as it goes through four different stages that all are supposed to help identify what the problem is, how it functions, and what directions policy efforts should and can go in. As this section is not supposed to lead to a policy design in this instance, the stages will only be followed to the extent that they will add new information or help understand previously provided information in a new light.

#### ***Problem sensing***

By problem sensing Hoppe (2018) meant understanding what the problem to be tackled is. This means several things. First of all, it means being aware of what issues the public, or stakeholders in a situation, experience and want to see resolved. Hoppe (2018) proposed the best way of doing this is tracking which issues are simultaneously being discussed through several different channels. This is how sexual harassment in (academic) workspaces was arrived at as a topic for this study. It has received attention at least at social media (Kingkade, 2016; Goldhill & Slobin, 2017; Harris, 2017; The Local, 2017), in regular news media (Goldhill & Slobin, 2017; The Local, 2017; Valenti, 2017; Van der Ven, 2017a; Van der Ven, 2017b; Van der Ven, 2017c; Bloodworth, 2018; Merkin, 2018; Mumford, 2018; Victor, 2018), intra-organizational (Nesvarova, 2017; Steenbergen, 2017; The Local, 2017), and the regulatory/legal circles (Tweede Kamer der Staten-Generaal [TKSG], n.d.). Secondly, it means arriving at a problem description (Hoppe, 2018). An effort to this has already been made in the previous sections, where context, prevalence, consequences, and the definition of (organizational) sexual harassment were discussed. These things should give an overview of what is being faced, and why it is worth scientific and political attention.

#### ***Problem categorization***

Next to problem sensing, Hoppe (2018) named problem categorization as a step in the process toward good policy design. Within this step it is to be considered what the gap is between the current, problematic situation, and the desired situation (Hoppe, 2018). In this context the problematic situation is the (presumably) insufficient prevention and handling of sexual harassment cases, and the desired situation is one where sexual harassment is sufficiently prevented and handled. The problems discussed in stories recounted in press and older research in the field (see Eyre, 2000; Thomas, 2004; Bennett, 2009; Evers, 2017; Goldhill & Slobin, 2017; Harris, 2017; Nesvarova, 2017; Van der Ven, 2017a; Van der Ven, 2017b; Van der Ven, 2017c) can be summarized into three specific gaps: normalization of sexual harassment in certain contexts; (perceived) inability to resist unwanted advances; and feeling unsupported by the organization when an incident has occurred. These are condensed

versions of what has been discussed thus far. In this formulation, it becomes clear which general directions should receive attention further in this study. To serve their best purpose in the empirical part of the study, however, to some extent they will later be unpacked again.

### ***Problem decomposition***

In this stage, Hoppe (2018) proposed investigating what potentially bridgeable gaps are. As the steps of this model are not followed here to arrive at an actual policy design, but to understand the context of sexual harassment as a policy design issue this stage will be used to consider what obstacles may (have) be(en) encountered in this case in general. For this purpose, a limited oppositional analysis will be conducted – one of the key aspects of policy design according to several authors (Bobrow, 2006; Walt et al., 2008; Howlett and Mukherjee, 2018). Five sources of opposition to improving sexual harassment policies can be readily identified: those who want to harass, those who see it as a threat to positive interactions, those who see it as a generalized prosecution of men, women who feel they need to prove they fit into ‘male’ environments where a certain amount of harassment or risk behavior is normalized, and people who feel the policy does not go far enough.

First of all, it should be straight-forward that if certain people knowingly benefit from a certain system or behavior, some of them will resist when efforts are made to change this system or ban this behavior. Collison and Hearn (2001), for example, claim that men have in the past unified against and resisted equal opportunity initiatives for women – this could be framed as an attempt to maintain the benefits they received from not providing women equal opportunities. If the benefit in question is considered amoral, the faction composed of persons with a self-interest may attempt to find alternative, legitimate, arguments in favor of their position. Dallam (2001) for example described how pedophilic interest organizations plea for the legitimization of sexual relations between children and adults, and attempted to use a scientific article that suggested that not all such encounters make a deeply harmful impact on the children involved. The article itself has been described as promoting the pedophiles’ case while pretending to be science (Dallam, 2001). It was thus attempted to use science, a legitimate cause, to justify an interest perceived as amoral (having relations with children). Similarly, those who purposively and consciously want to continue engaging in sexual harassment may attempt to use other, more legitimate values to protect their ability to do so. Either way, the opposition from those who benefit of a flawed policy framework can be expected for any design which is perceived as having a chance to be effective.

An alternative form of opposition may come from people who are afraid the efforts will lead to an inability to have friendly relations with colleagues, or make flirtation a crime (see Victor, 2018; Valenti, 2017; Merkin, 2018). The fear is that under strict(er) regulations or greater attention and scrutiny, any advance of any kind to another person could be construed as sexual harassment and lead to prosecution – be it legal, organizational, or reputational (see Merkin, 2018; Mumford, 2018). As considered under the heading of sexual harassment definitions, setting standards in regard to sexual harassment is a consideration of where to draw the line between potential false positives and false negatives – a consideration of the division of risk. The attention that the issue gained recently by victims speaking up en masse, would indicate there was dissatisfaction with the amount of risk placed on (potential) victims. It does then seem appropriate to at least consider a different division of risk – which may spark, and at a macro level has sparked, opposition regardless of whether or not it is the correct solution. However, as asserted before: the current study does not desire to promote a banning of lively collegial interactions, even those sexual in nature. Still, this indicates it is necessary for a successful policy design to be careful of its false positives, and of its appearance to stakeholders and the public at large.

Furthermore, as an extension of the fear that ‘ordinary’ interactions will become crimes, some may construe efforts to regulate sexual harassment as a general prosecution of men. This can be derived from how some people have begun calling the #MeToo-movement a witch hunt (Merkin, 2018; Mumford, 2018; Bloodworth, 2018). Admittedly, even within scientific writing there are authors who appear to have a strong negative evaluation of men as a group and everything associated with them. If not apparent yet, it should be clarified the current study takes a critical stance against arguments that appear to follow that implicit message. The final result should be a way to counteract sexual harassment, but not implicate all men, innocent or guilty. Interesting however, is that the #MeToo-movement has not been the first time resistance against sexual harassment has been called a witch hunt. Eyre (2000) described a case from 1993 were public outrage and consequent suspension of a professor over his publication of an opinion piece in the student newspaper of his university, speaking of how female students should not be surprised to be raped if they brought males into their rooms and other sentiments dismissing the seriousness of rape experiences, was also referred to as a witch hunt. More so, objections to the account by this man were likened to Nazism and acting as a thought police (Eyre, 2000). In other words, a professor not being appreciated to publicly display his victim blaming and misogynistic mentalities was likened to totalitarianism (Eyre, 2000). This raises the question to what extent these types of

expressions are about resisting sexism against men, or are actually a form of what was discussed in a previous paragraph: seemingly legitimate arguments being used to pursue harmful or socially illegitimate personal desires.

There may also be some women who oppose additional measures against sexual harassment. This is because sexual harassment is often framed as a men versus women issue, and resisting efforts which may be perceived as accommodating women might be a way in which some women feel they could prove to their male colleagues that their presence is not threatening. The pressure (some) women experience to adapt to their male environments has been described by Jackson (2017) and Kanter (1977) among others.

Finally, the policy might be opposed by those who think it is not strict enough. As was discussed previously, policy decisions on this topic include decisions on a division of risk. Individual people can have different preferences for different divisions of risk. Therefore, there is a chance that policies will receive opposition from people whose preference is for a greater reduction of risk on potential targets than the policy promotes.

Bobrow (2006) proposed introducing safeguards into policy designs to protect people from potential negative consequences. This can also help to temper the potential opposition. Two pressing issues here are protecting against a frigid work culture, and the fear of false accusations. As was discussed in the previous chapter, a problematic part of regulating interactions is that sometimes the same behaviors can be experienced as positive, neutral, or negative (in that case they are likely to be sexual harassment). A way to escape this problem would be for the organization not to press onto its employees which kind of actions are and are not allowed, but to press onto them to mind each other's humanity. So instead of teaching people that a hand on the knee, or an invitation to dinner is bad, it might be more fruitful to create an environment where personal boundaries can be expressed and will be respected. This only goes for the more ambiguous situations, however. Clear situations, for example when the legal definition of sexual assault is met, should simply be recognized as wrong.

The second issue pertains to false accusations. First of all, it seems that as long as there are options to accuse another person of bad behavior, there may be those who abuse this option. However, the perception that this is a pressing issue in the current context is interesting. First of all, because false allegations for sexual assault, a type of sexual harassment, appear no higher than those for other crimes – where the issue receives considerably less attention (Kelly, 2001). Secondly, because the number of victims who actually take action based on their experiences has been shown to be quite low<sup>1</sup> (Eyre, 2000; Kelly, 2001; Latcheva, 2017), and among these, false allegations for sexual assault are only about 4%, with 9% as the highest national estimate (Lovett & Kelly, 2009). Some counter this by citing the severity of the potential consequences of a false accusation – which can include reputation damage, job loss, career impediments, emotional burdens, and break-down of personal relationships – and therefore put gravity onto this potential (Burr, 2011). However, these consequences appear to mirror the consequences experienced by those who became targets of harassment (Thomas, 2004; Jacobson & Eaton, 2017; DeCou et al., 2016; Latcheva, 2017; Gillander Gådin & Stein, 2017; Gruber, 1998; Holland et al., 2016; MSZW, n.d.-a; Stenberg, 2017; Harris, 2017; Jackson, 2017; Van der Ven, 2017a; Van der Ven, 2017b; Van der Ven, 2017c; Goldhill & Slobin, 2017; Nesvarova, 2017). Why should the ruin put on one innocent person by another's malignant intention be more important than the ruin put on another innocent person? Furthermore, Kelly, Lovett and Regan (2005) showed that for police reports of rape in the UK, false allegations only led to serious consequences in the form of bringing of charges or arresting the accused in less than 1% of the cases. In the majority of false allegation cases the case was dropped after an initial investigation. Furthermore, of all types of false allegations that did occur, it was shown that precise allegations against a specific, known person, were the least common (Kelly, 2001; Kelly, 2010).

Either way, there are two ways in which to counter this problem: tackling the factual aspects, and tackling the perception. For the factual aspects, Burr (2011) proposed requiring organizations to engage in evidence finding and a burden of proof akin to that of a court case in order to conclude sexual harassment. This appears to be in line with the findings of Kelly, Lovett and Regan (2005). It can be evaluated to what extent existing policies consider safeguards against false allegations. In terms of perception it was shown more than once that even experts structurally over-estimate the occurrence of false allegations (Kelly, 2001; Lovett & Kelly,

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<sup>1</sup> In a European Union survey, only 4% had reported their most serious harassment experience to the police, and only 5% took measures or sought support through a different organization (Latcheva, 2017). Contrasting this, 52% of the women in the survey did not speak to anyone about the incident (Latcheva, 2017). Other surveys have found similar patterns, with examples of 91% of rape victims not telling anyone about their experience during the period it happened, or only 6% of sexual assault victims reporting the incident to the police (Kelly, 2001).



2009). Perhaps then, a protective mechanism against the emotional distress caused by the perception could be to spread information about how rare these instances are<sup>2</sup>.

### **Problem choice**

The problem choice is the summation of the specific matters on which action can be taken to reduce the problematic situation (Hoppe, 2018). This is a two-staged effort in this study. The initial problem choice will be formulated in the conceptual framework, where the key aspects to be investigated by this study will be summed up. The finalized problem choice infused with empirical findings will be formulated at the end of the study.

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## PACKAGING VS. PATCHING

Aside from Hoppe's (2018) stages another policy design issue is that of policy packaging versus policy patching. Policy packaging refers to the coordinated collective use of a multiple policy instruments which are implemented as a whole (Bobrow, 2006; Howlett & Mukherjee, 2018). Policy packages are intended to replace other policy measures that may have existed (Howlett & Mukherjee, 2018). Patching, on the other hand, refers to making additions or alterations to existing policies to adapt them to new situations or insights (Howlett & Mukherjee, 2018). Within academic literature there is an ongoing discussion about the desirability and effectiveness of one method versus another. Some studies stress the need for the comprehensiveness and coordination of packaging in order to achieve the desired goals (Bobrow, 2006; Hoppe, 2010; Howlett & Mukherjee, 2018). While others praise the greater practicality of patching (Meyerson & Fletcher, 2000; Howlett & Rayner, 2013; Benschop & Van den Brink, 2014). The main argument in favor of policy packaging is that in order to reach the set-out goals, policy instruments should be consistent, coherent and congruent (Howlett & Rayner, 2013). Consistency can be framed as goals, measures, and claims remaining constant over multiple policy measures or multiple policies part of the same framework. Coherence can be framed as the different measures and policies being able to function as a whole. And congruence means harmony existing between multiple goals, measures, and claims.

In this section a general characterization of policy design was given, followed by a walk-through of four policy design stages as proposed by Hoppe (2018). These led to a sharper formulation of some of the key problems: normalization, perverse results of skewed power relations, and failing post-incident support procedures. It also shone a light on five different forms of opposition that may arise against sexual harassment policies or their specific content: opposition from those who want to harass, opposition from those who see it as a threat to positive interactions, opposition from those who see it as a generalized prosecution of men, opposition from women who feel they need to prove they fit into 'male' environments where a certain amount of harassment or risk behavior is normalized, and opposition from people who feel the policy does not go far enough. It was discussed how these forms of opposition make a consideration of the division of risk necessary, and may ask for efforts to counter (the fear of) false accusations. Finally, two different methods to making policy frameworks were introduced.

## 2.5 CONCEPTUAL FRAMEWORK

So far, sexual harassment has been considered from various angles, and in so doing a number of dilemmas, challenges, and bottlenecks have been brought up. In the upcoming section the material of the various angles will be wed, and those aspects of tackling sexual harassment as a policy problem which will receive a central focus in the empirical part of the study will be clarified. Where not yet sufficiently delineated, important benchmarks for the quality of policies will be described.

First of all, one of the shortcomings that was identified by previous research was that schools and universities said they wanted to tackle the problem, but when it came to proposing or taking effective action, they fell short (Eyre, 200; Thomas, 2004; Bennett, 2009; Gillander Gådin & Stein, 2017). This was summarized in the problem categorization (section 2.4) as part of feeling unsupported by the organization after an incident occurred, but also given more specific attention in section 2.3. As such the first aspect that will be further

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<sup>2</sup> It is possible fear of false accusations exists because in the 1990s false accusations statistics were bolstered by administrative failures (Kelly, 2001). Kelly discusses how true false allegations and all cases where enquiry was made but dropped due to lack of evidence, or the presumed victim corroborating that there was no crime and that they did not wish to file an official complaint, were filed under the same name. According to Kelly (2001) in some of those instances police officers came up with their own, completely unsubstantiated, interpretations that made it a false allegation.

investigated will be how developed the policy framework universities have in place to tackle sexual harassment actually is. This can be done with the help of a model developed by Trezona, Dodson, Mech and Osborne (2018). This model was developed to indicate how advanced a policy topic was by investigating a large number of documents for: how explicitly they included the concept; how they framed the policy topic in relation with larger goals; and how concrete their commitment to tackling the topic was. With this, the first sub-question of the study will be answered:

**Q1:** How advanced are the sexual harassment policy frameworks of Dutch universities in terms of explicitness, goal connection, and concreteness of commitment?

After that, a more in-depth analysis of the content will take place. The first aspect of relevance for this is the definitions employed by universities. The different aspects discussed, and intended to be investigated, are the degree of interlinking between sexual harassment and sex or gender; the explanatory logics included or excluded; the broadness or narrowness; its degree of sex positiveness; and its chances of generating false positives or negatives. In section 2.2 a potential resolution of these dilemmas and a definition for organizational sexual harassment were already proposed. However, it was also said that how to define sexual harassment may be partially dependent on the purpose, and that a definition sets the stage for consequent discussions and actions. To understand what is going on at the universities, it may thus be very relevant to dig into how they define the concept under study and how they resolve the defining dilemmas. Furthermore, gaining insight in the specific choices made in the practical context can also make a theoretical contribution in terms offering knowledge about how the dilemmas may be overcome in practice, and how that relates to intention and use. To facilitate this line of enquiry the following sub-question was formulated:

**Q2:** What definitions of sexual harassment are employed by Dutch universities, and how do they resolve the various defining dilemmas?

After that, the study will go in-depth about how the policies of several Dutch universities respond to the key topics within the sexual harassment policy framework, which will be detailed below. Through that, the third sub-question will be answered:

**Q3:** In their sexual harassment policy framework, what content do Dutch universities provide for the various key topics of sexual harassment as a policy problem?

The key topics referred to in this question are based on the considerations brought up in this chapter so far. They will be listed below, and where not yet sufficiently clear from the text thus far, supplemented with theory to indicate benchmarks to evaluate the quality of policy measures which might appear within each particular topic.

The first key topic which will receive attention under sub-question three is normalization. This was identified in the problem categorization heading of section 2.4 as one of the gaps between the present situation and an ideal policy framework. Normalization describes the degree to which sexual harassment is treated as a natural and/or acceptable practice within organizations, or an unnatural or unacceptable practice. Usually, this is backed by notions such as it being a result which is to be expected considering the interplay between human sexuality and gender (Eyre, 2000; Bennett, 2009; Gillander Gådin & Stein, 2017). Other specific indications that normalization is occurring could be that sexual harassment is trivialized, that it is demoted from an organizational problem to an interpersonal problem between individuals, or that its presence is simply accepted (Eyre, 2000; Gillander Gådin & Stein, 2017). The second type of indication was the one which was specifically established by previous research (Eyre, 2000; Thomas, 2004; Bennett, 2009). When normalization occurs harassment behaviors may further intensify, efforts to counter sexual harassment may be disregarded, and so victim experiences of all (but the most severe) forms may also be disregarded (McDonald, 2012; Gillander Gådin & Stein, 2017).

The second topic which will receive attention in the in-depth analysis is empowerment. This is based upon the second gap to the desired situation as identified under problem categorization (section 2.4): Another the perceived ability to resist inappropriate behaviors because of a perception of insurmountable power differences being stacked against oneself (Bennett, 2009; Goldhill & Slobin, 2017; Jackson, 2017; Nesvarova, 2017; The Local, 2017; Van der Ven 2017a; Van der Ven, 2017b). This was identified as being conducive to sexual harassment as people felt they had to tolerate inappropriate or unwanted behaviors in order to protect their future, felt any attempt to take action against someone would be hopeless, or feared they would not be able to avoid backlash (Gruber, 1998; Eyre, 2000; Kelly, 2001; Thomas, 2004; Alvesson & Billing, 2009; DeCou et al., 2016;

Gillander Gådin & Stein, 2017; Goldhill & Slobin, 2017; Jackson, 2017; Jacobson & Eaton, 2017; Nesvarova, 2017; Steenbergen, 2017; Van der Ven, 2017a; Van der Ven, 2017b; Van der Ven, 2017c). It is theorized then that a way to counter sexual harassment could be to install ways to allow people to clearly enforce personal boundaries and resist inappropriate behavior, henceforth referred to as empowerment. One way to achieve empowerment is to scrutinize, and where necessary adapt, direct control relationships (Buchanan, Settles, Hall & O'Connor, 2014; Ollo-López & Nuñez, 2018): are these control relationships coercive and undesirably encroaching personal freedoms, or are subordinates sufficiently equipped to protest against and question supervisors if they believe them to be acting inappropriate? In this context, it is relevant to pay attention specifically to junior and less powerful staff members (Gruber, 1998; Holland et al., 2016; Gillander Gådin & Stein, 2017; Goldhill & Slobin, 2017; Latcheva, 2017; Ollo-López & Nuñez, 2018), such as PhD students and secretarial or administrative staff members (e.g. Lee, 1998; Bennett, 2009). Another relevant aspect is the social embeddedness of people within the organization, as those who are isolated and those whose participation in the organization is of very short duration have less power in the organization and are more likely to experience sexual harassment (Lee, 1998; Ollo-López & Nuñez, 2018). In this sense, measures which actively evaluate and counter the isolation of staff members may have an empowering and thus positive effect. Finally, the identified gap may be influenced by the societal power of the persons involved (Gruber, 1998; Eyre, 2000; Holland et al., 2016; Gillander Gådin & Stein, 2017; Goldhill & Slobin, 2017; Latcheva, 2017; Ollo-López & Nuñez, 2018). There have been indications people of weaker societal standing are more likely to be targeted by sexual harassment (Gruber, 1998; Eyre, 2000; Berdahl & Moore, 2006; Holland et al., 2016; Gillander Gådin & Stein, 2017; Goldhill & Slobin, 2017; Latcheva, 2017). But the issue is more extensive than this, as this very same societal standing has been connected to a reduced ability to be heard on relevant issues and have one's concerns prioritized (e.g. Eyre, 2000), as well as be exposed to more negative evaluations for speaking up for oneself (e.g. Healy, Bradley, & Forson, 2011). It is thus not only that people with weaker societal positions may be more likely to be targeted by sexual harassment, they are also less likely to be taken seriously when trying to resist it or have others make an effort to stop sexual harassment in their case or as a phenomenon which harms them. To counter both problems stemming from isolation and from differences in societal power, policy measures which focus on diversity and inclusion, and policy measures which focus on equality, may have an empowering and thus positive effect. First of all, as it may take perspectives and needs of non-dominant group members more serious an sich. Secondly, because an organization which is more heterogeneous may be more open to the perspectives and voices of non-majority members (Kanter, 1977). Finally, because implementing equality means a disproportionate experience of sexual harassment by some groups and subsequent backlash has to be stopped, as this would then be a form of inequality. The effectiveness of such efforts can be gathered from studies from findings which, for example, found the promotion of gender equality was paired with fewer sexual harassment incidents taking place (Jacobson & Eaton, 2017).

The third topic for further attention under sub-question three by this study will be preventative measures. The need for this was not specifically argued previously, but its need has been implicitly present in several aspects that were brought up. First of all, as the academic world comes with a tight job market and narrow expertise fields, continued encounters between employees who had a conflict are likely, and thus rehabilitating efforts may be seriously less well-equipped in serving all involved than preventative efforts. Secondly, the lack of responsibility taken by the organization as brought up in section 2.3 also to an extent speaks to prevention: an organizational problem warrants collective action, a few deviant individuals do not. Finally, efforts to handle cases that occur without efforts to prevent these cases immediately presents a breach in policy packaging, in terms of the framework lacking in coherence. Several types of worthwhile preventative efforts could be identified from previous research. First of all, an organization might invest in creating a beneficial organizational culture (Gruber, 1998; Eyre, 2000; Collison & Hearn, 2001; Bennett, 2009; Holland, et al., 2016; Ollo-López & Nuñez, 2018). Such a culture sets norms around mutual respect and an interest each other's humanity. More risk-bearing cultures on the other hand would be those where business interests and competitiveness overshadow personhood, or where negative behaviors are tolerated or even encouraged. Additionally, adapting the organizational structure to minimize aspects which could be conducive to sexual harassment could be an option (for suggestions on adaptations see Ilies et al., 2003; Chamberlain, et al., 2008; Van den Brink & Benschop, 2012; Buchanan, et al., 2014; Goldhill & Slobin, 2017; Jackson, 2017; The Local, 2017; Nesvarova, 2017; Van der Ven, 2017a; Ollo-López & Nuñez, 2018; Meriläinen & Kõiv, 2017; Van der Ven, 2017a), workload (Meriläinen & Kõiv, 2017; Van der Ven, 2017a). Less organizationally radical methods could be to assign meaningful responsibility for the problem. Organizations and their leaders speaking out and being vigilant against sexual harassment has been linked with a lowered prevalence rate (Gruber, 1998; Holland et al., 2016), whereas complacency on the part of (senior) managers was identified as a major shortcoming to be effective back in the 1990s (Thomas, 2004). Furthermore, another beneficial aspect may be to provide organizational members with

trainings on sexual harassment (Bennett, 2009; McDonald, 2012; Buchanan et al., 2014; Ollo-López & Nuñez, 2018). Additionally, it can be beneficial if expectations of organizational members are adequately communicated, as well as what is offered and done by the university itself (Gruber, 1998; Thomas, 2004; Bennett, 2009).

The fourth topic which will be further researched under sub-question three is post-incident support. This was the final gap listed under problem categorization in section 2.4. Post-incident support may be something which can reduce further occurrence (Chamberlain et al., 2008; Gillander Gådin & Stein, 2017), but could also be identified as one of the gaps between the desired situation and the current situation (Eyre, 2000; Bennet, 2009; Evers, 2017; Goldhill & Slobin, 2017; Harris, 2017; Nesvarova, 2017; Van der Ven, 2017a; Van der Ven, 2017b; Van der Ven, 2017c). Post-incident support can be provided in several ways: ending the sexual harassment, installing consequences for the perpetrator, helping the target deal with the physical and psychological consequences, protecting the target from backlash, and ensuring the target feels sufficiently heard and taken serious (Eyre, 2000; Kelly, 2001; Thomas, 2004; Bennett, 2009; McDonald, 2012; DeCou et al., 2016; Evers, 2017; Gillander Gådin & Stein, 2017; Goldhill & Slobin, 2017; Harris, 2017; Jackson, 2017; Jacobson & Eaton, 2017; Nesvarova, 2017; Van der Ven, 2017a; Van der Ven, 2017b; Van der Ven, 2017c). Several specific aspects are relevant here to achieve these things. First of all, the chances a target will come forward are influenced by their perception of the effectiveness of the consequent procedures in stopping the harassment and, where relevant, punishing the perpetrator (Kelly, 2001; Thomas, 2004; Alvesson & Billing, 2009; McDonald, 2012; Gillander Gådin & Stein, 2017). Secondly, many fear the possibly negative consequences for them – either by backlash from the perpetrator or from the organization and its members at large – for coming forward (Thomas, 2004; Bennett, 2009; Jackson, 2017; Jacobson & Eaton, 2017). Indications exist that these fears are realistic and that such backlash has actually taken place in some cases (Lee, 1998; Eyre, 2000; Jackson, 2017). Furthermore, targets have a need to feel the organization is backing them up – to be considered as truthful, and to feel like the organization is going to solve the problem with them rather than disregard responsibility and push it as the target's private problem (Lee, 1998; Eyre, 2000; Thomas, 2004; Bennett, 2009; Gillander Gådin & Stein, 2017). Furthermore, a timely response when a target comes forward is important, as slow or weak responses by the organization have been associated with further sexual harassment (Gruber, 1998; Gillander Gådin & Stein, 2017; Ollo-López & Nuñez, 2018). The accessibility of reporting procedures also makes a difference, as off-putting procedures with high standards and a lot of potential trouble for the target make it more likely reports will never be made (Thomas, 2004). Another important and interesting aspect is confidentiality. It has been shown that initially, confidentiality may be very important for targets to feel supported as they perceive it as something that protects them from backlash (Gillander Gådin & Stein, 2017). However, later on, once a judgment has been passed they were right, it can come to have the opposite effect and rather feel like it is protecting the harasser from consequences for their behavior, and enabling them to go on unharmed or even repeat their behavior (Eyre, 2000). Furthermore, a lack of actual consequences for harassing behaviors may also increase the chances of continued harassment, even if the perpetrator has been told to cease (Thomas, 2004; Gillander Gådin & Stein, 2017). Finally, the degree of support universities offer to help targets deal with the hoist of negative psychological and physical health issues they may experience can be deemed a relevant aspect.

The fifth topic which will receive specific attention under sub-question three will be the strictness and lenience of the policy framework. In section 2.2 and in section 2.4 under problem decomposition it was brought up tackling sexual harassment is finding a line between being too strict and overregulating, and being too lenient and abandoning targets; between making the post-incident procedures too heavy, and insufficiently closing them against false accusations. It was also discussed how a group of people perceives the potential for overregulating as a clear threat to positive interactions. Furthermore, it has been discussed how sexual harassment is a policy problem of such a difficult nature, it may be nearly impossible to find to find the ultimate flawless way to resolve it once and for all (Bobrow, 2006; Hoppe, 2010). Thus, it was theorized, in reality it is likely there is always some risk remaining either for people to still be harassed, or for people to be vilified more than they fairly deserve. It was also brought up, however, that the massive public outcry through the #MeToo-movement could be read as an indication people were dissatisfied with the existing division of risk. Therefore, the strictness and lenience of the policy framework will be investigated by checking for how much it is busy with maintaining fun, and how it divides risk.

The sixth topic which will receive close attention under sub-question three is how universities perceive evidence and proof, as well as how they appear to be equipped to counter false accusation and fear of this. In problem decomposition under section 2.4 it was brought up fear of false accusations is a major concern in relation to sexual harassment policies. It was discussed how rigorous, court-like standards for proof could help protect people from false accusations and to temper their fear of it (and thus increase chances of the sexual harassment policy framework to get accepted) (Burr, 2011; Kelly, Lovett, and Reagan, 2005). Furthermore, it was brought up spreading information about how rare false accusations are could be a desirable strategy. Yet, at the

same time in previous studies it was found targets experienced the burden of proof they received as too heavy and straining (Eyre, 2000; Bennett, 2009). This topic thus needs to identify how much proof is asked, to what extent their set up protects against false accusations, but also who is made responsible for proving what happened.

The seventh topic which will receive special attention under sub-question three is to what extent policies target primary or secondary behaviors. Under sexual harassment definitions (section 2.2) and problem decomposition (section 2.4) it was pointed out it may be sufficiently difficult to identify which specific behaviors are always sexual harassment, that it may be a more fruitful method to instead generate a context where everyone is capable and comfortable discussing and enforcing their boundaries. Therefore, it will be looked into to what extent the policy framework targets primary behavior - thus actual actions that could constitute sexual harassment – or secondary behavior, namely the surrounding organizational culture and structure.

Finally, under policy design considerations policy packaging was discussed. The final topic which will be considered under sub-question three is then policy packaging. This study will regard a policy framework which is congruent, consistent, and comprehensive as more likely to tackle sexual harassment than policies which counter each other or leave gaping holes. Therefore, it will be looked into how well the policy frameworks of different universities do in this regard.

Together, it is believed, the answers to the three sub-questions will answer the main research question of this study. This will be achieved because they indicate how advanced the policy frameworks are, what the basic understanding of the problem is, and what the policy content is on the most essential topics under sexual harassment as policy problem. The next chapter will describe the method employed to answer the questions this study poses.

## CHAPTER 3: METHODOLOGY

### 3.1 STRATEGY & DESIGN

The study was designed as a policy analysis study. Publicly available policy documents of several Dutch universities were gathered through their websites. They were analyzed first to assign ratings on the evolution of their policy framework, and a sub-selection of them were then analyzed again to identify the policy content present for nine different themes. From these efforts it was to be understood how advanced Dutch universities' policy efforts were for sexual harassment, how they defined sexual harassment, and how they dealt with several key facets of sexual harassment as a policy topic. A comparative approach was taken to gain better insight into trends and particularities, and what can be said to count as a comprehensive or less comprehensive effort.

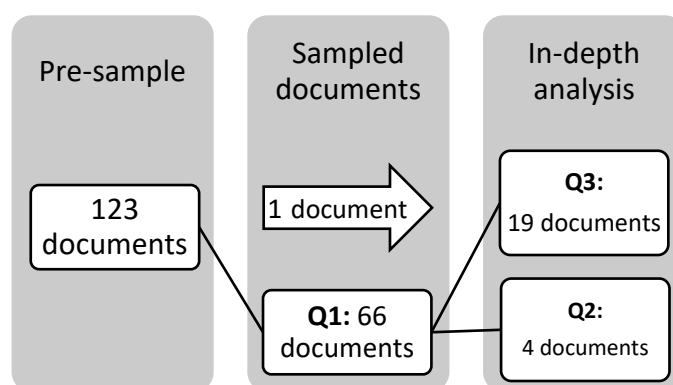
### 3.2 SAMPLE & SAMPLING

Four Dutch universities of a comparable size range were selected. To maximize the chances of variation showing up in the sample, two public ones and two privately-founded ones which did receive public funding were selected. For sampling policy documents, the study employed three selection rounds. A preliminary selection where documents that appeared relevant after minimal screening were included, an actual selection of documents that were truly relevant after a first reading, and final selection of limited sample for in-depth analysis. A broad interpretation of 'policy documents' was used for the preliminary selection. Not only were documents which were explicitly labeled as a policy selected for this stage, but also codes of conduct, policy evaluation documents, regulations, collective labor agreements, annual reports, strategic plans, visions, year plans, and copies of web pages which described what the university offered for a certain (sub-)policy area. This was similar to the interpretation and selection of 'policy' documents by Trezona et al. (2018). Furthermore, not only documents which were specifically about sexual harassment were selected for this round, but also those documents that could be expected to feature content that could influence the occurrence and handling of sexual harassment cases within the organization under study. In order to find relevant documents, eight relevant themes guided the search: codes of conduct, ethics, and (house) regulations; cyber policies; empowerment; health and safety; human resources and terms of employment; organizational identity; reporting, complaints, and aftercare; and training. These themes could be considered angles from which to consider sexual harassment as a topic for regulation. Note these are not the same themes which were used for analysis of the documents, as these do not represent the specific facets this study wanted to look into. The initial gathering of documents lasted from the last two weeks of October 2018, to the first week of November 2018. In total this led to 123 potentially relevant documents being obtained.

These documents were registered in an Excel sheet, featuring the following information: the university they belonged to; their title; which of the eight search themes they fit with; what type of document they were; and when they were last updated (as specifically as possible). In the same file the first step of the analysis was registered which indicated, among other things, if sexual harassment or any related concepts were mentioned in the document. This was the determining factor in whether the document was kept in the pool of documents for further analysis. In the end this led to a selection of 66 documents. So, of the 123 documents which might have mentioned sexual harassment or a related concept, 57 of them did not. Where a related concept was the cause for inclusion, the word or phrase representing this was also registered in the Excel sheet. These 66 documents were used to answer the first sub-question of this study.

To answer the second sub-question and third sub-question of this study, further down-sizing of the dataset for in-depth analysis took place. Two final sets were created. The first was a set of four documents which provided an explicit definition for sexual harassment. This represented all the documents from the sample of 66 which provided an explicit definition. Additionally, from the 66 selected documents, a second set of five

Figure 1. Document selection process



documents per university were selected for in-depth analysis to answer the third sub-question. In selecting these five documents, documents which gave more extensive attention to the topic were favored over those with more limited attention devoted to it. A maximum of one external document was included per university. In this context an external document refers to a document not written by the university itself, but still explicitly made available and subscribed to on the university’s website. Examples may include collective labor agreements or collectively agreed codes of conduct. Exercising this possibility, the same external document was included for two different universities – leading to a final sample of 19 documents. Finally, room was provided among the five documents to include one document that would allow comparing the university’s strategy and standards pertaining to sexual harassment, with another form of improper conduct within the organization. This option was only used for University A, and was a document not stemming from the sample of 66 but from the original set of 123. It was thus analyzed in-depth, but did not count for the answers provided for sub-question one. A visual representation of the selection process is displayed in Figure 1.

**3.3 DATA & ANALYSIS**

Both for transforming the pre-sample into the actual sample, and to arrive at results for sub-question one, the gathered policy documents were first scored based on an adaption of the policy analysis framework composed by Trezona et al. (2018). The framework rated policy documents on a scale from zero to three in three different categories (Trezona et al., 2018). The categories pertain to the degree to which the concept under study is featured (explicitness); the meaning the concept is given in relation with larger goals (goal connection); and the degree to which policy documents featured concrete actions, resources, or monitoring proposals assigned to or based upon the concept (concreteness of commitment) (Trezona et al., 2018). An overview of the rating system as used for this study can be found in Table 1.

The most major alternation to Trezona et al. (2008) their model was changing the central concept from ‘health literacy’ to ‘sexual harassment’. Under goal connection rating levels two and three were altered from connecting the concept to health outcomes to connecting the concept to the organization’s functioning. Under

**Table 1. Policy rating model based on Trezona et al., 2018**

<i>Explicitness of concept</i>	
0	Sexual harassment is not explicitly mentioned, nor is a related concept
1	A concept related to sexual harassment is mentioned, but sexual harassment is not explicitly mentioned
2	Sexual harassment is mentioned, but not defined
3	Sexual harassment is defined
<i>Goal connection</i>	
0	Sexual harassment or a related concept are not mentioned
1	Sexual harassment is mentioned, but its relationship to the organization's functioning is not explained
2	Sexual harassment is discussed as a concept related to the organization's functioning, but is not noted as a strategic priority
3	Sexual harassment is noted as a strategic priority
<i>Concreteness of commitment</i>	
0	No specific actions are identified to address sexual harassment
1	Specific actions are identified, but no resources are provided to support implementation and no monitoring of outcomes is proposed
2	Specific actions are identified. Resources are allocated to support implementation OR monitoring of outcomes is proposed (but both are not evident)
3	Specific actions are identified, resources are allocated to support implementation, AND monitoring of outcomes is proposed

definitions the third category was altered from the original model not only by changing the central concept (health literacy to sexual harassment), but also by changing ‘defined or explained’ to ‘defined’.

A narrow application of definition was used, so as to only award this rating to documents which clearly labeled their definitions as such. This choice was made, first of all, to remove noise from the subset of to be used for sub-question two. Secondly, it was motivated by making the rating level as unambiguous as possible, so as to avoid potential error of it being applied differently to different documents. The need to reduce ambiguity became clear from the difficulties surrounding assigning the level one rating. This ambiguity was introduced, first of all, because the different universities sometimes employed different understandings of the same terminology. This made it so that only through context it could be inferred whether a particular term in a particular document alluded to sexual harassment or not. Furthermore, in some occasions it was not any particular word that constituted a related concept, but a certain phrase. For example, a formulation like 'a decision unduly influenced by the potential for personal gain' which could be a description of quid pro quo harassment. Assigning this type of rating posed a challenge in using this model, and cast doubt on the usability of the model for one rater. In the original method some of the problems created by this were tempered by only further rating documents which had received a score of two or higher on explicitness (Trezona et al., 2018). However, that option comes with limitations of its own. First of all, it may not represent the organization's efforts fairly. For example, if University A would publish a document which described unwanted behavior damages the reputation of the university, and they have defined in a different document that unwanted behavior includes sexual harassment, this document would still be presenting a link between sexual harassment and the organization's functioning without ever mentioning the concept itself. In the interpretive framework Trezona et al. (2018) used, this commitment would not be represented. Furthermore, when trying to compare organizations against each other, with the original method the number of documents per organization would become so small (i.e. two documents), findings could not at all be deemed reliable. In their paper, Trezona et al. (2018) rated the documents with an interest geared towards gaining insight into the state of affairs of one unit of observation (the state of Victoria, Australia), whereas the current study wanted to compare different units. This may be why Trezona et al. (2018) did not face the problems which were faced here. In order to adapt to this altered purpose, it was chosen to rate all documents which had received a rating of one or higher on explicitness in categories two and three as well.

Under goal connection, the application of ratings was narrower than the one used in the original model (Trezona et al., 2018) to reduce the chances for error. Whereas Trezona et al. (2018) awarded a rating of '2' or '3' for various implicit representations of this type of goal connection, in this study these ratings were only awarded to documents which explicitly framed policy initiatives or measures in the required context.

Under concreteness a broad interpretation of identifying actions was employed: when a document proposed actions that individuals could take against sexual harassment, this was counted as the document identifying actions. On the other hand, a narrow interpretation of assigning resources was employed: resources were only considered to be assigned if the document stated the assignment of budgets or additional personnel, or clearly defined purchasing intentions.

Upon conclusion a more in-depth analysis was performed upon two sub-sets of the policies, to answer sub-questions two and three. In this analysis the following topics were featured:

- definitions of sexual harassment;
- normalization of harassment;
- empowerment of potential targets;
- preventative measures;
- post-incident support;
- strictness or lenience of policy (maintaining fun; division of risk);
- evidence and false accusations;
- targeting of primary or secondary behavior;
- and policy packaging.

Normalization considered to what degree policies implied sexual harassment to be a natural and/or acceptable practice within organizations, or an unnatural and/or unacceptable practice. Empowerment considered to what extent the current policies supported people in their ability to enforce their own boundaries and resist unwanted advances, or not. Preventative measures related to what the university was doing to prevent sexual harassment from occurring. Post-incident support evaluated what policies indicated to be available to assist targets once a sexual harassment incident had occurred. The strictness or lenience of the policies interpreted how lenient or militant the policies were in countering sexual harassment. Under this heading attention was paid to what extent maintaining room for positive interactions was minded, and how risk was divided between targets and potential perpetrators. Evidence and false accusations considered the process the organization employed to arrive at a conclusion about whether an offense took place or not. Special attention was given to who carried the burden of proof, what standards of proof were employed, how much fear of false



accusations was reflected in the policies, and to what extent false accusations could pass through the formulated procedures. Targeting of primary or secondary behavior considered whether the policies only focused on tackling specific harassment behaviors, or also paid attention to context and tackling antecedent behaviors or structures. Policy packaging considered to what extent different goals and measures are consistent, coherent and congruent whole, a logical palette, or neither.

The topics were used as codes which could be assigned to a specific sentence or portion of text within the included policies. The codes for the in-depth analysis were not mutually exclusive. For example, something which could count for empowerment, could also count for prevention – as empowerment may be a form of prevention. Similarly, something which could be coded as division of risk, or proof and false accusations, could also bear relevance on post-incident support. In cases where the text allowed for an interpretation through multiple topics, multiple codes could also be assigned to this portion of text. After coding all 19 documents featured for in-depth analysis, the sections coded as definitions were taken aside to answer sub-question two. For the other topics, the documents were read again so as to first transform all coded sections for each particular topic into an overall description of measures and characterizations per document, and then next unify these into descriptions for each topic per university. During this second reading codification could be adapted where necessary. When a portion of text had received two codes, alternating choices were made between featuring its information under both topics in the final description or under the topic for which it was most relevant, whichever was deemed to allow the best grasp of the situation. The only topic for which the analysis was based on general impressions beside specific portions of text was policy packaging, where specific text alone did not suffice in providing an understanding of the situation.

### 3.4 ETHICAL CONSIDERATIONS

Sexual harassment is a sensitive topic, especially due to its political relevance at the time this study was written. The unearthing of actual cases could have far-reaching consequences for all involved, including the organization it took place within. Although studying actual cases could certainly be of scientific and practical value, the high political salience of the topic and the relatively vulnerable position of the researcher casted doubts on whether this study was the right one to undertake such an effort. Therefore, it was decided to avoid research methodologies which had the potential to unearth actual cases and the ethical dilemmas that would come with them. The current method of a policy document analysis was chosen as a way to protect individual persons from harm as much as possible. Additionally, even though all documents included in the analysis were publicly available, an effort has been made to discuss the organizations involved so as to make their identity not immediately obvious. Therefore, the names of the universities studied, and the titles of the documents included for analysis have been retracted. It was also decided not to feature certain details about the organizations, or to offer direct quotations from the analyzed documents. This strategy was chosen because it was not the purpose of the study to pass judgment on individual organizations, but to learn about policy practices.

## CHAPTER 4: RESULTS

### 4.1 PROGRESSION OF THE SEXUAL HARASSMENT POLICY FRAMEWORK (Q1)

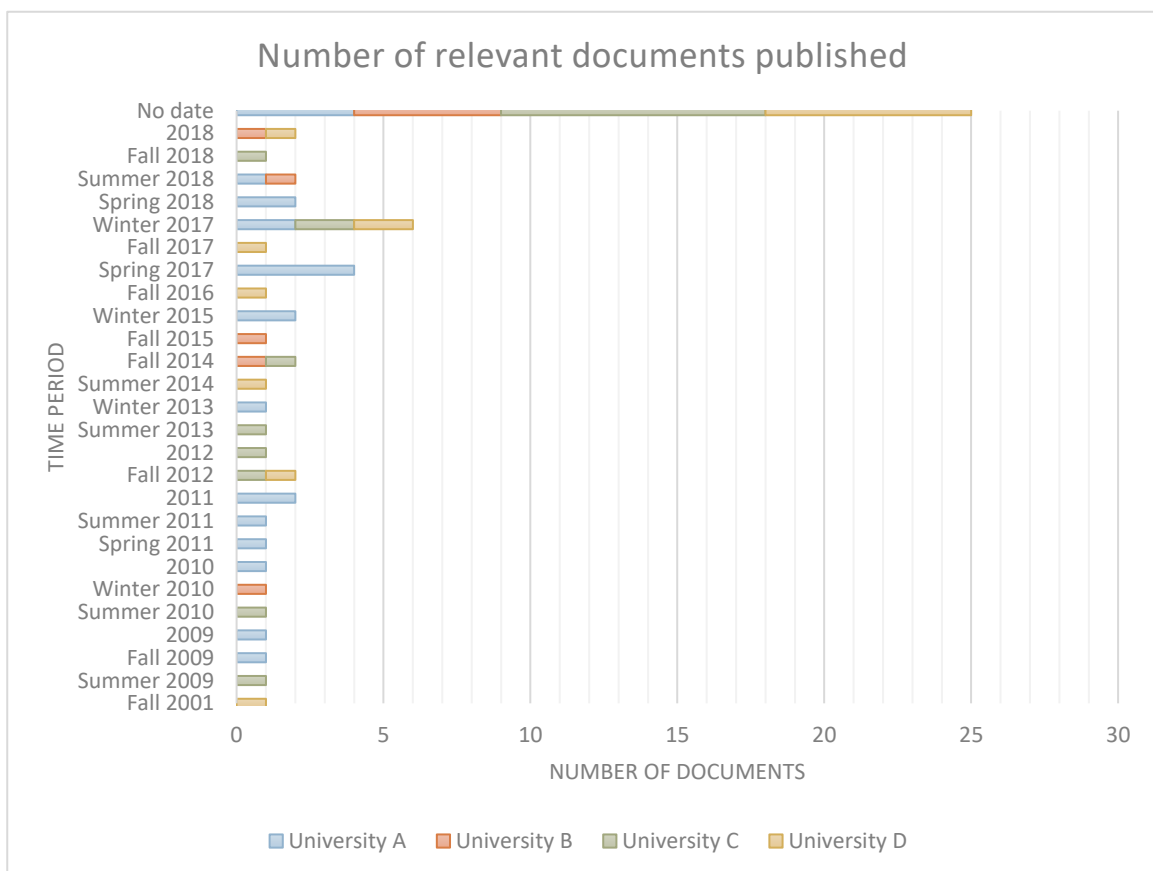
**Table 2. Web pages among selected policy documents**

University	Number of documents	Number of web pages ( $f_o$ )	Percentage	Number of formal documents	Percentage formal documents
<b>University A</b>	23	6	26%	17	74%
<b>University B</b>	10	5	50%	5	50%
<b>University C</b>	18	8	44%	10	56%
<b>University D</b>	15	8	53%	7	47%

The first sub-question of this study focuses on how advanced the sexual harassment policy frameworks are, measures through the concepts explicitness, goal connection, and concreteness of commitment. The selected 66 policy documents as gathered through the websites of four Dutch universities have each been rated based on an adapted version of the model developed by Trezona et al. (2018). In this section an overview of the results that emerged will be given. To help contextualize the results on the three concepts, first some general characteristics of the sample will be given.

Of the 66 selected documents, 23 belonged to University A, 10 to University B, 18 to University C, and 15 to University D. This generated a mean of 16.5 ( $SD=5.45$ ). It stands out that both of the public universities have more documents than this average, while the both of the privately-founded universities have fewer documents than this average. The standard deviation suggests these variations may very well be random, but a set of four organizations is not large enough to perform meaningful statistical analysis.

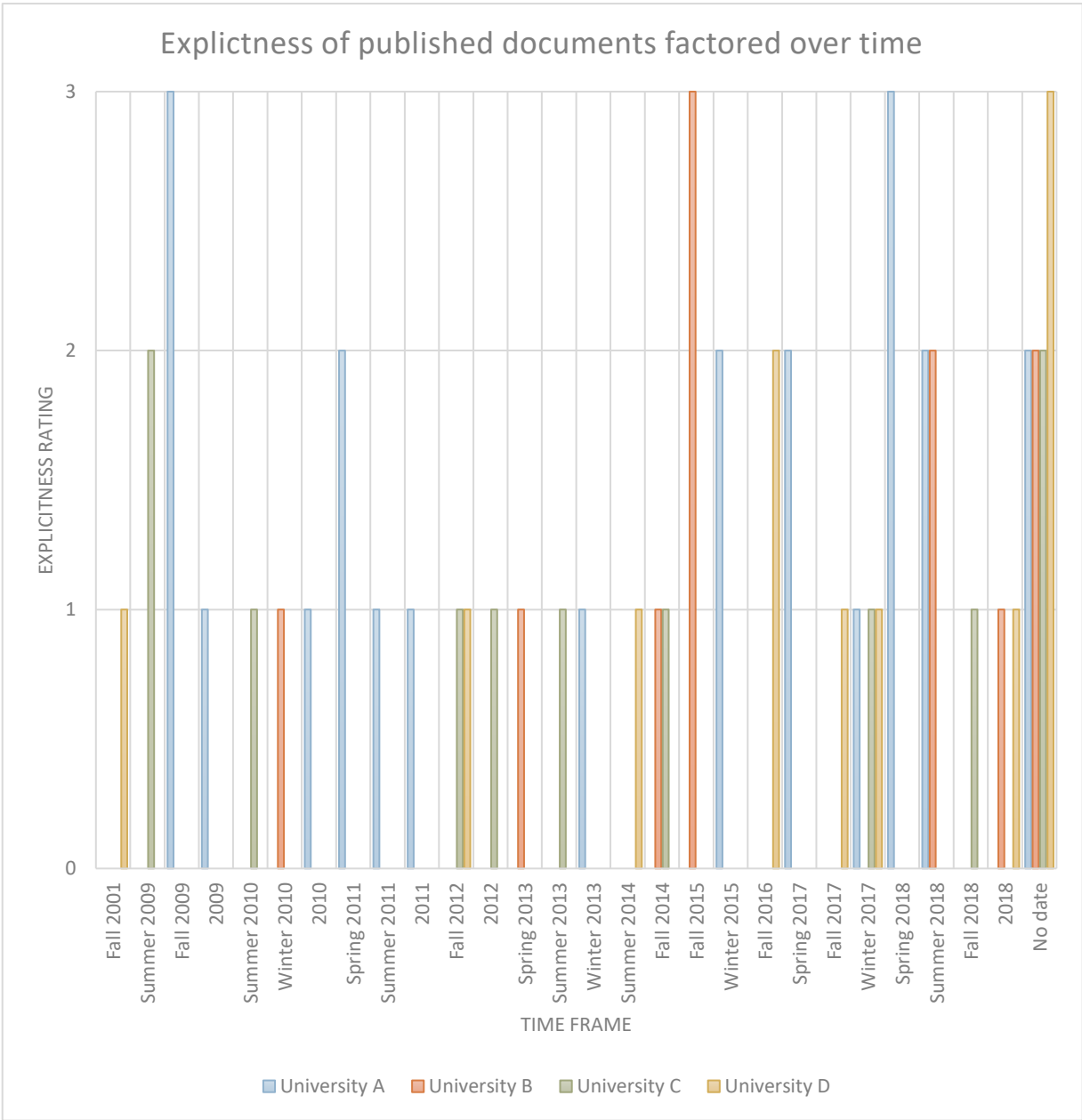
**Figure 2. Relevant policies published per university factored over time**



Part of the dataset consisted of web pages; these were  $f_o=28$ . Although web pages were included in the sample because they can reflect the universities' policy and allowed for more content to analyze, the content of a web page may be more easily determined than the content of a policy and may hold less formal authority. When discussing the progression of the policy framework it may thus be relevant to keep in mind more web pages in a university's sample can be said to represent less formalization. University A had 6 web pages, University B also had 6, University C had 8, and University D also had 8. For the number of web pages included in the sample per university an  $M=6.8$  and  $SD= 1.50$  was found. Table 2 displays a more concrete impact of these numbers. From the table it can be read University A has the strongest preference for formal policy documents, with University C taking a reluctant second place.

Figure 2 provides an overview of the dates attached to the documents included in the sample. The vertical axis displays publication date per year, and if available, quartile. The horizontal axis displays how many documents were published during that period. The largest group is clearly the undated publications ( $f_o=25$ ). Most of these were web pages ( $f_o=23$ ), but occasionally there were also undated regulations ( $f_o=2$ ). The second largest spike is the winter of 2017 ( $f_o=6$ ). As #MeToo went viral in October 2017, there is a possibility that the greater global attention to the topic became reflected in the university's publications. It could also be speculated, however, that the topic had already become one of interest for University A previously, as they published four

Figure 3. Explicitness of policies per university factored over time



relevant documents earlier that year. Overall, University A was well represented over the entire span of the table. Among the surviving documents of University A the greatest interval between two publications was two years. For University B this was four years, for University C it was three, and for University D it was two. This is discounting the document published in 2001, which can be considered an outlier as it predates all other documents by about eight years. The over-all range of all sampled documents was ten years (University A), nine years (University B), ten years (University C), eighteen years (University D).

Aside from considering when documents were published in general, the time stamp can also be compared against the explicitness of the concept. Figure 3 gives an overview of this. The vertical axis displays publication dates, and the horizontal axis displays how explicit sexual harassment was mentioned. The numbers on this axis represent only mentions of a related concept (1), sexual harassment is mentioned (2), and sexual harassment is mentioned and defined (3). The number zero, representing no mention of either sexual harassment or a related concept could also be assigned, but those documents were excluded from the sample as explained in the methodology chapter. When several documents were published within the same quartile, the highest rating was noted in the graph. A notable pattern in the surviving documents is that University A and C, the public universities, appear to have mentioned sexual harassment explicitly in documents several years older (2009) than the privately founded universities (2015-2016). Furthermore, there appear to be fewer instances at which surviving documents which were published prior to 2015 mention sexual harassment explicitly ( $f_o=3$ ) than documents published since ( $f_o=7$ ). An interesting finding is that University C did not define sexual harassment in any of its documents, while the other universities did provide definitions. University D defined sexual harassment

at an unknown date, University B in 2015 and University A in 2009. Finally, it appears that university A was explicit most often of all included universities ( $f_o=7$ ).

By visualizing the data by numbers and percentages of the sample (see Figure 4), it became apparent however that University A did not publish that many more explicit documents, but rather published them less clustered together than the other universities. The range in number of documents which were explicit, was actually rather small ( $F_{Min}=3, F_{Max}=7$ ). In percentage of their total publications University D (40.0%) even surpassed University A (30.4%). In numbers, explicitness slowly degraded from University A ( $f_o=7$ ), to University D ( $f_o=6$ ), to University C ( $f_o=4$ ), to University B ( $f_o=3$ ). In percentages University C (22.2%) was somewhat less explicit than the others.

Besides rating documents on explicitness, they were also rated on the degree to which they connected sexual harassment to larger goals. The represented ratings were: Sexual harassment is mentioned, but its relationship to the organization's functioning is not explained (1); sexual harassment is discussed as a concept related to the organization's functioning, but is not noted as a strategic priority (2); and sexual harassment is noted as a strategic

Figure 4. Explicitness of policies per university

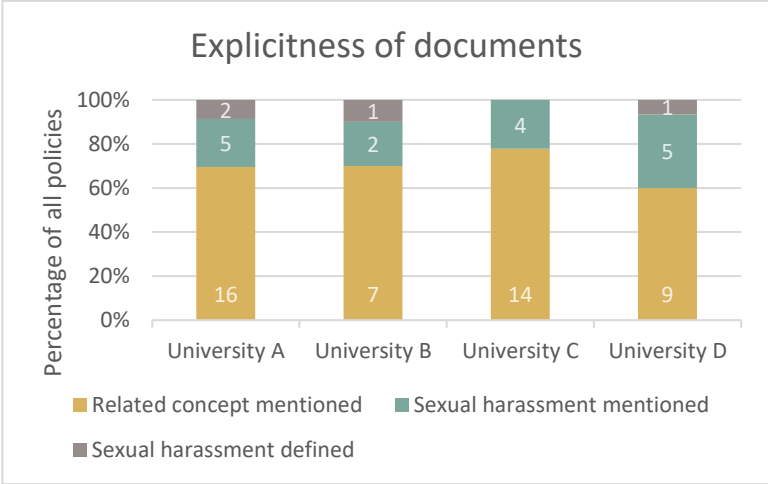
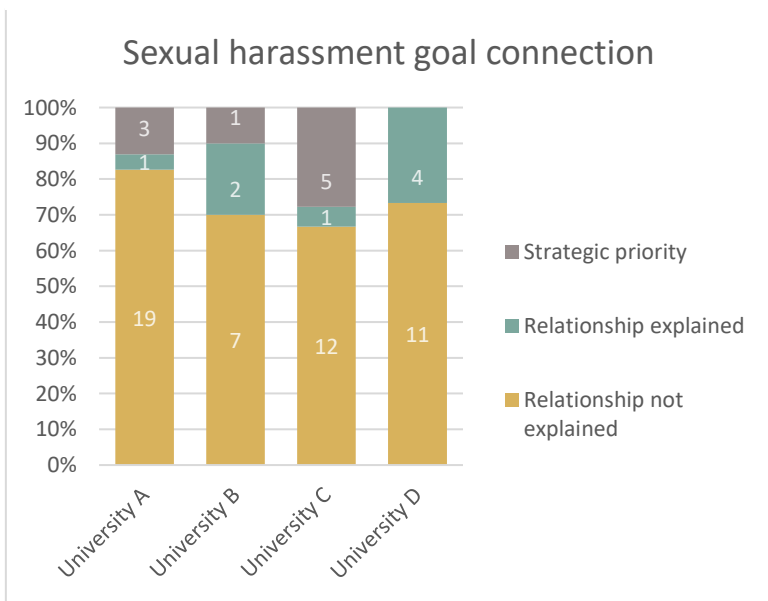


Figure 5. Degree of goal connection per university

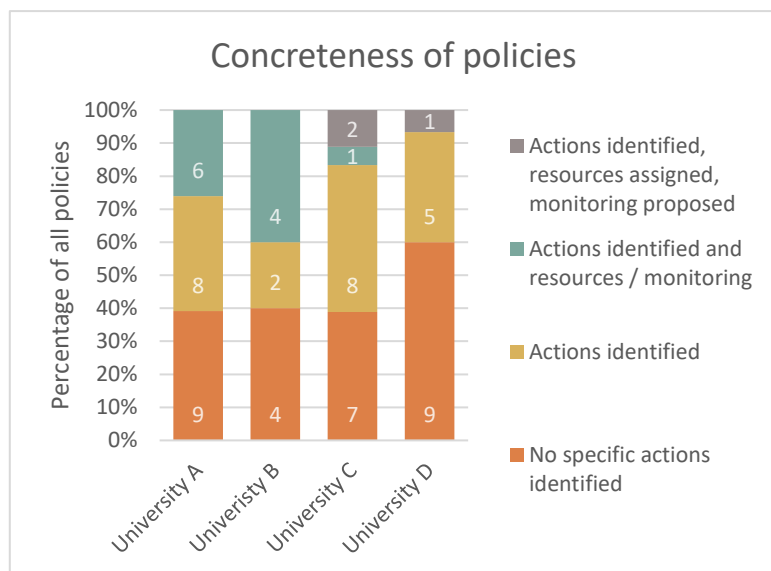


priority (3). The rating zero representing sexual harassment nor related concepts being mentioned could also be assigned, but those documents were already excluded from this sample as described in the methodology chapter. The results are displayed in Figure 5. One matter which stands out immediately is that University D did not frame tackling sexual harassment as a strategic priority in any of their documents. The three other universities have a mix between the possible categories, with documents that did not explain the relationship between sexual harassment and the organization’s functioning being the greatest percentage for all (66.6%-82.6%). University A was the least inclined to connect sexual harassment to larger goals, with 82.6% of their relevant publications not doing so. From the current data set it appears that University A and C, the public universities, were less inclined to explain the relationship between the organization’s functioning and sexual harassment (4.3%-5.5%), than the privately-founded universities (20.0%-26.7%). The privately-founded universities, on the other hand, were less likely to frame tackling sexual harassment as a strategic priority (0.0%-10.0%) than the public universities (13.0%-25.0%).

The third concept of the system pertains to how concretely the documents committed to taking sexual harassment on. This concept came with four possible rating levels: No specific actions are identified to address sexual harassment (0); specific actions are identified, but no resources are provided to support implementation and no monitoring of outcomes is proposed (1); specific actions are identified, sources are allocated to support implementation OR monitoring of outcomes is proposed (2); specific actions are identified, resources are allocated to support implementation,

AND monitoring of outcomes is proposed (3). The results are displayed in Figure 6. For three universities the majority of policy documents did at least reach the first degree of concreteness. University D represents the exception with the majority of documents not offering concrete commitments or proposals in any way (60.0%). The percentual range for documents reaching the first level, which proposes clear actions that can or will be taken against sexual harassment, is between 20.0% (University B) and 44.4% (University C). University A and B had a larger percentage of documents reaching the second level of concreteness (26.1%; 40.0%) than University C and D (5.6%; 0.0%). However, University C and University D did reach the most concrete level of commitment in some of their documents (11.1%; 6.7%).

Figure 6. Concreteness of policies per university



To summarize, it was found universities had different amounts of relevant policy documents available on their websites, with the public universities having more than the average number, and the privately-founded less than average. The universities also differed in their preference for publishing relevant web pages or formal policy documents, with University A holding the strongest preference for formal documents (74%). Documents still available were dated for over roughly over the last decade, with University D forming a clear exception with documents going back as far as eighteen years. The public universities were explicit in older surviving documents than (2009) than the privately-founded universities (2015; 2016). University C did not feature a definition of sexual harassment in any of their publications. There was no discernable pattern in how often universities were explicit overall. Universities were inclined not to explain the meaning of sexual harassment in relation to larger goals. The public universities were more likely to frame sexual harassment as a strategic priority (13.0%; 27.8%) than the privately-founded universities (10.0%; 0.0%), but the pattern was reversed for explaining the relationship to the organizations functioning with 4.3% and 5.6% versus 20% and 26.7% respectively. For three universities the majority of policy documents did at least provide concrete actions (>60%), but for University D this was the minority (<40%). Only three out of 66 policy documents reached the most concrete level of proposing clear actions, assigning resources, and intending to monitor outcomes; two for university C and one for University D. Only providing concrete actions, or also providing resources or intending to monitor outcomes was divided as follows: University A (34.8%; 26.1%), University B (20.0%; 40.0%), University C (44.4%; 5.6%), and University D (33.3%; 0.0%).

## 4.2 IN-DEPTH ANALYSIS

### SEXUAL HARASSMENT DEFINITIONS (Q2)

**Table 3. Definitions of sexual harassment [PRIVATE]**

University	Definition
<b>University A</b>	<p>The text of this table has been removed from the public versions to protect the anonymity of the organizations studied.</p> <p>The text of this table has been removed from the public versions to protect the anonymity of the organizations studied.</p>
<b>University B</b>	The text of this table has been removed from the public versions to protect the anonymity of the organizations studied.
<b>University D</b>	The text of this table has been removed from the public versions to protect the anonymity of the organizations studied.

In the beginning of this paper it was discussed there is little consensus about how sexual harassment should be defined. It was also discussed how different definitions can hold different implications for practical consequences. A specific focus point as per the relevant sub-question is how the definitions tackle the different defining dilemmas being the degree of interlinking between sexual harassment and sex or gender; the explanatory logics included or excluded; the broadness or narrowness; its degree of sex positiveness; and its chances of generating false positives or negatives. Therefore, in analyzing the content of the policies different universities employ, their definitions of sexual harassment were the starting point. Table 3 below features the different definitions employed by the universities. Universities A, B and D each had formulated their own definition. University A also referred and subscribed to an external document which featured a definition.

There are some similarities and differences between the definitions. All definitions formulated within specific organizations started out with highly similar words: all drew attention to sexual harassment being a verbal, non-verbal, or physical act involving some level of sexuality, and which has an effect on a person their dignity. All of the definitions formulated in the field agreed and stressed that sexual harassment could be verbal, non-verbal, or physical. Furthermore, all field definitions accentuated both intended negative consequences and resulting negative consequences could contribute to something being labeled sexual harassment. The definition proposed by this study only focused on resulting negative consequences. All internally formulated definitions agreed that a person's dignity being harmed was an important indicator of sexual harassment. The nationally formulated definition and the definition proposed by this study did not include this criterium. The nationally formulated definition centralized harm to a person's ability to fulfill their employment undisturbed instead. All documents agreed that a negative work environment, whether intended or resulting, was a benchmark for sexual harassment. The words they used to describe this differed ever so slightly. The current study suggested to employ this criterium when it is a result.

There were some differences in the formulation used to indicate the sexual aspect of the behavior meant in the definition. Definitions A2 and B spoke of 'behavior with sexual connotations', definition D of 'behavior of a sexual nature', and definition A1 of 'sexual advances, requests for sexual favors' and behaviors which had a relation with unwanted job-related consequences. The definition proposed by this study spoke of behaviors with a sexual connotation too, but did include they have to have surpassed a standard of reasonableness. It is possible to interpret the different formulations as displaying differences between how sexual the behavior needs to be. 'Sexual in nature' appears to have a stronger standard for sexualization than

'sexual connotation', and therefore different standards for which behaviors could qualify. For example, degrading comments about a person's body hair may be more likely to meet the standard of 'sexual connotation' than the standard of 'sexual in nature' – for the latter an explicit comment about how this relates to this person's sexual desirability in the eyes of the commentator may be necessary to meet the standard. For definition A1 it is unclear whether the behavior needs to be sexual at all if it is disrupting a person's capacity to enjoy employment at the organization without unreasonable interference.

The definitions also differed from each other in where they placed additional emphasis. Definition A1 placed additional emphasis on unwanted sexual advances, sexual favors, and interference with a person's ability to do their job (quid pro quo harassment). Definition A2 placed additional emphasis on a range of hardline and more subtle unpleasant behaviors. Definition B stressed a person's willingness to accept or reject sexual harassment behavior affecting decisions about them as an additional focus point (quid pro quo harassment). Definition D did not place additional focus on anything. From this it also became clear the definitions differed in whether they establish a link between sexual harassment and employment decisions (A1, B) or not (A2, D). To a degree the definition proposed by this study also made this link by stressing quid pro quo harassment should be included – although the formulations by A1 and B include a broader spectrum of behaviors. These definitions can also include rejection of sexual harassment in the form of comments, or behaviors targeting someone other than the person in question, and could also include affecting their job more subtly by for example frustrating their access to required resources. Whereas stressing of job-related consequences can make the definition more capable of tackling such insidious behaviors, it also makes the definition more utilitarian in appearance. The more of a focus is placed on job-related consequences, the more it can be read sexual harassment should be tackled because it harms the organization, rather than (just) because it is morally wrong. This can be both an advantage and a disadvantage.

An interesting matter that shines through in the analysis thus far is that definitions A1 and A2 stemmed from documents which were both derived through University A's website, they did not represent the same practical implications. However, as they were not contradictory in a general sense, and one of them was not written by the organization itself, this did not appear problematic.

Finally, a clear difference between the definition proposed by this study and the definitions formulated in the field was that the definition proposed by this study stresses reasonableness and weighing in of circumstantial information – i.e. severity, persistence, context of the behavior. This was intended as a benchmark to differentiate between innocent and malicious sexualized behavior, arbitrary and serious cases. The definitions in the field appear to have opted to tackle this by the formulation of a person's dignity being affected.

Aside from looking into how the definitions related to each other, it was also reviewed how they compared against the dilemmas set out in the definition part of the theoretical framework. The definitions A1 and A2 did not actively link sexual harassment to general gender and sex issues, but did permit for their inclusion. A1 permitted this through the focus on negative job-related consequences and a negative work environment, especially as it did not clearly specify how sexualized the behaviors needed to be when these criteria are being met. A2 permitted it by speaking of behavior with sexual connotations which affected a person their dignity – this could very well describe gendered negative behavior and general sexist behavior as well. It could also be argued that the link is visible in some of the examples A2 gave, which may be examples of sexual harassment practices which have a gender component. For example, the reference to obstructing someone's path can be said to be a behavior which would appear to be more effective and threatening, and as such more likely to be seen as sexual harassment, when the person blocking the way is larger and stronger in appearance than the person being blocked – thus skewing chances towards the assailant being a man and the target being a woman. For definitions B and D, the behavior explicitly has to be sexual, meaning it is framed as something distinct from general sex and gender issues. However, as theorized earlier in the paper: these issues may very well coincide with sexual harassment.

None of the definitions appear to have committed to a clear explanatory logic. Definition A1 came the closest to suggesting the assailant's power within the organization could be a factor, but it appeared closer to being considered an enabler than a motivation for sexual harassment. They also implied that the type of sexual harassment which relates to this is the most unwanted type. Furthermore, they suggested an intent may be to harm someone's job performance or create a negative environment, but stayed away from fully committing to this by also stating this simply being the result of the behavior being an equally valid benchmark for something to be considered sexual harassment. The other three definitions made a similar non-committed suggestion about the role of someone's dignity. Definition B also suggested power-based harassment is especially unwanted.

Definition A1 started out as very broad 'unwanted sexual advances' or 'requests for sexual favors'. It then became narrower by suggesting 'other [...] behavior' which had to meet one of three characteristics related to the target's capacity to work in the organization unhampered. It remains unclear to what extent these

conditions also apply to the first two behaviors types. This definition did not appear to implicate sexualized behaviors, courting, flirtation, or jokes an sich – thus representing a definition that is not very sexually restrictive. It focused on sexual behaviors which have negative connotations or effects. The grey area is ‘requests for sexual favors’. Asking for sexual interactions on its own does not have to be harmful, however it is possible the words do not accurately reflect the author’s intent: it may be an unprompted directness in this area which is rejected, or ‘favors’ is supposed to imply sexual interactions which were not based upon mutual desire and consent but on a person using their power for personal gain. The definition did not appear as one very likely to generate false negatives. It appeared to cover all ways in which sexualized behavior could become negative for its target. It did have the potential to generate some false positives, depending on the meaning of ‘sexual favors’. The formulation ‘unwanted sexual advances’ may also generate false positives if the target is taken as the authority of ‘unwanted’ as this criterium may then be hard to objectively verify. The definition did not indicate standards of reasonableness, or indications of what may be universally unwanted. In English a nuance may exist between ‘unwanted’ and ‘undesirable’ but in Dutch this line is vaguer – the same word potentially meaning either.

Definition A2 started with the impression it would be very broad, stating ‘any undesirable sexual advances’. However, reading the following words closely, the definition proposed one of two conditions needed to be met: a. sexual favors were requested, or b. a person’s dignity was (intended to be) harmed. The provided examples then again moved towards a broader interpretation, offering both very intense forms and smaller more ambiguous behaviors as examples of sexual harassment. By citing examples in the present tense instead of the hypothetical and by the specific examples of choice this definition did become rather restrictive. Several of these behaviors can have a maleficent spirit but can also be the stuff of a pleasant informal collegial atmosphere. By a lack of a distinction between appropriate and inappropriate displays, the behaviors themselves became implicated. This created a sexually restrictive definition. Furthermore, using a person’s dignity being affected as a benchmark is interesting. In principle it appears like a good way to find a balance between false positives and false negatives: no particular behavior is immediately included or excluded, and there is an indicator of negative consequences which needs to be met before something counts. However, nitpicking as it might be, scenarios can be thought up where central criterium of dignity being affected could have implications other than intended. For example, a person may wish to report something as sexual harassment because they believe a sexualized behavior to be inappropriate, without them experiencing it as an affront to their dignity. Could this then still qualify? To some degree it seems the answer is yes, as the next part of the sentence accentuating effects on the context appears to imply that if a person feels strongly about how the context is turned negative, they may automatically meet the ‘dignity being affected’ criterium. Another aspect for consideration is how this criterium of dignity being affected would be objectively verified. Hardly does it seem a reasonable expectation universities would keep records of each organization member’s score on a dignity scale, to allow for prior- and post-incident comparisons on their dignity. The question then becomes, in case of disputes over whether or not something was sexual harassment, how does ‘dignity’ as a concept unpack to facilitate more checkpoints than simply a person stating their dignity was affected? The examples cited in the definition offered opportunities for false positives. If they were formulated in the sense of what could be sexual harassment this would be less so, but as they were formulated as examples of what *is* sexual harassment, they fell short in that regard. Again, because they included behaviors which may very well be appreciated by all involved.

Definition B was very similar to definition A2 in terms of the broad versus narrow dilemma. It did not cite examples, but it did offer decisions about an employee lacking in integrity as something which may compound the chances of something being considered sexual harassment. Both definition A2 and B operated on the idea that in principle any sexualized behavior can be sexual harassment, but that it counts only when a certain benchmark for harm is reached. This definition did not implicate positive sexualized interactions, only those which have a certain type of negative effect. In terms of false positives or negatives the same consideration about dignity as discussed for definition A2 can be called upon. For definition D all the considerations are the same as for definition B, with the exception that the only benchmark employed to judge whether something is or is not sexual harassment is whether a person’s dignity has been impacted. The findings of this section are summarized in Table 4.



Table 4. Comparative analysis definitions

Definition	A1	A2	B	C	D	This study
<b>Behavior type included</b>	Verbal, non-verbal, physical	Verbal, non-verbal, physical	Verbal, non-verbal, physical	-	Verbal, non-verbal, physical	-
<b>Criterion 1: Consequences</b>	Intended & resulting negative consequences	Intended & resulting negative consequences	Intended & resulting negative consequences	-	Intended & resulting negative consequences	Resulting negative consequences
<b>Criterion 2: Dignity affected</b>	No	Yes	Yes	-	Yes	No
<b>Criterion 3: Ability to do their job (right)</b>	Yes	Somewhat	Somewhat	-	Somewhat	Somewhat
<b>Sexualized nature of behavior</b>	Sexual advances & requests for sexual favors	Behavior with sexual connotations	Behavior with sexual connotations	-	Behavior of a sexual nature	Behaviors with sexual connotations beyond reasonable standards
<b>Additional emphasis</b>	Sexual advances; sexual favors; quid pro quo harassment; job performance	Specific behaviors of various seriousness	Quid pro quo harassment	-	-	Quid pro quo harassment; specific behaviors of various seriousness; reasonableness
<b>Attention to effect on employment decisions</b>	Yes	No	Yes	-	No	Not directly
<b>Includes gender/sex harassment/discrimination</b>	Possible	Possible	No	-	No	Possible
<b>Explanatory logic</b>	Power as an enabler (committed); harming job performance as intent (endorsed); creating negative environment as intent (endorsed)	Affecting dignity as intent (endorsed)	Affecting dignity as intent (endorsed)	-	Affecting dignity as intent (endorsed)	-
<b>Broad vs. narrow</b>	Medium	Medium	Medium	-	Medium	Medium
<b>Sexually restrictive</b>	Somewhat	Yes	No	-	No	No
<b>False negatives</b>	No	Maybe	Maybe	-	Maybe	Maybe
<b>False positives</b>	Yes	Yes	Maybe	-	Maybe	Maybe

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## POLICY MEASURES (Q3)

In this section the results will be displayed for sub-question three which asked how, within their policy framework, the Dutch universities dealt with the various key topics of sexual harassment as a policy problem. The key topics were defined as normalization, empowerment, prevention, post-incident support, strictness or lenience of policies, evidence and false accusations, targeting of primary or secondary behavior, and policy packaging. The results will be presented for four different universities separately, with a further split to represent each of the above-mentioned topics individually. For each statement the document or documents from which it stems will be referred back to. However, to maintain the anonymity of the universities, the documents will only be referred to by number. Within these topics attention will be called to measures of which the relevance was theoretically anticipated in the conceptual framework, but also to outstanding policy choices – in the positive and negative sense – which were not anticipated. The section will end with Table 5 which summarizes the findings per university and represents them side by side. This table should facilitate a better grasp of present patterns.

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### UNIVERSITY A

#### **Normalization**

Normalization refers to the degree to which policies imply sexual harassment is a natural and / or acceptable practice within organizations, or an unnatural and / or unacceptable practice. This topic was textually present in two of the five documents. For the largest part the policies of University A gave the impression it was considered an unnatural and unacceptable practice. Two of the analyzed documents characterized it as unwanted and harmful behavior (2; 3). These documents also spoke of removing sexual harassment from the organization entirely (2). However, next to dispelling sexual harassment, one of the documents also provided reducing its occurrence as an option (3). This could indicate it was believed to be (too) hard to completely eliminate some forms of undesirable behavior. As such some normalization could be said to occur – if something is thought to be impossible to eradicate, it is implicitly also framed as a natural occurrence. This impression is strengthened by the university explicitly stating unacceptable behavior can occur, regardless of preventative policy (3). It could represent the type of thinking that perceives sexual harassment as so inherent to a group of people in close contact, that no matter what is done, it will occur – thus being a natural aspect of human interaction. Of course, as discussed earlier, an organization which does not provide means to tackle sexual harassment experiences after the fact, would not create the impression of being on top of this subject either. This sentence then does not necessarily have to represent normalization, but may have also been included to show a conviction not to abandon targets after an incident has occurred. As such, it goes too far to say University A fully normalized sexual harassment, but the door towards it was neither fully open nor closed.

#### **Empowerment**

Empowerment relates to the extent policies strengthen the position of people to enforce their own boundaries and resist unwanted advances. This topic was found to be textually present in three documents. The analyzed policies included some aspects which could have an empowering effect. First of all, the attention the university wanted to pay to diversity and inclusion could have an empowering effect. This attention to diversity and inclusion could be read from the mention of valuing diversity and wanting to have a diverse team (1), and the national obligations towards inclusive recruitment of minorities and groups with a vulnerable position on the labor market (2). Secondly, University A underlined striving for equal treatment for job vacancies and equal opportunities for personal development and cooperation (2). These commitments could also be said to be antithetical to allowing quid pro quo harassment and revenge against targets to take place, as these would be a form of unequal opportunities. Furthermore, national obligations were put in place to pay attention to the career perspectives of postdocs and junior teaching staff (2). Several measures were described to achieve these improved career perspectives (2). Bottlenecks that remain, however, are the crucial importance assigned to gaining a PhD and/or a teaching qualification (“BKO”) (2). Another source of empowerment was the explicit mention that security can be called if people are faced with or witness unacceptable behavior (3). This can be empowering in the sense people are aware assistance can be available if a situation would escalate, whether as a result of them enforcing a boundary or as a way to enforce the boundary through security assistance (3). The final form of empowerment is that reports can be made anonymously (3). This can be empowering through the knowledge that something can be done without becoming wrapped up in a lengthy procedure, or receiving backlash for making a report.

## Preventative Measures

This topic pertains to the efforts universities took to try prevent sexual harassment from happening in the first place. This topic emerged textually in for four documents. A national obligation existed for universities to have behavioral regulations (2), which was stated to have the purpose to prevent and combat undesirable behavior including sexual harassment (2). This university has met this obligation in two-fold (1; 3). In these documents the university said they wanted to prevent sexual harassment and other negative behaviors. The university was explicit about wanting to create a socially safe environment for everyone (3). University A also considered it their responsibility to take stock of how the implemented policy and reward structures lead to (un)desired conduct and to provide the framework for organizational members to bear responsibility and be proactive in preventing and halting negative behaviors(1). Managers were given an active role in this as they were expected to function as an example for others, create a positive work environment, and talk to their subordinates about unacceptable conduct (1). The investigation of structures which may promote or enable sexual harassment, or if altered demote and disable it, can also be a very fruitful exercise. However, the studied policies showed no further indication of which policy and reward structures would or have received consideration.

However, there were several concrete preventative actions mentioned for other aspects. First of all, the university wanted to create more awareness in terms of appropriate behavior (1). They wanted to do this by discussing dilemmas related to ethics and appropriate behavior in introduction meetings for new staff members (1). The existence of a document describing appropriate and inappropriate behavior, and its contents, were also intended to be communicated adequately (3). Effective information about behavioral policy and risks of unacceptable behavior, including sexual harassment, were supposed to be provided within the organization (3). General information about undesirable behavior was intended to be spread (3). A clear commitment was made to meet the national obligation of systematically mapping sexual harassment and other unacceptable behaviors as part of the Risk Inventory & Evaluation to be made for all workplace hazards (3). Managers and other staff members were supposed to receive training about sexual harassment and other unacceptable behaviors (3). Finally, reports about undesirable behavior across the university were supposed to be collected and analyzed, in part to facilitate determining if and where preventative policy should be adjusted (3).

University A also provided their employees with several clear expectations which could help counter sexual harassment. Employees or organizational members were expected to: know about and comply with regulations and policies (1); refrain from psychological and physical abuse, discrimination, and bullying (1); communicate openly (1); deal responsibly with ethical facets of their job or study (1); call each other out on inappropriate actions (1); be open for feedback (1); pay attention to each other's concerns and anticipate them (1); actively contribute to a socially safe environment (3); and be vigilant against any form of unacceptable behavior spotted (3). Next to this, a topic that got special attention was the interference of personal interests in professional decisions (1; 2). Quite possibly these measures were written with the intent of protecting scientific integrity, by for example researchers tuning their findings in favor of a company with whom they have a personal relationship which benefits them financially or otherwise. However, with a little imagination it can also be applied to personal favors being asked from or given to organizational members based on sexual interest – thus a form of quid pro quo harassment.

Another topic that got special attention is the use of the university's computer and internet facilities (5). Regulations were set up for proper use of internet, computer, and e-mail facilities provided by the university (5). The only exception were students, whose use was regulated in a separate document (5). This proper use could be monitored and further investigated (5). Proper use in any case included not viewing (child) pornography or discriminating material (unless it had a work-related purpose and permission had been gained from the network administrator); not sending or storing threatening, (sexually) intimidating, (child) pornographic, racist or otherwise discriminating email messages (5); not engaging in activities that were unlawful, punishable or harmed the reputation of the university (5); and no extensive use of cyber facilities for personal purposes (5). For those using the university's ICT facilities during their private time only the last was explicitly lifted in full (5).

Aside from concrete preventative actions, the university also communicated some general principles and intentions which could also apply to sexual harassment. For example the university stated it did not want to be involved in activities that affect the dignity of people (1). The connection with its definition of sexual harassment through a mutual use of the word 'dignity', could indicate the university wanted to distance themselves from persons who engaged in and structures which enabled sexual harassment. Another was the explicit prohibition of unequal treatment without an objective reasonable justification (1). This could also mean that frustrating the career or job performance of a colleague as a result of a sexual/romantic rejection or resistance against sexual harassment was be prohibited, as it can be seen as a practical form of unequal treatment.

One of the policies clearly stated the scope of the obligation to refrain from sexual harassment and other unacceptable behaviors extended to all activities happening at the university's buildings or premises, and to work-related activities outside this such as conferences and company outings (3).

### **Post-incident support**

Post-incident support indicates what policies describe for once a sexual harassment incident has occurred. This topic was textually present for all five documents. One of the obligations stemming from a national agreement was to have a confidential advisor (2), whose job was described to be providing the first line of care to people who have been confronted with undesirable behavior, and being the first source of support in cases of complaints about breaking the Law of equal treatment (1).

The university has met this obligation and has instituted confidential advisors (3; 4). By their own words they described the confidential advisors' tasks to be: providing information about unacceptable behavior; ensuring adequate assistance for those filing a complaint about unacceptable behavior; ensuring information provided to them is treated confidentially; looking for an informal solution to conflicts; and assisting a person in lodging a formal complaint and where necessary in the formal handling (3). In another document the task was summarized to be assisting the complainant in filing a complaint (4). It was noted confidential advisors are independent and are protected in their function (3). The university stated all other staff members explicitly including company medical officers, HR managers, student psychologists, study advisors, and managers who received a report of sexual harassment should refer the person back to the confidential advisors (3). If a staff member who has received a report felt the need for this, they could also receive counselling and advice from a confidential advisor (3). At University A, confidential advisors were not accessible to students, who had to go to student counsellors instead (3). The description of the tasks and functioning of student counsellors were the same as for confidential advisors (3).

To an extent approaching a confidential advisor was considered making a report (3). The purpose of this was described as to serve as one of the following three things: create a record of the behavior; gain advice on how to deal with the behavior; gain advice on how the behavior can be stopped in consultation with the parties involved (3). One of the policy documents clearly cited this as one of the two roads to take if an incident occurred (3). The other road was to file an official complaint (3). Students could do so at the complaints desk, and staff members could do so directly with the Executive Board (3; 4). The complaints desk forwarded the complaints to the Executive Board (3). Interesting is that in both cases complaints were specified to be about staff members (3). This suggested that sexual harassment cases where the perpetrator was a student, could not be filed (3). This impression was also supported by the definition of a complaint in another document, which omitted the possibility to file it about a student (4). However, in the first document the definition of a complaint did include the possibility to file it about a student (3).

In a different document the existence of a complaints committee, a body charged with handling complaints on behalf of the Executive Board, was introduced (4). The complaints committee was the only authority on handling complaints, and everyone else who received one was explicitly instructed to forward this complaint to the complaints committee (4). After receiving the complaint, the Executive Board would confirm receipt of the complaint as soon as possible, indicating the manner and period in which the complaint was to be heard (4). After receiving the complaint, the Executive Board could consult with the manager(s) of the units where the complainant and/or the accused work and if found necessary take provisional measures (4). This could be a great step in supporting targets – who may need immediate action to be protected from continued harassment, or from revenge. This could potentially dampen the effect of the perpetrator receiving a copy of the complaint. The complaints committee was supposed to start its investigation as soon as it received a complaint (4). The investigation featured a hearing, where both parties would be heard in each other's presence – unless the committee decided otherwise and stated reasons for doing so (4). Although hearing accused and complainant in each other's presence could be problematic, the possibility to make a different choice is helpful. Additionally, the complainant could be assisted during the hearing, or have someone attend it on their behalf if provided written authorization (4). This offered ways for the target to lessen or avoid the emotional burden of the situation if they so perceive it.

A time period was indicated within which the complaint was supposed to be handled: ten weeks, with a regular extension of four, and a further extension with the consent of the complainant (4). This means that without special permissions, a target could already be kept waiting for over three months on a judgment of how the incident they experienced was regarded and potentially handled. This appears like rather a long time period to leave someone in uncertainty. Once the committee's procedure was concluded they were to report their findings to the Executive Board (4). The report would include a report of the hearing, as well as the committee's consideration about the validity or groundlessness of the complaint, and the measures and other actions it

proposed the Executive Board should take (4). The Executive Board could draw different conclusions on their own, but had to justify their different choices (4). If they believed it necessary, the manager(s) of the target and accused could be informed of the conclusion of the procedure (4). The Executive Board could impose disciplinary measures on both the perpetrator and the complainant (4). The latter in case they felt the complainant abused the procedure (4). Disciplinary measures had to stand in relation with the offense (2). Examples of measures that a university could institute are: downscaling salary, suspension, suspending payment, and terminating employment (2). Links to further examples were referred to, and a clear intention to indeed apply disciplinary measures if behavioral regulations were violated was stated (3). If the target felt dissatisfied with the way their complaint had been dealt with, they could file a complaint with the National Ombudsman (4).

Although the document framed approaching a confidential advisor or filing a complaint as the two approaches toward post-incident support, upon further inspection there were more. At the moment an incident was ongoing, security could be called (3; 4). Additionally, if the offense related to computer and internet use, a completely different route became available. If a (potential) incident occurred this could be reported to the administrator, who was usually the highest manager of the department a person was working in. The administrator could then call the person(s) in question to account for their behavior (5). A further investigation into the cyber use of the person(s) in questions could also be instituted with one or several of the following purposes: establishing improper use of ITC and the internet; checking agreements made on the (prohibited) use; checking whether secret information remained protected; and preventing negative publicity about the university (5). A measure was also added which allowed the administrator to order the removal of files and software which they believed not to belong on the university ICT facilities (5). Although textually it appears the measure was not directly meant as such, it could theoretically be used to immediately move for the deletion of pornographic images – be they general or of an organizational member. This could be useful in forms of sexual harassment which focus on the unauthorized spreading of such images of an organizational member. If it is believed the incident may have reached the level of a security problem, a specialized team could also start an investigation and deny the person(s) in question access to the ICT facilities temporarily (5). If the Executive Board found the user acted in violation with the regulations, they could provide sanctions, which included temporary or permanently limited access to certain ICT facilities or having the guilty party compensate the costs arising from the violation (5). This is besides sanctions which the university could generally place on its employees for disciplinary purposes (5).

Additionally, if the consequences a target of sexual harassment experiences were very severe, they could take out sick leave. The law provided an extended protection against employees on sick leave being fired or having their pay taken away (2). Furthermore, for employees who were (to be) employed in the organization for at least two years, an entitlement existed to receive career advice at the cost of the organization at least once every few years (2). Thus, if employees had not yet used this opportunity, they could gain career advice if they worried how the sexual harassment experience would affect their career, or if they wanted to consider the possibility to leave the environment in which it occurred (2). These measures were regulated at a national level through law or other collective agreements, and should theoretically be present at all universities. However, whether they are supported equally in practice at all universities cannot be claimed.

Finally, the university had a complaints procedure for irregularities (1). This was described as being the channel to report occurrence of injustices and violations of legislation, regulations, or codes of conduct that would otherwise remain unnoticed (1). The extent to which this procedure could be open for reporting sexual harassment experiences, or insidious practices encountered surrounding it, remains unclear.

## **Strictness or lenience of policies**

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### ***Maintaining fun***

This (sub-)topic was used to identify specific intentions or actions the university brought up to preserve positive interactions between organizational members. None of the analyzed documents explicitly concerned themselves with maintaining the fun side of sexuality in the workplace. The policy concerning itself with cyber facilities, even went against it (5). The workplace and the ICT facilities offered were indicated to be strictly for work purposes only, and erotic viewing or communication were not allowed (5). The ban on the latter was also not clearly lifted for people using the university's ICT facilities during their private time (5).

### ***Division of Risk***

This (sub-)topic was used for aspects which specifically placed (potential) targets with risk, or specifically removed (potential) risk from them. This topic was textually present in all five documents. The university did not draw one clear line on the division of risk, but a jagged one – not unlike a border between two countries.

Confidentiality was a matter of importance (1; 2; 4). As discussed in the conceptual framework, it is a two-sided matter. The degree to which it was present, was far-reaching and could thus both help and harm (potential) targets. A similar issue was present with investigations into the abuse of the university's ICT facilities (5). If an investigation into questionable use occurred and no further measures were taken based on it, the report was destroyed (5). This favored the privacy and security of someone who might stand accused over protecting (potential) targets: if at a later point the same person would be investigated for a potential involvement with sexual harassment, and earlier ICT use was questionable in the same vein but not enough so as to take further measures, this report could not come into play to show a pattern.

Another issue which could come down on targets and potential perpetrators both was a performance orientated mentality (1; 2). Sub-optimal performance meant there was something to lose (1; 2). It was described staff members were 'challenged' to develop themselves and their skills. Performance and prospects were monitored regularly through performance management. Staff members could expect an evaluation of their performance reflected financially and in terms of attention to their work (1). Whereas this meant that someone stood to lose something if they engaged in sexual harassment, targets stood to lose something also because of how sexual harassment could negatively impact their functioning. Important here is that for a perpetrator it first has to become known they have misbehaved for it to affect them, and it consists of consequences for a behavior which was optional for them. Whereas for targets the evaluation of sub-optimal performance is linked to something which does not need to be reported first to be noticed, and depicts something which results from a negative behavior of another they did not chose to experience. Thus as targets can be said to be more exposed, and as they would receive punishment over the negative results of a negative interpersonal behavior forced upon them, the question can be raised to what extent 'both' translates to 'equal'. Perhaps some relief can be found in the statement of another policy to take behavior regulations into account in performance assessment (3). However, insufficient clarification was given about what this would imply. To illustrate, as it was written, it could imply anything from actively seeking out during performance evaluation if someone has behaved themselves, to more lenience to those who have been victimized, to having employees compete in a pub quiz to assess their knowledge of the regulations. Depending on its interpretation it could be a good addition.

A national agreement clearly shifted risks onto potential perpetrators. If someone caused damages to the university or third parties due a purposive behavior or conscious recklessness, they were liable for the compensatory sum themselves (2). This could then also be held up in sexual harassment cases. A similar measure was added by the university in relation to its ICT facilities; they disowned liability for damage arising from the use of ICT facilities or disbarment thereof (5). Risk was further geared away from targets, as different parts of the organization were asked to submit an anonymized yearly report of all cases that had come to them to the HR department (3). This should allow for the cross-referencing of multiple sources, to more easily identify hidden cases or repeat offenders. This could be helpful in not letting secrecy become the breeding ground for sexual harassment. Furthermore, all organizational members were asked to actively contribute to a safe social environment and be active bystanders (3). If these were the standards, it is not even necessary to engage in an unambiguous form of sexual harassment with much evidence to prove it, in order to be able to be held accountable for failing to meet behavioral norms. A failure to take positive action, could be equally a cause for action to be taken, as engaging in a negative. This take is supported by the fact it is explicitly stated that a complaint can also be filed about a failure to act (4). Finally, risk was steered away from targets by prohibiting the use of ICT facilities which could lead to forms of sexual harassment: the viewing of pornographic materials, the storing or sending of erotic e-mails, and the storing or sending of sexually intimidating e-mails (5). Furthermore, the ICT facilities were explicitly mentioned to be meant for performing the tasks of one's job (5) – thereby automatically making anything else an offense and thus circumventing the entire discussion of whether or not a behavior would qualify as sexual harassment.

In the design of the complaints procedure a jagged line was drawn too. For example, the Executive Board could – but did not have to – notify the managers of the target and the accused, after which they could deliberate with them about provisional measures (4). This meant that if the managers and Executive Board felt the target could be victimized further, they could already take protective measures. Finally, the complaint could be filed by a third party, keeping the target outside of the procedure (4).

In other instances, policy content caused targets to have to carry a greater risk. It was for example up to the person filing the complaint to provide a translation of their complaint to Dutch (4). Furthermore, there were a number of contexts in which the university would not handle a complaint at all: if it pertained to conduct from over a year ago; if an objection could have been filed to the conduct; if an appeal could have been filed; if a court was handling the matter; if the conduct was subject to a criminal investigation; the complaint was already taken up previously; the complainant's interest in the matter was insufficient; or the seriousness of the conduct was insufficient (4). Although the university may have had good reasons for installing these restrictions from an

organizational point of view, they could leave targets who have had a (very) unpleasant experience twisting in the wind. What options were available to targets to gain distance or protection from their perpetrator while awaiting a potentially lengthy criminal or legal procedure – one which tends to only achieve results for much more serious behaviors than what the university's scope of sexual harassment is concerned with? And to what extent does 'could have' filed an appeal or objection take into account that sometimes the harm or malignant intent only become clear in hindsight? In these instances, it appears targets could be left to deal with harassment experiences on their own, in favor of procedural considerations. It remains unclear if and what other means to protect themselves were commonly available for targets to whom the complaints procedure is blocked.

The person who filed the complaint had the possibility to end the procedure prematurely by withdrawing the complaint or by signaling the complaint was addressed to their satisfaction (4). The presence of such options seems encouraging for targets – they were put in control over the lifespan of the complaint. When thinking about filing a complaint this can be reassuring in terms of the diminished likelihood that the consequences for the accused would exceed that which the target is trying to achieve. That could be helpful for targets who want to regain their own power and halt the situation, but not punish or permanently damage the perpetrator(s) and/or enabler(s). However, these opportunities also bring a risk with them. Technically, it was possible for the perpetrator(s) or other organizational members to pressure the complainant into discontinuing the complaint – even when the person who filed it still experienced a need to see it through. The current formulations exclude any means to check up on the complainants' genuineness in decisions or agreements to discontinue the procedure. Furthermore, it could also be a drainage for targets who have become dispirited through the insufficient or taxing way in which the procedures treat them: they want to discontinue the complaint because they feel the system has failed them, but to the system it will appear a satisfactory result has been achieved.

### **Evidence and false accusations**

This theme refers to aspects of the policy documents which concerned themselves with proof and false accusations. The theme was textually present in four documents. The burden of proof appeared to lie largely with the person filing a complaint (4). It appeared that at various points they needed to prove to the complaints committee that they had sufficient evidence for a case (4). When filing a complaint, they needed to describe the conduct they were complaining about, and the reason they were filing a complaint about this (4). If they did not suffice in this, their complaint would not be handled (4). Additionally, the complaint would not be taken up if it fell in one of the categories discussed in the previous section (4). It appears it was up to the complainant also to sufficiently clarify this was not the case (4). In order to be heard, the complainant also needed to have proven sufficient merit to their complaint, and have stated within a time period set by the Executive Board they wish to be heard (4). When it came to the use of ICT facilities, however, the burden of proof lay with whoever was accused of inappropriate use (5). If suspect activity was found, it was up to them to provide a satisfying explanation (5).

From there on out there appeared to be two procedures for coming to an official judgment by the organization: the complaints procedure for general behavioral complaints, and a procedure for abuse of ICT facilities. The first did adhere to a process with several steps that did set a considerable standard of proof and should not make false accusations too easy. First, the target needed to file a clear description and motivation for filing (4). Then, the accused received a copy of the complaint and any attachments, to which they could respond in writing (4). Next, a hearing would be scheduled (4). Surrounding these steps, additional oral and written information could be gathered as evidence, which was provided to complainant and accused both (4). The whole procedure was led by a specialized committee (4). The chairperson and the deputy chairperson of this committee were to be independent of the university (4). Furthermore, the committee had to include two members chosen by the Executive Board, and two by the university's labor union (4). The hearing of a complaint was always to occur by a selection of members which contained one of each group (4). In sexual harassment cases the committee could be assisted by a confidential advisor who was not yet involved in the case otherwise (4). If the impartiality of any particular member of the complaints committee was in question, they were to refrain from handling the complaint (4). Similarly, they could be recused if this impartiality fell into question during the handling of the complaint (4). The hearing was a private affair, whereby both the complainant and accused could be assisted by someone else (4). No further details were given about this assistance, so technically this could range from a friend for emotional support, to a lawyer. Third parties could also be heard (4) – mirroring the conduct of witness or expert testimony as possible within legal courts. If any party was heard separately, complainant and accused received a report of this hearing and would be allowed to state their position on it (4).

For inappropriate use of ICT facilities different standards were used. If a serious suspicion of abuse of ICT facilities was present, the Executive Board could sign off on a targeted investigation (5). The person the

investigation was targeted at was to be informed by the Executive Board as soon as possible about the reason, implementation and result of the investigation (5). If it was thought to be necessary for the investigation, informing them could be postponed (5). The reason for this was to be stated to them in writing afterwards. Interesting is that this consideration did not exist for the general procedures to be employed for sexual harassment cases. Either way, the person was given the opportunity to respond to the findings (5). Only if there were good reasons to do so, people's e-mails and stored files could be investigated (5). Finally, the Executive Board had to be informed in writing about the results of the investigation. If the investigation gave no reason for further measures, the written report was destroyed (5).

Due to the repeated and extensive requirement of confidentiality, it seemed that possibility for prosecution by public opinion was limited. Although targets themselves were not explicitly forbidden from sharing their experiences with whom they desired, other organizational members who could corroborate their story likely were. The complaints committee and anyone involved with the complaints procedure were explicitly bound to silence (4). Other organizational members were also bound by general formulations such as being bound to treat data on the organization and its members with care (1), or the express instruction to keep matters which have come to them as part of their function, which were explicitly instructed to be treated as such, or could be deemed to have to be treated as such by their nature, confidential (2). These obligations remained after termination of their employment (2).

Yet, it does seem this university carried a certain discomfort with the idea that someone might be accused falsely. They, for example, opted for a neutral term to refer to the accused in a complaints procedure: respondent (4). It further appears so, because the procedure described more ways to disregard complaints than to (actively) facilitate them (e.g. it was not sufficiently serious; the complainant's interest was not strong enough; the complaint obviously had no merit; the incident was too dated; it was already being handled elsewhere) (4). Finally, the strongest indicator of a concern for false accusations was the paragraph which stated complainants could be on the receiving end of sanctions if the Executive Board judged their use of the complaints procedure to be ingenuine (4). What should be noted, however, is that this concern did not only pertain to sexual harassment – but to all complaints about someone's behavior. Again, however, this type of suspicion was shifted when it came to inappropriate behavior relating to ICT facilities – where there seemed to be very little concern with false accusations of inappropriate use (5).

### **Targeting of primary or secondary behavior**

This theme considers whether the policies only focused on tackling specific harassment behaviors, or also paid attention to context and tackling antecedent behaviors or structures. It was relevant for all five documents. The university employed measures both to target primary and secondary behavior, but the emphasis appeared to be placed on secondary behavior. In most of the documents analyzed, general behavioral norms and ideals for the organizational culture were set out (1; 2; 3; 5). When it came to cyber facilities, certain specific actions were also regulated (5). One document targeted primary behavior, as it was concerned with specific incidents that occurred (4). One document set out the goal of creating a good environment – one which was to be socially safe, and where respect, integrity, honesty, and consideration for each other were important norms (3). At the same time, that document also provided some specific examples of which behaviors were deemed unacceptable, and in that sense also targeted primary behavior (3). Unfortunately, these same goals and values were not replicated in another document included, which spoke of the university's core values among other things (1). Under one of the values there was potential to address the degree to which organizational members were expected to be respectful, social, and cooperative. It was, however, defined only as excelling in combinations (1). Thus, a social and productive organizational climate was not included in the core values of the organization. A similar missed opportunity occurred within the paragraph that was labeled as 'social attitude and conduct' (1). This could have been the place to indicate aspects of a desired organizational culture where sexual harassment and other negative behaviors were unlikely to take place. However, aside from explicitly prohibiting psychological and physical abuse, the paragraph focused on a respectful tone in communications between staff and students and students helping each other (1). Upholding each other's dignity, and providing the opportunity to express concerns and personal boundaries and be heard, were forgotten about.

### **Policy packaging**

This topic describes to what extent the overall framework forms a consistent whole, or displays inconsistency, incongruence, and incoherence. There were certain commonalities between aspects of several policy documents – for example the confidential advisors and the existence of a complaints procedure for unbecoming behavior. However, there were also inconsistencies. An example are the duties of the confidential advisors receiving different framing – one time as a caregiver, then as a guide to rules and procedures or someone to make



problems (for the organization) go away. Another was the ping-ponging between whether it appeared a complaint could be filed about a student or not. Furthermore, the documents together appear to tell a story, but each of them separately appeared to tell only part of it. Some brought up of a few measures available to targets or used to prevent incidents, and others brought up alternatives. However, at other points clear efforts were made to cross reference different policy documents (1; 3; 4). At the end of one of the analyzed documents, a list of other relevant documents was provided (1). It also stated in its opening paragraphs the measures provided in it were nothing new, but rather a combining of several separate policies (1). The intent was to unify different procedures and documents to give more insight into the whole (1).

Finally, there appears to be some incongruence between the commitment to eradicate sexual harassment and create a safe environment (2; 3), and the suspicion placed upon people who come forward with complaints about experiencing the very behaviors which these commitments are about removing (4). Additionally, the same source of national obligations which were met (having confidential advisors and a behavioral code of conduct) also indicated commitments to matters which can have a relation with sexual harassment (e.g. work pressure, upward mobility, organizational embeddedness), which were not included in the university's internal documents discussing sexual harassment (implicitly) (2). Thus, some consistence and coherence may be lacking.

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## UNIVERSITY B

### Normalization

This theme was textually present in three of the analyzed documents. Two of them did not normalize sexual harassment. They characterized it as harmful unwanted behavior (6; 2). It was said to be something that harms people's dignity, has a disruptive effect on the work environment, and affects the integrity of the organization (6). It was also said it should be dispelled from the organization (6; 2).

Another document however downplayed the seriousness of the matter and therefore appeared to normalize sexual harassment (9). It created the impression it is all some sort of misunderstanding that you should just talk out – as if discussing whether you wanted sugar in the coffee you got served or not. Addressing students, sexual harassment and other negative interpersonal behaviors were framed as some bothersome annoyance that disrupts their studies. It was also stressed the behavior they perceive as undesirable did not have to be so for others, and that nothing is really problematic until those involved cannot work it out together (9). It was also emphasized the perpetrator may be unaware of the bothersome nature of their behavior, and pointing your problem out to the perpetrator was advised as the best course of action (9). Clearly, the problem was being downplayed from an organizational problem to an interpersonal one – one of the indications of sexual harassment being normalized. Furthermore, the behavior was trivialized – another indicator of normalization – to be some annoying misunderstanding rather than a harmful behavior that may sometimes even be traumatizing and / or criminal.

### Empowerment

This theme was textually present in two documents. University A and University B both explicitly referred to the same national document on their website, and for both it was included. As such the same strengths and shortcomings in empowering junior staff members, as well as some of the same commitments to inclusiveness, apply as discussed under this topic for University A (2). Aside from this, a policy was featured which described a network for female professors (7). Although it did not mention sexual harassment directly, it did mention several things which may be empowering for female employees of the university. First of all, all new female professors were invited to join the network (7), which could enhance embeddedness and opportunities to collectively make needs heard. Furthermore, the network explicitly aimed to facilitate sharing of experiences and mutual support (7). This could help the participants learn effective strategies from each other to enforce their own boundaries, as well as offer the possibility of signaling trends or commonalities from several stories. Furthermore, the document explicitly stated it was the network's intent to lobby for the interests of female employees at the university, signal practices which they believed to harm women and point out regulations which they believed stimulated unequal treatment (7). Finally, the complaints committee had to account for their activities in a yearly report to the Executive Board, of which an anonymized version would also be discussed with the University Council (6). This could facilitate policy learning and adapt policies to prevent harassment where needed.

## **Preventative Measures**

This theme was textually present in three documents. The preventative measures which the university was obliged to take through national agreements were the same as for University A. Aside from that the university offered general intentions, for example its claim to want to prevent and deter the type of behavior which sexual harassment was considered part of (6). Confidential advisors were given some tasks which may have a preventative impact (6). They were for example asked to provide information about undesirable behavior and to advise the Executive Board on the responsible management about the prevention and deterrence of undesirable behavior (6). The female professors network also picked up some preventative efforts such as signaling practices which they believed to harm women and regulations which they believed to stimulate unequal treatment (7).

## **Post-incident support**

This theme was textually present in four documents. In a document mainly targeting students, it was stressed that before trying to gain any support from the university, targets should try to deal with the incident themselves (9). They were instructed to attempt to confront the perpetrator themselves (9). If that was not an option, they were instructed to ask a trusted friend or acquaintance to do it for them (9). Only as a secondary option, university support was mentioned.

Like University A, University B had confidential advisors and the opportunity to file a complaint with a complaints committee (6; 9). For more insidious cases where other organizational members, such as managers, acted as enablers the procedure to report misconduct might have also been viable (8). This procedure was described as serving to identify and halt violations of legal obligations and university regulations; situations which endanger the health, safety, and environment at University B; or unreasonable conduct or lack of action (8).

Confidential advisors were available both to students and to staff, the total pool existed of two for each (6; 9). Confidential advisors were said to be tasked with several things: be supportive towards targets through providing care, assistance and advice (2; 6; 9); help targets find a solution to the problem outside of formal complaints procedures (6; 9); help targets find a mediator to start a dialogue with the perpetrator (9); and inform targets of formal complaints procedures and help them file a complaint if so desired (6; 9). It was stressed the confidential advisor collaborated with the target, and would not act without their permission (9).

Complaints could be filed to the complaints committee or Executive Board, but would always be handled by the complaints committee (6). Complaints could only be filed by targets, as the definition of a complainant included it pertained to undesirable behavior personally experienced (6). The complaints committee first judged the viability of the complaint, and if judged viable then investigated its content further (6). To be viable, the complaint at least had to be filed in writing and pertain to something which happened in the last two years (6). Based on this investigation the committee provided the Executive Board with a dossier and a conclusion (6). The Executive Board then got to pass the final judgment (6). This judgment could be one of four things: complaint is inadmissible; complaint will not be handled; complaint is declared well-founded; complaint is declared unfounded (6). For the first two judgements the complaint was to be dropped. It is unclear what the consequences are of the last two judgments – however the dean or director supervising the accused was to be informed (6). From national standards it could be gathered that in case a complaint has been declared well-founded, sanctions in the form of downscaling salary, suspending the employee, suspending the employee's payment, or firing the employee were an option (2). The requirement was set for the sanctions to stand in relation with the offense (2). As with University A, the whole complaints procedure should be concluded within ten weeks, with a possible extension of another four (6). It was made explicit that as long as the complainant acted in good faith, they were not allowed to suffer any disadvantage from making a complaint (6). However, no specific actions were proposed to ensure this. Several of the procedures even appeared to achieve the opposite – more about this in the following sections.

There were some striking differences between the complaints procedure to be used for undesirable behavior, and the one to report misconduct. First of all, the complaints committee required a clear description of behavior which took place to even consider an investigation (6), whereas for the misconduct report the suspicion of misconduct was enough to start an investigation (8). Secondly, whereas in the first the Executive Board had to report their judgment within ten to fourteen weeks (6), in the second they had to report back with conclusions, measures taken, and progress within eight (8). This deadline could be extended, but then the Executive Board has to inform the complainant or their representing confidential advisor with an indication of a new deadline (8). Another difference was that during this procedure the complainant could be represented by a confidential advisor fully and remain outside the procedure themselves (8). Furthermore, for this procedure the confidential advisor was also said to receive protection from consequences, and the requirement that the complainant had to be seen as having acted in good faith was dropped (8). Again however, no specific measures

were proposed. Finally, an additional step of going to an external advisor was added if the complainant was not satisfied by the result offered by the Executive Board (8).

From the same national document as analyzed for University A, sick leave and career counseling options should be provided as described under University A (2).

### **Strictness or lenience of policies**

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#### ***Maintaining fun***

This theme was textually present in one document. In the preamble of one of the policies a sentence was included in which University B assigned the whole organization a shared responsibility to maintain a pleasant social atmosphere (6). This, however, was the only place where a pleasant atmosphere as a goal next to tackling sexual harassment was given attention.

#### ***Division of Risk***

This theme was textually present in four documents. Like University A, University B informed the managers of the accused once a complaint had been filed (6). Unlike University A, however, no explicit commitment was made to deliberate with them about the necessity of any preliminary measures. As with University A, extensive confidentiality obligations were in place (6; 8). Confidentiality could only be broken by the confidential advisor with permission of both the accused and the target (6). It was also explicitly stated the report and advice of the complaints committee were not to be public (6). Further similarities were informing the accused a complaint had been filed against them, and the ability to discontinue the complaint by the target (6). No thought was given to checking up on the target's motivation for discontinuing the complaint (6). Finally, as with University A the norm was to hear the target and accused in each other's presence, unless the complaints committee chair decided otherwise (6).

Looking at the procedure for reporting misconduct, it stood out risk was steered away from complainants there much more than in the procedure for filing complaints about undesirable behavior such as sexual harassment. First of all, in the procedure for misconduct the target was allowed to remain completely anonymous and outside of the procedure (8), which offered them much more protection from the emotional burden of such a procedure, and from revenge and backlash. Furthermore, the misconduct procedure was repeatedly said to forego informing the accused if this was thought to harm the interest of the ongoing investigation (8). This option was not listed for harassment complaints. Finally, the misconduct procedure offered the opportunity to surpass the university completely and immediately file a complaint with a designated external party (8). This could in any case be done if there was a reasonable fear of the complainant suffering revenge or countermeasures as a consequence of speaking up; there was a clear threat of hiding or destroying evidence; or if a previous internal report had not resolved the problem (8). These all sound relevant for sexual harassment, but it is not clear if the procedure could be employed for sexual harassment cases. For the procedure which was specifically geared to sexual harassment cases and other problematic interpersonal behaviors, it was actually explicitly stated the same behavior could not be complained about twice (6).

Another document framed sexual harassment as a personal social problem, for which the targets themselves needed to personally make a serious effort to resolve it outside official channels (9). The university's formal procedures were framed as a last resort (9). It was said filing a complaint could be done after efforts to change the situation personally have not helped, and only if the behavior was so bothersome it frustrated the student's study (9). This may debilitate targets – if they feel they have not done enough to try to resolve the situation personally, they may never report it because they believe it would be pointless. This while it is likely that the more insidious the harassment situation becomes, the less likely the target is to be able to handle personal confrontations – after all, following the definition of this university the perpetrator has harmed their dignity and potentially created a hostile environment for them. Furthermore, it holds the potential to place the blame with targets, assigning such personal responsibility to make the harassment stop could be turned to frame it as a personal shortcoming if they did not manage to achieve this.

Considering the instances where the targets received some protection also worked against them, and other relevant matters for this theme mostly indicated a lack of protection, it appears University B ended up dividing the risk, so the targets received a considerable portion of it. The redeeming qualities which were in place stem from the national document, of which the features were discussed under University A, and without supplementing internal measures even these do not get very far.

## **Evidence and false accusations**

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This theme was textually present in three documents. The burden of proof when filing a complaint lay with targets. They needed to provide for the following aspects when filing a complaint: their name and address; description of the undesirable behavior; the name of the accused; date, time, place, and circumstances of the event(s); description of steps already taken by the target; relevant documents about the former; names and addresses of any witness; and details of any evidence (6). The details about the accused onward could be left out if they are not available – however it can be suspected, although not clarified, this might reduce the chances of the complaint finding success (6). In order for the complaint to find success, it did not just have to involve sexual harassment, but also meet some criteria for when filing it was reasonable (6). These criteria were: it had to meet the definition provided by the university; it should not pertain to things about which a complaint had been filed previously; it could not be about a matter the target could have objected or appealed to; the matter had to have occurred within the last two years; the matter could not pertain to something to which legal proceedings or a criminal investigation was going (6). It read as if substantiating these criteria were being met, was up to the target as well. They also needed to ensure the complaints committee the behavior against which they were filing was sufficiently serious (6). An evaluation of these types of criteria was given under University A.

It appears the official procedures detailed in the document required an investigation by a specialized committee (6). Within this investigation the target needed to be able to convince the committee the perpetrator actually behaved indecently and that the case was not frivolous (sufficiently serious offense, sufficiently serious interest of the complainant, and timeliness) (6). Furthermore, the regulations indicated the complaints committee also conducted an investigation to judge the worth of the complaint during which they could gather information from relevant persons to the case, could access documentation and correspondence, and could ask expert advice. Furthermore, hearings were to be held (6). Finally, the involved parties had a right to be assisted by counsel, which had to be pointed out to them (6). All of these matters indicate a procedure where proceedings and standards of proof that needed to be met were similar to a court of law.

The regulations installed a multitude of characteristics the complaints committee had to meet – there had to be people not employed by the university, people with legal expertise, people with expertise about undesirable behavior, staff members, student members, and an even a division of gender (6). All of this suggested that in selecting members for this committee as much as possible a safeguard was build-in against arbitrary action. In theory this composition should have been able to recognize legal standards of proof, the way sexual harassment tended to operate, and how gender may have played into the situation. Furthermore, the regulations stipulated that people who were in any way involved with persons who were related to the complaint were forbidden from handling the complaint – this should have been protective against a bias in either direction (6). Finally, the committee had to be assisted by a lawyer – who was to serve as the secretary – which added more knowledge of legal standards and proceedings to the mass (6).

With the confidentiality of the case file and its conclusions being guaranteed (2; 6), there was some protection in place from false accusations starting a life of their own. Furthermore, several of the criteria for filing complaints may not counter false accusations on their own, but did counter a very similar concern of people being victimized by ‘unfair accusations’ (see Bump, 2018). All in all, false accusations did not become impossible, but in order for a complaint to have an actual effect it did appear the claim needed to be sufficiently substantiated.

When comparing the complaints procedure for undesirable behaviors and for misconduct again, with the latter a considerable share of the burden of proof lay with the university (8). After a standard period they had – unless they indicated the need for an extension – to indicate what their conclusions were about the suspicion of misconduct, as well as what has been done to tackle it if anything (8). There appeared to be no fear of false accusations, as no stipulations were made about a list of criteria the complaint had to meet and the possibility of outright dismissal of the complaint was never mentioned explicitly (8). In comparison, it appeared that for undesirable behavior complaints, the complainant was put on trial as much as the accused, whereas for the misconduct complaint the accuser was automatically assumed to be innocent and have good intentions (6; 8).

## **Targeting of primary or secondary behavior**

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This theme was found textually in four documents. Both secondary and primary behavior was targeted. Two documents spoke of looking into and tackling aspects of the system which could be conducive or preventative (2; 7). One document targeted both primary behavior (what to do if incidents occurred) and secondary behavior (stimulating dialogue) (9). However, this stimulation towards dialogue was very one-sided: it called for targets to initiate it and point out problems, and not for people to listen and check up on the boundaries of others (9). One

document targeted primary behavior – it offered a procedure to follow if a primary behavior took place (6). Interesting however, was that in its opening statement it spoke of the need for proper behavior and respect to others, which indicated at least some intent to tackle secondary behavior as well (6).

### **Policy packaging**

Some incongruence existed between the framing of two central documents in terms of who was to blame and how sexual harassment should be regarded (6; 9). There was also some inconsistency between intentions spelled out and actual regulations as found in one of the documents: the statements indicated a desire for broader behavioral norms, and for people to stand up for each other – whereas the regulations detailed procedures which focused on specific instances and behaviors, and did not explicitly make room for a third party to file a complaint about behavior which they were not the target of themselves (6). It also became clear at several points there were differences between the undesirable behavior complaints procedure, and the misconduct reporting one (6; 8). Finally, coherence appeared to be lacking, as surrounding issues – which were of importance in the national document (2) – received little to no attention.

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## UNIVERSITY C

### **Normalization**

This theme was textually present in one document. In this document, no normalization occurred. Sexual harassment was introduced as undesirable behavior, which brings psychological or physical harm to others, and which objectively or by society is perceived as unacceptable (or: inappropriate, bothersome, hurtful, threatening) (14)<sup>3</sup>. It also referred to a national policy which they claimed installed a commitment to eradicate sexual harassment (14). Thus, sexual harassment was characterized as an unacceptable practice for the organization.

### **Empowerment**

This theme was found textually in four documents. University C made a commitment to providing equal opportunities in job advancement, personal development, and cooperation (10). They stated they would take affirmative action in the case of women in academic positions (10; 13). The clear commitment to wanting to promote more females to higher positions within the organization (13) may also have a positive effect. Finally, the university wanting to ensure equal opportunities for personal development and cooperation could also be helpful, as a fear of losing access to these resources has been cited as something (potential) targets fear.

University C claimed to want to focus on diversity (12; 13), especially in recruitment (13). They also wanted to develop and implement a diversity & inclusion policy framework (12). Furthermore, the university identified some groups which they deemed especially vulnerable because of their positions, such as secretaries and temporary employees, and wanted to offer special trainings to these people (12). Furthermore, the university wanted to implement implicit bias trainings (12). These too could be helpful as it may make organizational members less susceptible to unconscious biases which may cause them to more readily dismiss certain people when they speak up about issues or evaluate them more negatively when they do stand up for themselves. Finally, a mention was made of a women's network where women academics could meet each other and follow training courses (13).

University C also gave thought to how to support appropriate PhD student and supervisor relationships (12; 13). A call was made for more attention to each side's role and responsibilities and monitoring the quality of PhD and junior researcher supervision (12). Among other things, a quality assurance system was put in place for this purpose (12). Trainings for both supervisors and PhD students were proposed (13), for the PhD students with a particular focus on issues surrounding developing the personal competence needed to ensure a good relationship with their supervisor (13). Finally, all PhD students were offered a personal education and supervision plan (13), which could be helpful in the sense it formalized what was and was not part of the regular proceedings. Finally, the existence of PhD network was mentioned, which was supposed to represent the interests of PhD students (13).

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<sup>3</sup> Although this section may make it appear University C did provide a definition of sexual harassment, they did not. What they did was provide a definition of undesirable behavior, and then listed sexual harassment as a form of undesirable behavior. Therefore, their attitude toward sexual harassment could be derived, but to go as far as stating it was their definition would be technically untrue.

A final potentially empowering measure was the possibility to file an anonymous complaint (14). This could be empowering as it could feel like a degree of protection against potential revenge from the perpetrator and backlash. The only condition put in place, however, was that it may not harm the accused's ability for an appropriate defense (14). This could cast a shadow on the actual possibility to use this option in sexual harassment cases – as defending your treatment of another person without knowing which person it was may be hard.

### **Preventative Measures**

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This theme was textually present in all five documents, and University C could be said to have taken a lot of measures to prevent sexual harassment. A national document described how there ought to be written rules to describe appropriate behavior, a shared frame of reference, and a basis to call each other to account (11). The document itself set out some guidelines for this (11), but University C also adhered to this with providing a policy regulating good behavior (10). They also formulated the intent to define undesirable behavior as clearly as possible (12) and to clarify the difference between questionable and unacceptable behaviors (12).

The university spoke about respecting each other and making people feel safe to discuss issues extensively in their policies (10; 12; 14). Organizational members were expected to adhere to the organization's core values of respect, integrity, expertise, involvement, and transparency (10; 12). They were even expected to find them inspiring and feel personally responsible for upholding them (10). Respect was defined to include not to treat other people merely as a means to a (personal) goal; not demeaning, humiliating, or manipulating people; not intentionally harming others; and respecting others' freedom (10). The condition for respect was explicitly mentioned to hold regardless of gender, sexual orientation, ethnicity, culture, religion, or socio-economic background (12). Transparency was defined to include objectively verifiable administrative and decision-making processes (10). These values, in various ways speak against the possibility of sexual harassment and its various antecedent behaviors. The university itself also believed them to leave no room for discrimination of any kind (12). Next to the core values, organizational members were also asked to have a pro-social attitude (10; 12) and University C wanted to devote special attention to this (12). Organizational members were explicitly asked not to engage in undesirable behavior and behaviors which relayed (psychological) violence, discrimination, or harassment (10; 14). Organizational members were requested to be inspirational to each other, and be open for feedback (12). The university wanted to emphasize creating and maintaining an environment where people felt comfortable to talk about ethical issues and raise questions they had (12). All organizational members were given a responsibility for a healthy environment, and they were asked to hold each other to account on (in)appropriate behavior (10; 12).

Besides the organizational culture, University C also paid extensive attention to informing its organizational members and raising awareness about appropriate behavior (11; 12; 13). University C made it clear they considered this important to make them feel familiar with behavioral norms, prevent transgressions, and make organizational members feel supported by the relevant behavioral regulations (12). They said in order to achieve this, continuous attention to the topic at all levels of the organization was needed (12). Dutch universities had a national obligation to make the national code of conduct about good academic practice known among their staff and see they discussed it (11). Universities were supposed to adhere to that code and have their administrative bodies promote and enforce it (11). University C did this by making said code available on their website. However, in terms of their own policies and materials extensive attention was devoted to this as well (12; 13). Attention was paid to providing information, trainings, and awareness tools for reflection (12). One of the policy documents devoted an entire chapter on raising awareness on desired behavioral norms (12). And University C wanted to develop an awareness program (12). Concrete measures proposed included, among other things: discussing relevant policy documents with new employees; having all employees sign a declaration of knowledge of and adherence to relevant behavioral regulations; leaflets with regulatory summaries per target group; offering a dilemma game where the umbrella term under which sexual harassment was placed receives attention; facilitating regular discussions about ethics and appropriate behavior; devoting a special section of the university's website to an overview of appropriate behavior and relevant policies; and offering an extensive training program (12; 13). The training program was to include the following components: providing all new staff members a training where appropriate interpersonal behavior is included as a topic; training for managers about appropriate behavior; trainings about how to engage groups in discussions about ethical and behavior dilemmas; trainings about microaggressions; and including behavioral regulations and ethical dilemmas into existing trainings (12).

Furthermore, attention was also devoted to abuse of organizational power and undue influence of personal interests (10; 11; 12; 13). It was explicitly stated any semblance of conflicts of interest should be avoided (10; 12). Personal interests and affections were not allowed to interfere with professional judgment (11).

Personnel was tasked to be ready to account for their actions (11). It was even explicitly said that academic staff should avoid personal relationships which may cast doubt on the objectivity of decisions, or which could result in coercion or exploitation of subordinates (11). Attention was also paid to making procedures for appointment, promotion, and rewarding of staff members transparent, fair, and free of incentives which stimulated inappropriate behavior (12). A multitude of practical tests were installed to assess applicants objectively in the recruitment phase (13). All of these measures should be especially effective against quid pro quo harassment, against harassment based on coercion and abuse of power, and against revenge toward resisting targets.

In a similar vein, attention was paid to supervision of junior staff so as to minimize possibilities for undesirable practices (11; 12). University C wrote they wanted to pay additional attention to this topic, specifically the responsibilities of PhD supervisors and promoters (12). Good relationships between supervisors and PhD students, and staff and students were emphasized (11). It was said the responsibilities of those teaching and researching at the university should be clearly defined and observed at all times (11). This could be helpful in making all involved less uncertain about where boundaries are and when they are being crossed.

University C also assigned responsibility to those in managerial positions in regard to preventing bad behavior (10; 13). They were made responsible for providing a safe environment with good working conditions (10; 13). They were made responsible for ensuring organizational members feel accountable, responsible, and open to criticism (10). They had to make employees act in accordance with organizational norms and values over personal interests, and act as good examples themselves (10). They had to call employees who behaved inappropriately to account (10). In these tasks they were to be assisted by the Human Resources department (13). Managers also received training in management skills (13). Preventing sexual harassment and responding adequately to incidents could be part of this.

Furthermore, the university wanted to monitor employee's engagement with appropriate behavior closely. They wanted to include it in regular evaluation meetings by showing appreciation for the employee's efforts to stimulate appropriate behavior in others, and by providing them room to discuss dilemmas and concerns they encountered.

Finally, University C installed multiple feedback loops to evaluate and adapt policy to actual needs. The first feedback loop was through confidential advisors (12; 14). They were supposed to write annual reports which were to be discussed among each other and with the Executive Board (12; 14). In this report they were to discuss the number and nature of received complaints, as well as how they were handled (14). They were also explicitly asked to use their experience and expertise to point out to the university where to develop and adjust policies (for prevention) (12; 14). The second feedback loop was through an ombudsman whose job is to signal breaches of the university's regulations on appropriate behavior, and suggesting policy adjustments based on this (12). An interesting thing which could be read from this, is that the ombudsman might have been asked to proactively look for these breaches. However, from the policy documents this could not definitely be confirmed or denied. The final feedback loop was through a specialized unit in the organization (12). This unit was tasked with overseeing desirable behavior in the organization (12). They were explicitly said to have an agenda setting role and to be expected to point out to the Executive Board concerns about this topic (12). They were also supposed to be monitoring the implementation of policy on appropriate behavior; support subgroups of the university in developing their own policies in this area; and organize an annual meeting for all staff involved with espousing appropriate behavior to gain feedback (12). Finally, they were also to serve as a service desk to staff and students who had questions about this subject (12).

### **Post-incident support**

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This theme was found textually in five documents. For two of them this was by referring to other policies which they said to describe this area (10; 11). For reports there were three routes mentioned: confidential advisors (12; 13; 14), a complaints committee (12; 14), and an ombudsman (12; 13). For counselling confidential advisors, academic counsellors, student counsellors and psychologists were said to be available (12). It was advised by one of the policy documents that within the designated unit concerned with appropriate behavior there should be an officer who could offer advice in crisis situations (12). If not yet used, they could access their regular career advice about how to shape their career after such an incident (13). If people felt an organizational decision was not right – which may for example be in cases of backlash against sexual harassment targets – complaints could be filed to the central objections committee which was composed of external members (13). Appeals could be filed with the central appeal council or with the courts (13).

University C pointed out having a confidential advisor is an obligation stemming from a national collective labor agreement from 2007 (14). The confidential advisors were charged with three main tasks: assist and advice complainants who turn to them; oversee the process of resolving the complaint – if necessary by calling in a mediator; and if requested by the complainant, help them file a complaint with the complaints

committee (14). The confidential advisors themselves were not supposed to be mediators (14). Confidential advisors were intended as the first contact for targets, and were intended to be the step before the complaints committee (14). The latter was a suggestion because the university felt this to be the best order of things based on previous experiences, but freedom existed for organizational members to make different choices (14). University C felt the confidential advisors had proven their worth as they had been approached many times over the years (14). It should be noted however, that the use of lack of use of a post-incident procedure should not be a goal of itself. Either way, University C regarded it as their responsibility to support the confidential advisors in the following ways: provide them with sufficient means to perform their tasks adequately, including offering them trainings (12; 14); facilitate them to perform their tasks with the required confidentiality levels (14); make the existence and use of confidential advisors widely known among organizational members (14); developing better procedures for appointing and discharging confidential advisors (12); providing newly appointed confidential advisors with a clear job description (12); having them meet annually with the unit appointed for working on appropriate behavior (12); and recognize and reward their efforts as part of the regular evaluation cycle (12).

It was explicated filing a complaint with the complaints committee was the official procedure for employees who underwent social, psychological, or physical harm which could be considered inappropriate, annoying, harassing or threatening, objectively or socially (13). University C claimed that over the last few years few complaints had been filed (14). They also indicated there was no obligation to have a complaints committee, but that it was generally regarded as one of the measures an employer can take to reduce undesirable behavior (14). Within ten weeks after receiving the complaint the committee had to report to the Executive Board (14). In this report it had to be stated to what extent it has concluded the complaint to be founded or unfounded – and if founded, what (disciplinary) measures it recommended (14). After this, the Executive Board had to give their judgment about the complaint and the to be taken measures within four weeks (14). Thus, like with the previous two universities, the complained was supposed to be handled within fourteen weeks. Again, the Executive Board was free to decide in comparison with the complaints committee, as long as they stated their reasons for doing so (14). The Executive Board could assign (disciplinary) measures in line with legislation, regulations set between the university and its students, and relevant labor and public service legislations (14). Members of the complaints committee were to be compensated for their efforts (14), and the complaints committee had to provide the Executive Board with an annual report (14). It was stated neither the confidential advisor nor the complainant was to suffer any disadvantage for being involved with the complaints procedure, as long as they acted in good faith (14). Again, however, no specific measures to ensure this were suggested. The confidential advisors and complaints committee were explicitly made available to all who have been targeted by an employee or student (14). In one document it was stated the ombudsman was available for students and PhD students who encountered problems (13). In another it was stated a pilot was being run to make an ombudsman available for staff (12). In evaluating their ability to hear both sides of the story was to be made a key aspect (12).



## Strictness or lenience of policies

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### ***Maintaining fun***

No text was found which was relevant for this theme.

### ***Division of risk***

This theme was present in all five documents. Generally, a division of risk was adopted which took a protective stance towards potential targets. Repeatedly, individual responsibility was stressed for upholding norms for appropriate behavior (10; 11; 12). How behavioral norms and (organizational) regulations had been held up should be demonstrable and verifiable (11; 13). Additionally, it was not just actual conflicts of interests or inappropriate relations which should be avoided, but situations which gave rise to questions about these matters were to be avoided as well (11; 12). These things imply not just actual transgressions, but also grey area behaviors could have consequences. This means protecting targets was prioritized over protecting people from false accusations. Furthermore, efforts were taken to make selection and evaluation objective, transparent, and as much as possible free of personal feelings of one particular person (13). A similar effort was made for the peer review system. It was stated anyone who could not be impartial about a specific academic piece should refrain from reviewing it at all (11). However, whether such a regulation has any effect at all could be called into question, as it has a similar ring to it as stating something like: “anyone who feels they might steal something, should refrain from stealing this thing”. Furthermore, people in managerial positions were charged with actively espousing the right behavior in their subordinates, and starting regular discussions about the right type of behavior (12). Finally, the confidential advisors were to make files of all complaints that came to them (14). These files were confidential, but the complainant was the gatekeeper on which information was shared (14). This means the risk was geared towards the accused – who did not get the same right to quash information. The file was to be kept for two years (14). This means that if multiple incidents happened within a time span of two years, they could be connected to each other to show a pattern and increase the chance the perpetrator will be recognized as faulty. Yet, if a pattern occurred with time lapses greater than two years, this would not be recognized. A complaint generally had to be filed with a name of the complainant (14). The requirement for a name did not allow filing a complaint anonymously, but the complainant did not have to be the target themselves (14). Thus the target could remain anonymous. Furthermore, the complainant could ask the committee to remove information that hurt their privacy – which was to be honored as long as this did not impair the accused’s ability to defend themselves (14). The targets and complainants received some protection in the sense that the standard proceeding was for them and the accused to be heard separately, not in each other’s presence (14). The committee had the opportunity to make a different choice about this however (14).

Yet, on a few occasions perpetrators or those accused as such received protection, intended or intended, as well. When it came to taking formal action against ethical and regulatory violations, the university claimed to employ mechanisms which were supposed to protect both the complainant and the accused from undue harms (10). This is a form of protection however with a positive connotation: it does not diminish protection to (potential) targets, but does aim to take action to reduce undue harm to all parties. Similar as with the other universities, the complaints procedure could be ended prematurely (14). However, University C had given thought to assuring this was truly what the complainant wanted and came up with the solution to ask a written confirmation when doubt existed (14). Additionally, similarly to the previous universities, both parties risked losing exceptional performance rewards (13). If a formal complaint was filed, the accused and the dean or manager of their department would be informed (14). If the complaint was handled, the accused received a copy of the complaint and the attached documents (14). Finally, there was some risk placed upon the targets as it was explicitly stated the complaints procedure was only open to incidents which occurred within the work or study context (14).

### **Evidence and false accusations**

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This theme was present in four documents. When filing a complaint, the target or third party who filed it had to meet some criteria for the complaint to be taken under review (14). These were the complaint having to: be filed in written format; be signed; feature the name and address of the complainant; be dated; and provide a clear description of the undesirable behavior (14). Additionally, the complainant had to take charge of providing a proper translation if the complaint is written in a different language (14). These requirements were not that heavy, aside from the translation if the complainant can only write or communicate in an uncommon foreign tongue. For a common foreign tongue, such as English, the confidential advisor was likely to be able to assist. If the complaint did not meet the criteria, the complainant was to be given an opportunity for correction (14). If

failing this correction, the complaint would not be handled. The Executive Board could also drop the complaint if: it is a complaint about behavior which has yet been handled in another complaint; if the behavior took place longer than five years ago; if the negative consequences of the behavior were apparently insufficient (14). However, if new facts or circumstances were brought to light in the complaint, a repeated complaint is allowed and should be handled (14). The burden of proof on these matters lay with the target or whoever filed the complaint. However, there was also a burden of proof placed upon the accused, as every organizational member was charged with being able to account for and demonstrate how they lived up to behavioral norms (11; 13).

Aside from having to substantiate the matters discussed above, there were several steps in the formal complaints process which were to be taken and together set a decent standard of proof. First of all, the complaints committee was allowed to gather information through all employees and administrative bodies of the university (14). While doing so, they could access all documentation and correspondence they deemed relevant (14). This indicated evidence from sources other than the complainant could be sought for and considered. Additionally, the committee offered the complainant and the accused an opportunity to be heard (14). Both parties were allowed to get informed about what happened in their absence (14). The rationale behind this was also explained: this is done so as to allow them to respond to the matters brought to the table by the other party (14). This is based upon a legal procedure referred to in Dutch as “hoor en wederhoor” (14). Finally, the committee could consult experts from inside or outside the university (14). All findings were to be included in a confidential report (14). Like with the previous two universities, the appearance was given of following procedures similar to a court of law, and with that reasonably high standards of proof being installed.

Furthermore, in the prescribed composition of the complaints committee it was visible thought was given to attempting to give everyone a fair trial to the best possible extent. First of all, the chair and vice-chair could not be part of the university’s organization (14), which should help in providing impartiality to cases. Additionally, the requirements attempted to ensure different perspectives were included – the committee had to include two staff, and two student members (one of which had to be female), and a person who has a master’s degree in law (14). From among the full committee an acting committee of three people was to be selected for each complaint, which should feature at least one female – and if a student was involved in the situation under review, at least one student (14). Persons who were likely to have a conflict of interest were to be excluded from being a member of the complaints committee per definition (14). These were in any case said to include: members of the Executive Board; members of the Supervisory Council; faculty deans; department heads, directors of educational, research, or support institutions; and confidential advisors (14). People who were in any way involved with the matter the complaint regards, were also excluded from handling it (14).

In terms of fear of and protection against false accusations, it was already said University C wanted to employ mechanisms to protect the accused from undue harms as well (10). They also explicitly stated the accused people were to be treated innocent until proven guilty (10). The accused was to be treated with respect at all times (10). And the proceedings and its findings were to be kept confidential until a formal response occurred (10). It should be noted, however, that in this case they were talking about a whistle-blowing procedure, and not the complaints procedure for inappropriate behavior. Whether the same can be thought to hold true for this second procedure cannot be guaranteed.

It is uncertain to what extent a false accusation could have effect through backlash for the accused outside of formal procedures. The members of the complaints committee were required to keep information they had gathered through the complaints procedure confidential. Information could only be shared from the complaints committee’s file with permission of all involved (14). All involved in the procedure had an obligation towards confidentiality about matters they learned of through the complaints procedure (14). This works against the possibility of prosecution by public opinion. However, as stated earlier the complainant was considered a gatekeeper for the information from the confidential advisor’s file. It is unsure to what extent information from that file could be made public and smear the reputation of an innocent person who is being accused. A final protection against both false or frivolous accusations came from a paragraph which indicated that obviously invalid or frivolous complaints would be rejected early in the process – in cases deemed obvious even before a hearing took place (14). Thus, it appears University C took several healthy precautions against false accusations taking hold through the formal complaints procedure, but yet did not seem to be very afraid of false accusations. The degree to which false accusations could take hold outside of these procedures depended in part on how well the accused has adhered to keeping record of how they have acted in line with behavioral norms.

### **Targeting of primary or secondary behavior**

This theme was present in all five documents. University C appeared to have a preference for targeting secondary behavior. Four out of five analyzed policy documents targeted secondary behavior exclusively (10; 11; 12; 13). They were about very general norms and facets of the organizational culture. What the university wanted to

achieve was to be an organization where organizational members respect each other and behave appropriately in a general sense (10; 12; 13). It was also a goal to set up a climate where people were interested in understanding each other, communicated openly, and felt safe to raise concerns and ask questions about grey areas (10; 12; 13). Attention was also paid to academics feeling a sense of personal responsibility, and treating their subordinates well, without defining where the boundaries were exactly (11). One document focused on primary behavior. It was a policy which described procedures for judging and handling actual occurrences about whether or not they have transgressed norms (14).

### **Policy packaging**

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Three of the analyzed policy documents appeared to be built upon the same core values and philosophy (10; 12; 13). The organization's core values were mentioned repeatedly, and could be seen to be reflected in the policy goals and measures described (10; 12; 13). One of the documents provided a list of other relevant policy documents (10). Another paid close attention to policy coordination at the university: it was set out as one of the goals of the policy itself and an entire chapter was devoted on how to achieve it (12). Furthermore, it was suggested a specific party should be designated to keep updating the policy to ensure it remains aligned with updates in other policies and national legislation (12). It could be noticed the externally authored policy document had indeed another origin, but the philosophy and measures could be said to form a logical palette with the other policies (11).

One policy document, however, did not clearly match with the others, even though it may have referred to other relevant policies (14). The university's core values were not mentioned, the focus on a good work environment and appreciating organizational members was gone, the tone was colder, and the stance towards targets appeared harsher (14). What did maintain its link with the other documents, however, was the consideration that appeared to have been given to certain bottlenecks and their effect on people (14). One such an example was taking the idea of not hearing the accuser and accused in each other's presence as the starting point (14) – considering how this may assign an additional and potentially unnecessary emotional burden to both parties.

Thus, overall, the policies of University C appear packaged, at least more so than the other universities. They were certainly comprehensive in describing many measures and also considering the influence of antecedents. The inconsistencies were minor, and in any case they appeared largely congruent with each other: even the one included policy that appeared to differ from the others was still relatively human-centered, a characteristic which stood out in the other policies.

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## **UNIVERSITY D**

### **Normalization**

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This theme was textually present in four documents. No normalization occurred. Repeatedly sexual harassment was referred to as unacceptable behavior (15; 16; 17; 18). It was also characterized as harmful: it violates a person's dignity; can have an intimidating, hostile, degrading, humiliating, or offensive effect on a person or the work environment; and can adversely affect performance (15; 18). The university also said they wanted to eliminate sexual harassment from their organization (15; 17).

### **Empowerment**

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This theme was textually present in two of the analyzed policies. One of the policy measures which could have an empowering effect, was to require people to speak the English language if there are others present at a professional or social gathering who did not master the language any individual might prefer (19). Although one may not immediately think of sexual harassment when it comes to which language is spoken in an organization, it should be reasonable to connect being excluded from communications with a more vulnerable position within an organization. Furthermore, the university wanted to offer fair representation of diverse groups, allow these equal opportunities – specifically in recruitment and promotion, and diversify the upper ranks (17; 19). Additionally, supervisors were informed on the importance and objectives of the university's intentions with gender, and of diversity in general (17). For women specifically University D offered a network group and a career program (17). Both were intended to provide female employees tools to advance their careers (17), which could include setting and guarding boundaries and resisting abuse. Both also offered a way for women to connect with others and become more embedded in the organization (17).

## **Preventative Measures**

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This theme was present in four out of five documents. University D had a set of behavioral regulations (15; 17; 19). They talked about wanting to have an organizational culture where respect was central and each organizational member actively contributed to an organization where people behave appropriately (18; 19). Organizational members were supposed to refrain from harming others (in their dignity), to look out for and listen to each other, and be willing to hold each other to account (19). Aside from this, respect, privacy, dialogue, personal freedom, and helping behaviors were also marked as important values (19). Aside from general behavioral values, sexual harassment was also explicitly prohibited (19). Additionally, the university also assigned themselves the duty to remove aspects which made the work environment unsafe, and kept the work pressure at an acceptable level (19). Managers were also given a clear part in sending the right message (19). They were supposed to be examples for others, create conditions for good collaboration between team members, and call employees to account on inappropriate behavior (19). They were also supposed to be open for criticisms and suggestions from employees (19). Teachers were given similar responsibilities towards students (19). Finally, the confidential advisors and complaints committee both had to report back to the Executive Board on their activities and experiences and provide them or the highest participation body with anonymized data (15). Both with the intention to advise on policy matters and allow the university to adapt their policy accordingly (15).

## **Post-incident support**

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This topic was present in all five policy documents. When encountering sexual harassment, targets were first asked to consider solving it themselves (18). It was suggested to talk things out with the perpetrator (18). It was also suggested things could be attempted to be resolved with the help of a supervisor, a Human Resource advisor, an education coordinator, or a student counselor (16; 18). If attempting an informal solution did not work or was not desirable, however, help was available (18).

This help came in the shape of confidential advisors and a complaints committee to handle an official complaint (15; 16; 17; 18; 19). The first action taken by a confidential advisor was to be to check whether a matter was already being dealt with by another internal authority or competent person (16). If this proved to be true, they were supposed to adopt a passive stance (16). The confidential advisors were tasked with the following responsibilities: being a contact point for organizational members who have been targeted by unacceptable behavior; helping the organizational member in finding an informal way (potentially through mediation) to end the unacceptable behavior; advising and assisting the organizational member in follow-up steps; helping the organizational member in submitting a formal complaint if so desired and seeing them through the procedure; and providing aftercare to an organizational member who has been targeted by unacceptable behavior (15; 16). There were supposed to be at least three confidential advisors appointed, among which a woman, a man, an academic staff member, and a support or managerial staff members (15). This most likely with the intent to provide options for people who understand the perspective and context of some basic categories organizational members could be sorted by. A confidential advisor was not to act without consultation with and permission of the target who has approached them (16). Confidential advisors were answerable to the Executive Board only (15). In consultation with the Executive Board, they could also gain the help of external experts (15).

The complaints committee handled formally filed complaints. In principle it would hear the complainant and the accused in each other's presence, unless one of the parties objected before-hand (15). The committee was supposed to deal with the complaint as fast as possible, unless the quality of the procedure would become insufficient on account of this (15). As with the other universities, the full processing was to happen within fourteen weeks – ten weeks standard time, and four weeks delay (15). Further delays were possible with the complainant's permission in writing (15). The final advice of the complaints committee could also assign further aftercare measures (15). Finally, the document indicated sanctions could be taken against employees, students, and visitors (15). For the first two additional documents were referred to for examples, for the third refusing entry and/or ending contractual relations were given as possible sanctions (15).

It was said that in case of a (suspected) occurrence of unacceptable behavior, the Executive Board could take action. This included the possibility to take preliminary measures while the investigation was ongoing, and the possibility to enforce a sanction when the investigation has concluded (15; 18). Sanctions could include a reprimand, a dismissal, expelling a person from their study program, or a ban from the university's grounds (18). Preliminary measures could be taken if this was deemed to be in the interest of the investigation, or if the situation would have been deemed untenable for one or multiple people who were directly involved (15).

## Strictness or lenience of policies

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### ***Maintaining fun***

No relevant text found in any of the policy documents.

### ***Division of risk***

This topic was present in three documents. The division of risk was jagged. Like Universities B and C, a protective measure taken by University D was to require all organizational members to actively contribute to tackling undesirable behavior (18). Additionally, the possibility to take preliminary measures (15; 18) could take a lot of risk off the shoulders of targets. Furthermore, employees, students, and to an extent visitors were all covered by the complaints committee procedures (15). If a visitor could use these for some reason anyway, they were advised to contact the Executive Board directly or go to the police (18). The target who approached a confidential advisor was the gatekeeper on their confidentiality binding and on their permission to undertake any action on their behalf (15; 16). It was stated employees and students who were involved other than as an accused who was found to be guilty were to be protected from negative consequences (15). However, it was not specified how this was to be achieved. When a complaint was received by the complaints committee, the complainant would be notified (15). It remained unclear if the accused would be notified then as well, or at a later stage. A case file was to be kept for five years (15), within which it would serve protectively against targets as multiple missteps or gray-area behaviors by the same person could be more readily identified. However, after these five years this opportunity is lost.

Greater risk was placed upon (potential) targets however, by the right of a confidential advisor to reject handling a case (15). In theory all confidential advisors could then reject helping a particular target. In theory this could also be because the accused is a key player which has a great enough influence at the organization to make all confidential advisors feel objected to handling a case. In theory it could even be all confidential advisors could reject a particular case with malicious intent. Furthermore, the only cases which could be handled by the complaints committee were those which happened on university grounds or were directly related to work or study (15). Finally, the instruction to first try to work out things informally also could expose targets (16).

### **Evidence and false accusations**

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This theme was present in one document. In terms of proof, the complainant had to include or meet the following aspects in their complaint: date of filing; signature; a substantiated description of the behavior and its time frame; name and address of the complainant; name of the accused; no previous complaint having been filed and dealt with about the same behavior; behavior did not occur longer than five years ago; behavior was not related to something handled by a court of law; and behavior was not related to something under criminal investigation or prosecution (15). These aspects represent similar issues as discussed under University A. The complaints committee focused on investigating factual aspects of what was complained about (15). To this end both the complainant and the accused were to be heard (15). Both parties could be represented by a lawyer in all sessions (15). After hearing both parties the committee could also hear witnesses or experts (15). The accused and the complainant could request this (15). The final case file was to be handed to the Executive Board with an advice on how to resolve the complaint (15). A copy of this was sent to both complainant and accused (15). The advice could also include suggestions for measures to be taken (15). The Board could still set this advice aside, but if the case, did have to explain why they chose to do so (15).

Some thought was given to the composition of the complaints committee in such a way to be conducive to a good and fair trial: three members, and three substitute members, among which at least one lawyer, at least one external member, at least one woman, and at least one man (15). The reference to the accused in the procedure as an alleged perpetrator indicated a relatively low concern for false accusations, as this terminology is relatively incriminating on its own (15). Furthermore, with the appearance of targets as gatekeepers of confidentiality as instructed to confidential advisors, it appeared prosecution by public opinion was not feared much (15). However, when it came to confidentiality bindings by the complaints committee, these seemed to be absolute (15). This confidentiality was taken seriously, as also in the filing of the complaint it was taken into account; it was to be sent to the secretary of the committee marked private and confidential (15).

The standards of proof appear reasonable for determining whether something as serious as sexual harassment has taken place. False accusations could be guarded to an extent by being heard, being allowed to request prejudiced judges to be recused, and being allowed to push for additional testimony for third parties (15). If an accusation was found to be false by the process itself, the protective clause for those involved in such procedures should also extent to the accused in question (15).

### Targeting of primary or secondary behavior

This theme was present in all five documents. Both primary and secondary behaviors were targeted. Two of the documents targeted primary behavior by discussing measures for when specific incidents occurred (15; 16). Two of them targeted secondary behavior, talking about the right culture featuring openness, inclusion, respect, reflection, fairness and holding each other to account were important values (17; 19). The remaining document targeted both primary and secondary behavior, speaking both about measures available after actual incidents and about the right organizational culture (18).

### Policy packaging

Although policies were not clearly incongruent, some issues were present with consistency and comprehensiveness. Several times over, an intention was given, without actual policies to indicate any way in which this intention would be achieved. As such, it can be said some policy packing issues were present.

## COMPARATIVE OVERVIEW

Table 5 gives an overview of the key findings from this section and how the different universities of the sample compare against each other on these. To improve the readability of the table, some aspects are featured under different headings in the table than they were initially described, as outside of the context provided in the running text, they appeared to have a more logical fit with a different heading.

**Table 5. Comparative analysis policy measures**

	University A	University B	University C	University D
<b>Normalization</b>	Some	Some	No	No
<b>Empowerment</b>				
Networks	Yes	Yes	Yes	Yes
Equality	<ul style="list-style-type: none"> <li>• Wants to protect access to resources</li> <li>• If unequal treatment occurred, it needs objectively reasonable justification</li> </ul>	<ul style="list-style-type: none"> <li>• Wants to protect access to resources</li> </ul>	<ul style="list-style-type: none"> <li>• Hiring practices</li> <li>• Promotion practices</li> <li>• Protecting access to resources</li> <li>• Affirmative action</li> </ul>	<ul style="list-style-type: none"> <li>• Career program</li> <li>• Informing supervisors</li> <li>• Wants equal opportunities</li> <li>• Minding equality in appointments and promotions</li> <li>• English language</li> </ul>
Diversity	<ul style="list-style-type: none"> <li>• Wants to be diverse</li> <li>• Hiring practices should strive for diversity</li> </ul>	<ul style="list-style-type: none"> <li>• Hiring practices should strive for diversity</li> </ul>	<ul style="list-style-type: none"> <li>• Developing policy framework</li> <li>• Bias training</li> <li>• Training for vulnerable groups</li> </ul>	<ul style="list-style-type: none"> <li>• Wants to be diverse</li> <li>• Wants to have diverse upper ranks</li> </ul>
PhD	No attention; but attention for career perspectives of other junior staff	No attention; but attention for career perspectives of other junior staff	Extensive attention	No attention
<b>Prevention</b>				
Behavioral regulation(s)*	Yes	Yes	Yes	Yes
Awareness raising	Yes	Limited	Yes (extensive)	No
Policy evaluation	Yes	Yes	Yes	Yes

<i>Evaluating (reward) structures</i>	Yes	No	Yes	No
Organizational culture	Yes	Yes	Yes	Yes
Trainings	Yes	No	Yes	No
Pro-active managers	Yes	No	Yes	Yes
Quid pro quo harassment	Yes	Limited	Yes	No
Close monitoring of good behavior	Somewhat	No	Yes	No
Specialized unit for appropriate behavior	No	No	Yes	No
Security interference	Yes	No	No	No
Cyber regulations	Yes	No	No	No
<b>Post-incident support</b>				
Ask targets to solve it themselves	No	Yes	No	Yes
Confidential advisor*	Yes	Yes	Yes	Yes
<i>Available to students</i>	No	Yes	-	Yes
<i>Number</i>	-	4	-	3
<i>Duties</i>	<ul style="list-style-type: none"> <li>• Supportive</li> <li>• Providing information</li> <li>• Informal solutions</li> <li>• Help file complaint</li> </ul>	<ul style="list-style-type: none"> <li>• Supportive</li> <li>• Providing information</li> <li>• Informal solutions</li> <li>• Help file complaint</li> </ul>	<ul style="list-style-type: none"> <li>• Supportive</li> <li>• Informal solution</li> <li>• Help file complaint</li> </ul>	<ul style="list-style-type: none"> <li>• Supportive</li> <li>• Guiding subsequent steps</li> <li>• Mediation</li> <li>• Help file complaint</li> <li>• Aftercare</li> </ul>
Complaints committee	Yes	Yes	Yes	Yes
<i>Speed</i>	10 - 14 weeks	10 – 14 weeks	Max. 14 weeks	10 – 14 weeks
<i>Procedure</i>	<ul style="list-style-type: none"> <li>• Complainant files detailed complaint</li> <li>• Informing parties involved</li> <li>• Investigation &amp; preliminary measures</li> <li>• Judging viability of complaint</li> <li>• Hearing</li> <li>• Report by committee</li> <li>• Decision by Executive Board</li> </ul>	<ul style="list-style-type: none"> <li>• Complainant files detailed complaint</li> <li>• Informing parties involved</li> <li>• Committee investigates complaint</li> <li>• Committee judges viability</li> <li>• Hearing</li> <li>• Report by committee</li> <li>• Decision by Executive Board</li> </ul>	<ul style="list-style-type: none"> <li>• Complainant files complaint</li> <li>• Informing parties involved</li> <li>• Investigation by complaint committee</li> <li>• Judging viability of complaint</li> <li>• Hearing</li> <li>• Report by committee</li> <li>• Decision by Executive Board</li> </ul>	<ul style="list-style-type: none"> <li>• Complainant files detailed complaint</li> <li>• Informing parties involved</li> <li>• Investigating complaint</li> <li>• Preliminary measures</li> <li>• Hearing</li> <li>• Report by committee</li> <li>• Decision by Executive Board</li> </ul>
<i>Term open to targets</i>	1 year	2 years	5 years	5 years
<i>Discontinuing complaint</i>	Without check	Written statement without check	Written confirmation when in doubt	-
<i>Available filing</i>	Anyone	Target	Target or third party	Target
<i>Hearing parties</i>	Together, unless decided otherwise; parties can send representative	Together, unless decided otherwise	Separately, unless decided otherwise	Together, unless prior objection

<i>Reach</i>	Work and work-related activities such as gatherings and conferences	-	Work or study context only; visitors included	Work or study context, or occurred on university grounds; visitors included
<i>Protecting complainant against consequences</i>	If in good faith; inconcrete	If in good faith; inconcrete	If in good faith; inconcrete	Inconcrete
Ombudsman	Nationally	No	Internally	No
Skeptical in formal complaints	Yes	Yes	Somewhat	Not really
<i>Sanctions against abusive complainants</i>	Yes	No	No	No
Other	<ul style="list-style-type: none"> <li>• Sick leave</li> <li>• Limited career advice</li> <li>• Reporting abuse of ICT facilities</li> </ul>	<ul style="list-style-type: none"> <li>• Sick leave</li> <li>• Limited career advice</li> </ul>	<ul style="list-style-type: none"> <li>• Limited career advice</li> <li>• Counseling from academic counselors, student counsellors, or psychologists</li> </ul>	<ul style="list-style-type: none"> <li>• Aftercare as advised by complaints committee or confidential advisor</li> <li>• Resolving issues with manager</li> </ul>
<b>Strictness or lenience</b>				
Maintaining fun	No	Minimally	No	No
Division of risk	Mixed	Burden on targets	Burden on potential perpetrators	Mixed
<i>Informing accused</i>	Yes	Yes	Yes	Yes
<i>Informing managers</i>	Of accused and target	Of accused	Of accused	-
<i>Confidentiality</i>	Far-reaching	Far-reaching	Yes	Yes
<i>Preliminary measures</i>	Yes	No	No	Yes
<i>Repeated complaints</i>	No	No	Yes	No
<i>Retention of file</i>	-	Until no longer relevant	2 years	5 years
<b>Proof and false accusations</b>				
Burden of proof	Complainant	Complainant	Both	Complainant
Standards of proof	Court-like	Court-like	Court-like	Court-like
<i>Composition</i>	<ul style="list-style-type: none"> <li>• Two EB appointed</li> <li>• Two labor union appointed</li> <li>• Chair &amp; vice-chair independent</li> </ul>	<ul style="list-style-type: none"> <li>• Some independent</li> <li>• Some legal expertise</li> <li>• Some undesirable behavior expertise</li> <li>• Gender division</li> <li>• Staff members</li> <li>• Student members</li> </ul>	<ul style="list-style-type: none"> <li>• Chair &amp; vice-chair independent</li> <li>• Staff members</li> <li>• Student members</li> <li>• Gender division</li> <li>• Master of law</li> </ul>	<ul style="list-style-type: none"> <li>• Some independent</li> <li>• Some lawyer(s)</li> <li>• Gender division</li> </ul>
<i>Recusal</i>	Before and during	Before	Before	If substantiated
<i>Calling of experts (by committee)</i>	Yes	Yes	Yes	Yes
<i>Assistance (of complainant / accused)</i>	Yes	Yes	-	Yes
False accusations	Averted	Averted	Averted	Possible



<i>Fear of falsehood</i>	Yes	Medium	Limited	No
<b>Primary or secondary behavior</b>	Both	Both	Both	Both
<b>Policy packaging</b>	Some issues	Some issues	Mostly packaged	Some issues

\* *This is a specific measure which was found to stem from a national obligation or agreement.*

## 5.1 GENERAL

This study took renewed interest in sexual harassment at work as a starting point to look into sexual harassment policy practices at Dutch universities. After considering the problem from various angles to get a better understanding of its relevant facets, this study looked at the progression of the universities' policy frameworks, their definitions of sexual harassment, and the content of a selection of their policies. Before discussing findings on these specific issues however, some other considerations and findings will be discussed first.

***New publications***

First of all, while at the start of this study recent scientific publications about sexual harassment in academia were missing, in the later stages of this study's development publications about this specific topic and context did appear. Examples are the report by Naezer, Van den Brink, and Benschop (2019) who performed a qualitative analysis of 53 cases of negative workplace behaviors within Dutch academia; McCall (2019) who contextualized the recent phenomena of en masse presentations of sexual harassment experiences online; Lay (2019) who related shortcomings in the policy feedback structures leading to how and why sexual harassment policies at universities were deficient; and Tenbrunsel, Rees, and Diekmann (2019) who described several characteristics of academia and discussed how their interaction with the limitations of human ethical reasoning may open the door to sexual harassment. In the upcoming chapter their findings will be called upon where relevant while discussing the findings of this study.

***Adherence to national obligations***

Secondly, some consideration should be given to the way in which nationally formulated and agreed upon documents were treated in this study. In theory all universities in the sample should be equally bound by the national policy documents cited under University A and B (document 2) and University C (document 11), as they were formulated at a national level by organizations all sampled universities participated in and were bound by. However, research has previously shown not all organizations adhere to national obligations equally or fully (e.g. Gillander Gådin & Stein, 2017). By making the document readily available on their websites and stressing their commitment to it, the universities under which the document was included were deemed more likely to adhere to it, and to have implemented its content into their own organization. Therefore, it was chosen to perceive these documents as part of that particular organization's policy framework, but not as part of the framework offered by the other organizations. An indication that differentiating adherence of national obligations was taking place within the sample was also found. For example, in the introduction it was discussed how Dutch organizations have an obligation to include sexual harassment in a risk analysis and create a plan on how to deal with the identified risks (MSZW, n.d.-a; TNO, 2017). Yet, only University A brought up a clear intention to fulfill this obligation, while the other universities neither brought up this intention, nor appeared to have been meeting it (as inferred from their policy measures and descriptions).

***Timeline of publications***

Another consideration is the overview of the publication dates of the documents included in the selected sample, as given in the results section of sub-question one. Some care should be exercised in interpreting this as a timeline and deriving conclusions with too much certainty about the meaning of certain publication dates. After all, the dates represented the policies that were available at that time, and not all the policies that had been available at other moments. It is entirely possible for universities to have produced new policies, updated existing policies, or abandoned certain policies, and therefore removing older policies from their online repertoire. Therefore, aside from indicating when the policy topic became relevant for a certain university, rival explanations could also be it reflects how often the university tends to update their policies or their preference for policy patching (i.e. adding new policies while leaving the older ones present) over policy packaging. Although policy packaging was a theme under the third sub-question, it was mostly focused upon finding schisms and shortcomings in the framework as a whole, and was not intended to orientate the universities on a quantitative scale. Either way, when the dates are called upon for theories or conclusions within this section, they are always called upon with some degree of caution.

***Public versus privately-founded universities***

A finding of interest are the differences showing up between the public and the privately-founded universities, both in certain aspects of the framework progression and in policy measures. First of all, the public universities published more relevant policies, than the privately-founded ones, and had a greater percentage of formal policies among them. The number of relevant policies could indicate the attention sexual harassment was getting at that particular university, but also more general preferences as a general tendency to formalize matters in policy or the inclination to publishing (relevant) policy documents for public viewing. It could even reflect the usability of the particular university's website – as that may have influenced the degree to which relevant policies could be found<sup>4</sup>. Literature offers some notes on the topic priority, policy production, and public accountability tendencies of this particular split in the sample. One of the classic interests of public administration is the degree of differences and similarities between public and private organizations. Differences in policy production have been a topic of investigation. Although the current sample included organizations whose distinction as public or private was not clear-cut, as the privately-founded universities still received large amounts of public funding, an earlier study by Bozeman and Bretschneider (1994, as cited by Rainey & Bozeman, 2000) found this type of distinction to be sufficient to create policy production differences. They found it was public versus private ownership that made the difference in this regard, rather than public funding – which they investigated in research laboratories which received large amounts of public funding (Rainey & Bozeman, 2000). So, taking this into account, to what extent do current findings mimic previous research on differences between public and private organizations? Although being clear that not all research supports it, Rainey and Bozeman indicated a part of the research canon has found that public organizations had the tendency to develop more formal rules and policies. Rainey and Bozeman (2000) brought up an older study which found Canadian public universities had greater levels of formalizations than private ones (Holdaway, Newberry, Hickson, & Heron, 1975, as cited by Rainey & Bozeman, 2000). It has been indicated personnel matters specifically, which sexual harassment could be characterized to be, are a source of difference between public and private organizations (Rainey & Bozeman, 2000; Groeneveld & Verbeek, 2012). Groeneveld and Verbeek (2012) also found Dutch public organizations tended to have more diversity and equality policies than Dutch private organizations. They found pronounced differences on measures mimicking the topics of this study: developing behavioral regulations against discrimination and sexual harassment, and appointing confidential advisors or a confidential advisory committee (Groeneveld & Verbeek, 2012). Those measures were reported by fourteen to sixteen percent-points more of the public organizations than the private ones (Groeneveld & Verbeek, 2012). Thus, it appears that previous studies provide some support both for the idea that public universities are paying more attention to this topic, and that they may have a stronger inclination towards producing more policies in general. Furthermore, Groeneveld and Verbeek (2012) indicated public organizations tended to have more concerns for legitimacy, and theorized they chose for visible and hard policies more often to prove to the public and higher government authorities they were taking the topic of diversity serious. In other words, they were more likely to be concerned with their accountability. A similar motivation may thus have been present to publish more relevant policies. If it was a difference in publication inclination only, this may have indicated that the different numbers of policies found for public and privately-founded universities may not be the actual number of policies employed. Although this possibility cannot be entirely discounted, the previous studies which indicated differences in number of policies could be expected do temper the likelihood of it.

Other differences that were found between the public universities and the privately-founded ones were the public ones being explicit about sexual harassment in older documents, less likely to explain the relationship between sexual harassment and the organization's functioning, and slightly more likely to frame tackling sexual harassment as a strategic priority – although the differences in that aspect were very small. Though the publication timeline could be distorted as it only features policies which were available at the time of search, and not all policies which the universities have had over the years, Groeneveld and Verbeek (2012) also indicated public organizations emphasized an interest in diversity and inclusion earlier than the private ones. Although not interchangeable concepts, the connection with the topic of sexual harassment, whether through combined origin in the field, mutual influence, or perceptual interconnectedness, does indicate the potential for the earlier onset of the topic in public organizations being a legitimate finding. Furthermore, the different orientations on explaining the concept's relation with the organization's functioning versus considering it a strategic priority may also be connected to the organizational nature of the universities. Public organizations may be more likely to

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<sup>4</sup> It can also be theorized the different amounts of relevant policies could perhaps be explained by organizational size, types of faculties, or a potential alignment with specific (religious) philosophical values. However, as discussing to what extent these characteristics vary within the sample and to what extent they could be linked to the findings would reduce the anonymity of the organizations, only (religious) philosophical values can be discussed in a non-specific way.

pursue matters because of a moral-political conviction or because they legally have to, whereas private organizations are more likely to pursue matters based on the advantage to the organization (Boyne, 2002; Groeneveld & Verbeek, 2012). Taking that logic, it also seems more likely a privately-founded university would want to explain what this advantage to the organization is when formulating a policy on something.

Aside from policy framework progression, some differences were also found in policy content. Like Groeneveld and Verbeek (2012) it was found the public universities offered more different measures in their total package. The public universities also more often had measures which were unique to their organization (within the sample), than the privately-founded ones. It was also apparent that in more cases the measures introduced by the public universities were developed and concrete than the measures offered by the privately-founded ones – that is, more ways in which to put general directions into practice rather than leaving them at general intentions. This actually goes against the assumptions of Groeneveld and Verbeek (2012), who theorized it would be the private organizations who would provide the better quality policies when they were provided, as they would be motivated more by results. To perceive results according to this theory, it would of course be necessary for the policy topic to be seen as something leading to clear organizationally favored results, and as sexual harassment is a highly contest topic (e.g. Eyre, 2000; Bloodworth, 2018; Victor, 2018; Valenti, 2017; Merkin, 2018; Mumford, 2018) which is sometimes seen as only relevant for a sub-population (women), this relationship is far from guaranteed to be perceived. Thus, in this case, it may actually be moralistic and legitimacy motivations which led to more well-developed policy documents because of a failure of collective recognition between sexual harassment and organizational outcomes.

The specific policy measures on which the public universities differed from the privately-founded ones were: more detailed measures on informing and awareness raising, wanting to evaluate policy (reward) structures, offering trainings, focusing specifically on quid pro quo harassment, wanting to closely monitor good behavior, not asking targets to resolve situations by themselves, not defining the number of confidential advisors employed, and allowing others than the target to file a complaint about sexual harassment incidents. As other sets of two universities also mimicked each other in policy measures chosen, these specific choices do not necessarily have to mean anything or hold any implications about public or private organizations. As defining differences between public and private organizations was not a goal of this study, the specific measures will not be discussed in-depth based on findings by other studies. They were explicitly listed however, so that those with more expertise in this particular field may derive conclusions or inspiration from them.

It is interesting that differences between the public and privately-founded universities showed up to the degree they did, as within the Dutch context government interference could be said to be substantive even in universities which were privately-founded through the control they allowed in exchange for the funding they received (Dronkers & Need, 2008; Chiong Meza, 2012; VSNU, 2016). Potentially, the findings then have to do with another aspect of this particular national context: the connection between institution type and (religious) philosophical background. Having build their organization on a specific (religious) philosophical stream, there is a possibility the content and culture associated with that stream to this day influences perceptions on to tackle (certain) problems. Certainly, with this particular topic it may be of relevance as most major (religious) philosophical streams include ideas about sexuality, gender, and how to treat other people. However, the rival explanation that this background made them disinclined towards the topic, and therefore they had a reduced progression and quality of their policy framework, is not without its limitations. Several of the measures which were paid attention to were only indirectly about sexual harassment, and there too the policy efforts were more concise and less specific for the privately-founded universities. Furthermore, University C demonstrated it is possible to develop a very advanced policy framework, without explicitly centering the framework around sexual harassment. University D appearing less skeptical towards complainants, and opening their complaints procedure to the longest possible term for historic complaints, as well as University B have the most well-equipped complaints committee, are also not findings which indicate a disinclination toward the topic in general as the most fitting explanation. Yet, the influence of this characteristic can also not be entirely discounted. It may thus be either one of the institutional characteristics that influenced their sexual harassment policy practices, or perhaps the two compounded each other to create the image as found. As the influence of institutional background was not a focus point of this study, however, this will be left for what it is for the time being.

### ***Students***

The next item for consideration is the position of students. In the theoretical framework of this study students were not considered. This was a conscious choice with the eye on keeping the scope of this study within bounds. It was believed the aspects having to do with both student perpetrators and challenges brought by students harassing other students, were both distinct from matters surrounding staff perpetrators and coming with such an array of challenges of their own, they could not be done justice without exploding the length and scope of the

study. To make the choice consistent, students were left outside of theoretic consideration entirely – including as targets of staff perpetrators. Yet, in their measures universities hardly distinguished between staff and students. Of course, it is desirable universities do not exclude certain groups they are responsible for from their policies and procedures. However, the very reasons why students were left outside the theoretical consideration of this study, also raise concerns about the lack of distinct attention they appeared to receive in the universities policies. Are the policies sufficiently open for situations and equipped to deal with: students meeting each other outside the classroom a lot more often; students meeting in situations where the line between study and informal meeting may be even more vague; students engaging in more situations where boundaries and meanings of behaviors become more ambiguous; the goings-on at student associations the universities endorse? These considerations did not show up in the documents analyzed in-depth. Of course, as documents focusing specifically on sexual harassment and behavior among students were not specifically searched for or studied, concluding the universities were ill-equipped to deal with how sexual harassment functions for students would be bad scientific practice. However, that it may be a topic for further enquiry is clear. Some studies published recently which did look into student experiences specifically were Kaufman, Tsang, Sabri, Budhathoki, & Campbell (2019) and Philips et al. (2019).

### **Gender**

Finally, this study reinforces that there is a need to recognize sexual harassment as a universal problem, people of all genders and sexes can become perpetrators or targets, no stigma should be placed upon any sex or gender, and biases against what are perceived as women's problems should not stand in the way of resolving a serious issue. Yet, after engaging with the empirical aspect of the study, it also has to be said that not resorting to a gender lens poses a challenge. The reason for this being that the academic field still struggles with social and organizational power division between the sexes – one of the ways in which sex, gender, and sexual harassment was theorized to have become linked (Plummer, 1995). When looking into initiatives for empowerment, equality, and inclusion most of them primarily or only focused on women. Furthermore, only in 2018 did the average of women in high academic positions in The Netherlands surpass the 20% mark for the first time (Landelijk Netwerk Vrouwelijke Hoogleraren [LNVH], 2018). Even though sexual harassment is something that can happen to everyone, it may thus sometimes be necessary to still look at it in a gendered way. This very much mimics the stance of Naezer, Van den Brink, and Benschop (2019) who found women could be perpetrators of negative workplace behaviors which may be an extension of sexual harassment practices as well, and called upon investigating the experiences of men and non-binary persons specifically, but still focused their report upon female targets because previously it has been indicated women academics face more barriers. What can be taken away from this is that when discussing a problem theoretically a broader view is in order, but when studying its manifestation in a particular context specific elements may still manifest themselves stronger than others.

## **5.2 PROGRESSION OF SEXUAL HARASSMENT POLICY FRAMEWORK (Q1)**

The first sub-question that this study set out to answer was how advanced the sexual harassment policy framework of Dutch universities is, using an adapted rating system developed by Trezona et al. (2018) to rate them on explicitness, goal connection, and concreteness of commitment. Here this study's findings will be compared with the findings and standards by Trezona et al. (2018), and some outstanding findings will be discussed.

The first concept, explicitness, refers to whether the policies alluded to sexual harassment through a related concept, brought up sexual harassment explicitly, or brought it up and explicitly defined it. Trezona et al. (2018) found about 35% of their total sample was explicit in using their studied concept, including about 11% of the total sample which defined or explained the concept. In the current sample, universities were explicit in a similar percentage of documents – some a bit more, some a bit less. The highest rating, marking a definition, was assigned to a similar percentage in this study for University A and University B, but a noticeably smaller percentage for universities C and D. It should be noted however, that a much narrower application of this rating was used here than by Trezona et al. (2018): in this study only definitions clearly labeled as such were included for this rating, and explanations were discounted. It looks like the current sample may then be better off than the sample of Trezona et al. (2018). This is positive, because Trezona et al. (2018) indicated they considered the number of times they found their concept explicitly mentioned to be high, indicating rising awareness of the concept. Thus, here too it is concluded a good percentage of documents were explicit, and therefore universities are considered to be well-aware of sexual harassment as a policy issue.

The second concept, goal connection, refers to whether the universities related sexual harassment to the functioning of their organization or not, or even framed it as a strategic priority. For goal connection, Trezona et al. (2018) only rated documents which had been explicit, while this study also rated documents which had mentioned a related concept only. On the other hand, Trezona et al. (2018) also assigned ratings based on implications, and this study only on actual text in the policies. Keeping that in mind, Trezona et al. (2018) found about 20% of their rated sample explained the connection to a larger goal, and about another 30% framed their concept as a strategic priority. This study a percentage ranging from 16.7% to 33.3% for the ratings 'connected to a larger goal' and 'strategic priority' combined. That is considerably less than found in the sample by Trezona et al. (2018). Aside from the different rating methods, this difference may also stem from their topic being far less political and contested, making framing it as an important policy point less controversial and difficult. As discussed earlier, regulating sexual harassment is a matter which has inspired fear and push-back (e.g. Eyre, 2000; Bennett, 2009; Bloodworth, 2018; Victor, 2018; Valenti, 2017; Merkin, 2018; Mumford, 2018; Lay, 2019). This study does, however, not possess enough expertise about the topic (health literacy) Trezona et al. (2018) investigated to be able to say anything about this with certainty.

This study also adheres to a different interpretation of goal connection than the authors of the original model did. Whereas Trezona et al. (2018) considered it a positive point if a policy document on the specific policy topic existed, and considered this an indication of the topic being a strategic priority, this study takes a more critical view. It stood out that the policy documents in which sexual harassment was framed as a priority were largely documents about this topic or closely related behavioral topics. That someone, or a group of persons, tasked with writing a policy about a certain topic, find(s) this topic important, should not be a shocking revelation, and may say more about their dedication to their task than about the dedication of the organization at large. To be able to conclude the organization at large was committed to the topic, it would be telling if the topic showed up in higher order policy documents such as year plans, or broader visions and strategic plans. The only time it came close to this was by University C bringing related concepts up in a broader vision and a broader HR document, and framing these related concepts as a strategic priority in those documents. Furthermore, the connection between sexual harassment and the functioning of the organization being made in so few documents is worrisome. First of all, because a connection exists (e.g. MSZW, n.d.-a; Gruber, 1998; Holland et al., 2016; Jacobson & Eaton, 2017; Tenbrunsel, Rees, & Diekmann, 2019; Naezer, Van den Brink, & Benschop, 2019). Secondly and mainly, however, this can be framed as problematic because it can make initiatives vulnerable to being deprioritized and discounted (e.g. Groeneveld & Verbeek, 2012).

The third concept, concreteness of commitment, refers to the extent to which universities made general idealizations concrete by committing to specific actions, monitoring of outcomes, and/or assigning specific resources. Trezona et al. (2018) found about 55% of their policy documents reached at least the first concreteness rating level of defining specific actions. In this study the range for this criterium was about 40% to about 60%, and this included documents which were not explicit in their terminology. Only three of the sample of 29 Trezona et al. (2018) used reached the second rating level, representing concrete actions and one of the other types of commitment, in this category (10.3%), and none reached the final rating level which represented commitments of all three types. In our study, three universities had the second rating level in this category representing anywhere from 5.6% to 40% of their documents. The third rating level was reached by two universities, who had two (University C) and one (University D) document(s) reach this level.

In terms of goal connection and concreteness, Trezona et al. (2018) rated their sample to fall short. Considering the goal connection in this study was far worse off than theirs, there are concerns about the awareness of sexual harassment as read from explicitness sufficiently translating into perceiving it as a serious matter to deal with effectively sooner rather than later. In terms of concreteness, universities differed noticeably in whether they outperformed the sample of Trezona et al. (2018) or not, and if so, by how much. Some committed in (percentual) more documents (University A and University B) than others, and than found by Trezona et al. (2018), and some did not show advanced commitment in many documents but reached the highest levels of commitment in a few documents (University C and University D). Yet, leaving the comparing aside for a moment, it can be said that about 40-60% of the sampled policies not naming any specific action to address sexual harassment seems rather tragic. The same can be said for only three out of 66 documents following good policy practices for effectiveness (Trezona et al., 2018) and naming specific actions, assigning resources, and proposing monitoring of outcomes. These findings are in line with earlier findings. Thomas (2004), for example, indicated lack of proper resources was a major shortcoming for tackling sexual harassment effectively in the 1990s. Furthermore, Groeneveld and Verbeek (2012) spoke of the danger of what they called empty-shell policies: policies which appear to address a policy topic, but are filled with measures which are unlikely to achieve anything in practice.

Aside from comparing the organizations of the current study's sample to findings by Trezona et al. (2018), they can also be compared against each other. It stood out that generally, the public universities (University A and University C) had a more advanced framework than the privately-founded universities. University A was especially great at producing policies, being the top player in number of policies, percentage of formal policies, interval between policies, the oldest surviving definition, the oldest surviving explicit policy, and the number of explicit policies. University C was especially good at producing policies with a better chance to achieve something. They were the top player in goal connection overall, strategic prioritization, concreteness overall, and having policies with full commitment of specific actions, resources, and monitoring. Yet, University C was often not explicit, and never clearly defined sexual harassment – a matter which will be discussed further in the following sections. University A on the other hand was not too great at goal connection, failing to do so in over 80% of their documents. University B had very little policies – ten overall, and just five if discounting web pages. Of those ten only three were explicit. University D also had a great percentage of webpages, never framed sexual harassment as a strategic priority, and was concrete in their commitment in even less than half of their policies.

Taking all this together to answer sub-question one: Whereas the policy frameworks are promising in terms of explicitness, there is considerable room for improvement in terms of goal connection and concreteness of commitment. Besides, there were no golden ponies in this race – none of the universities had a policy framework which was outstanding in every facet.

### 5.3 SEXUAL HARASSMENT DEFINITIONS (Q2)

The second sub-question of this study asked what definitions of sexual harassment were employed in the field, and how they resolved the various defining dilemmas. The dilemmas were the degree of interlinking between sexual harassment and sex or gender; the explanatory logics included or excluded; the broadness or narrowness; its degree of sex positiveness; and its chances of generating false positives or negatives. Definitions are important because they frame the discussion, legitimize or delegitimize certain experiences as sexual harassment, and can co-determine the direction solutions will be sought in (see for example McCall, 2019). For these very reasons, it was relevant to investigate from an empirical point of view to help understand how sexual harassment is perceived at Dutch universities in a policy context. Additionally, reviewing how people who had to work with the problem in practice defined it, theoretical progress can be made on how to possibly surpass the defining dilemmas. In this section the results will be discussed and conclusions will be drawn about the defining choices made by the universities. First an answer to the sub-question will be provided, and then more general implications will be discussed.

Three of the universities provided a clearly formulated definition. Another definition was added to the sample through a national document explicitly endorsed by University A. The definitions indicated sexual harassment was a verbal, non-verbal, or physical behavior of some degree of sexuality which was meant to or had resulted in negative consequences for the target. As additional criteria it was either brought up the target's dignity had been (intended to be) affected, or the target's ability to function as an employee in that organization unhampered by inappropriate decision-making processes about them had been harmed.

In terms of the defining dilemmas, the field definitions were rather well-equipped. The definitions employed by University A left room for the inclusion of sex and gender harassment or sex and gender discrimination, but did not create a link they became interchangeable concepts. The definitions from universities B and D did not link these matters at all. None of the definitions were based upon or fully committed to any explanatory logic, leaving room for sexual harassment cases of all different types and bases. All internally formulated definitions, for example, said it may be the intent to affect the target's dignity, but this type of intent being present was not a requirement for something to count as sexual harassment. Similarly, the definition provided in the national document suggested creating a negative work environment or harming someone's job performance could be part of the perpetrators' intent. The one thing that was committed to was the nationally formulated definition implicitly underlining that power can be an enabling factor. Considering the context, this is actually a very sensible addition, as Naezer, Van den Brink, and Benschop (2019) for example illustrated the abuse of power had to do with many cases of inappropriate behaviors. In terms of a broad or narrow definition, all definitions opted for a middle of the road solution. They were open for a broad range of behaviors, but they had to have achieved some degree of harm to count. The definitions employed by university A did have a (somewhat) sexually restrictive character, however. They therefore also had the chance of identifying false positives. The definition formulated at a national level, however, did guard against false negative quite

comprehensively. The other definitions left some room for both false negatives and false positives, but did not have gaping shortcomings in this regard.

The most important difference between the field definitions and the definition proposed by this study was the standard set to measure a transgression by. The definitions formulated by the specific universities opted for someone's dignity being harmed, while this study opted for standards of reasonableness which included context, severity, and persistence. Although they can both serve a function in separating innocent from harmful behavior, the dimensions added in this study's suggested definition are less subjective and less ambiguous. When a concept is used to pass judgment onto situations which potentially have a major impact on people, when a concept is used in a serious fault-finding procedure, more objective and clear standards may be important for providing transparency and a greater sense of fairness. Indeed, considering targets perceiving the procedures being rigged against them was identified as a shortcoming multiple times throughout the years (Eyre, 2000; Kelly, 2001; Thomas, 2004; Bennett, 2009; McDonald, 2012; DeCou et al., 2016; Evers, 2017; Gillander Gådin & Stein, 2017; Goldhill & Slobin, 2017; Harris, 2017; Jackson, 2017; Jacobson & Eaton, 2017; Nesvarova, 2017; Van der Ven, 2017a; Van der Ven, 2017b; Van der Ven, 2017; Lay, 2019; Naezer, Van den Brink, & Benschop, 2019), this bit of ambiguity in the definition cannot be afforded.

A very interesting aspect that was found, is that it was University C did not offer a definition of sexual harassment, while it outperformed the other universities in many of the aspects of their policy framework. This apparent contradiction could exist because the particular approach the university took in making sexual harassment part of a larger and comprehensive effort to create the right type of behavior among organizational members. The ability to develop an advanced policy framework without a definition also cast doubt on how definitions were used in the field. To an extent it appeared they were not really necessary, because the major need the universities had to define sexual harassment would be in case an incident would be reported – in which case a dedicated complaints committee would engage in a comprehensive procedure to judge the behavior onto standards which were not necessarily provided by the definition. Only University B made an explicit reference to the definition having to be met when filing a complaint. Yet, it was also University B which in another text abandoned the definition which characterized sexual harassment as something harmful, undesirable, and serious, to frame it as some light-hearted misunderstanding not to be taken too seriously. Furthermore, all universities who had a definition drew attention to negative consequences for the targets, yet in the complaints procedure where cases would actually be decided, only University C explicitly included consequences in the criteria. A lack of attention to consequences for the target was identified as a previous shortcoming by (Bennett, 2009). Similarly, Naezer, Van den Brink, and Benschop (2019) found the hoist of inappropriate behaviors their participants had experienced had often led to the very negative consequences described in these definitions (but also repeatedly in definitions for other types of inappropriate behaviors), and yet this often got ignored by their surroundings as a basis for action. One participant noted they felt they had to be raped before any action would be taken.

When introducing this topic, it was said that definitions set the stage for discussions, however by taking a close look at the definitions and the policy framework within which they were placed, a different interpretation is possible. Although textually, the definitions largely appeared functional in dealing with the various concerns, whether they took a meaningful place in the policy framework was questionable at best. This raises similar concerns as found through the previous sub-question: the universities are eager in showing they are making an effort, but in terms of making commitments to be effective and pull through, they appear to be falling short.

#### 5.4 POLICY MEASURES (Q3)

The third sub-question asked how the different Dutch universities dealt with the various key topics for a sexual harassment policy framework. The topics were chosen based on existing knowledge about (organizational) sexual harassment, and about the academic context. They were normalization, empowerment, preventative measures, post-incident support, strictness or lenience of policies, evidence and false accusations, targeting of primary or secondary behavior, and policy packaging. First, some commonalities and differences between the university will be listed, then the most important findings on the topics will be discussed.

##### ***Commonalities and differences***

There were some commonalities between all four Dutch universities. On the dimension of empowerment, all four offered network groups for specific sub-populations in their university, and all at least wanted to be diverse and provide equality. In terms of prevention, all universities had installed behavioral regulations, engaged in some form of overall policy evaluation through feedback loops, and requested a beneficial overall organizational



culture. In terms of post-incident support, all provided a confidential advisor with roughly the same tasks, a complaints procedure with a specialized committee to judge complaints, which would have to resolve complaints within roughly ten to fourteen weeks, and some undefined protection for those filing the complaints. In determining risk, all universities required some degree of confidentiality from those involved with handling a sexual harassment incident. In terms of proof and false accusations, all universities had court-like complaints procedures, all had given thought to a fair composition of their complaints committee, allowed the calling of witnesses and experts during the procedure, and committee members could be recused from a case if their impartiality or fitness to judge was compromised. All universities had policies targeting both primary and secondary behavior, and none of them had a completely packaged framework.

However, differences also existed, of course in specific measures chosen, but also in how certain measures were developed, and what overall styles were, if any. Already it was discussed the public universities tended to have more developed measures, a greater variety of measures, and more unique measures. University C had the most measures, and had worked out their measures most often or had noticeably given thought to how their measures would affect people. Yet, they never defined sexual harassment and were the least explicit university. This was because they made sexual harassment part of a comprehensive approach to deal with many forms of inappropriate behavior. The upside of this was that they could take holistic and comprehensive action. Logically, it should have been easier to get investments for a collection of problems than one specific problem. Another advantage of this approach is that the controversy of sexual harassment (Eyre, 2000; Kelly, 2001; Thomas, 2004; Bennett, 2009; McDonald, 2012; DeCou et al., 2016; Evers, 2017; Gillander Gådin & Stein, 2017; Goldhill & Slobin, 2017; Harris, 2017; Jackson, 2017; Jacobson & Eaton, 2017; Nesvarova, 2017; Van der Ven, 2017a; Van der Ven, 2017b; Van der Ven, 2017c; Tenbrunsel, Rees, & Diekmann, 2019; Lay, 2019), could be tempered by adding it among issues closer to academics' hearts such as good research practices. In their case study (Eyre, 2000) described how this very strategy was used to attack efforts against sexual harassment, as the university's choice to suspend a professor who was controversial in this area was attacked on threatening broader academic values such as academic freedom. Thus, whether consciously or unconsciously, University C employed a strategy which could be used to shoot down sexual harassment countering efforts in their favor. Furthermore, Naezer, Van den Brink, and Benschop (2019) found several types of negative workplace behaviors usually co-occurred, and actually called for a framework that was suited to deal with all of them based on stories of targets who kept on being ping-ponged around between different representatives. This comprehensive approach is not without its downsides, however. Although broadening the spectrum of issues it serves may have allowed it to be more developed, the downside of it is that it remains unspecified to what extent each policy measure pays attention to sexual harassment and its particularities as an issue.

University B was quite minimalistic in their policies. The most basic elements were present, but it did not really add any unique elements of their own and in several cases the measures were not concrete in any way. Over-all, the impression was given it fell pray – more so than the other universities – to what several authors described as treating the having of a policy as an end on its own, to show they were in compliance with the law, without a serious intent or effective measures to actually solve the problem (see Thomas, 2004; Bennett, 2009; Groeneveld & Verbeek, 2012). The only two aspects on which University B actually did better than the others, was maintaining fun and the composition of the complaints committee. In terms of maintaining fun, University B was the only one who had any content for this code, and this came from them calling for a pleasant organizational culture (instead of a respectful or professional one). However, as this particular word choice was not reflected in any other measures or concrete steps, not too much weight should be assigned to it. The composition of the committee outperformed the others as it included all the relevant requirements also espoused by the others (independency, legal expertise, gender division, student and staff division) and then added on to that the requirement to have someone with expertise in undesirable behavior. This is an element Bennett (2009) missed in the procedures she had witnessed so as to ensure the right questions being asked and targets not being put on trial by the procedure any more than they had to.

University B and University D both did not introduce many measures or concrete steps for preventing sexual harassment, and seemed to focus more on how to handle incidents that did occur. Like University B, University D had a less developed set of measures than University A and University C, however, in several aspects they were quite good at considering the protection of targets. University A on the other hand had a more developed set of measures than University B and D, but at certain points did make policy choices which could be hard on targets.

### **Normalization**

It was unfortunately found that some normalization occurred at University A and University B. Although in their definitions they framed sexual harassment as harmful and undesirable, and underlined the idea of dispelling it,

they fell short by considering the presence of cases remaining an acceptable alternative (University A)<sup>5</sup> or by trivializing it and disowning it as an organizational problem (University B). Interesting is that this schism existed between the definition provided and what was stated elsewhere – it is possible this reflects a difference between what the universities want to represent and how their organizational members may respond in practice. This mimics findings by Eyre (2000) where the initial public response of top management to controversial actions by a professor was hardline and damning, but the actually implemented solution was a lot more tempered. It also falls in line with findings by Naezer, Van den Brink and Benschop (2019) who cited many accounts of negative workplace behaviors being dealt with in any way but a hardline zero tolerance approach. Again, this leans towards the problem being brought up more than once now: a schism between how the universities present themselves, and how committed they really show themselves to be in their policies. Furthermore, although not included under normalization in the results, as upon first reading the material mainly seemed to fit with how the universities dealt with post-incident support, division of risk, and proof procedures, there were some more indications of normalization. University B and D asking targets to try work things out on their own first, and University A, B, and C taking a relatively skeptical position to targets in complaints procedures does give off a signal of the organization's primarily not considering it their problem. Thus, although none of the university's appeared to mean badly or stated sexual harassment was not important or could not be helped, they were still participating in some degree of normalization. That this too can make things worse, was illustrated by Gillander Gådin and Stein (2017) who described a case of seemingly well-willing and benevolent educators and educational managers still normalizing sexual harassment and creating conditions in which it could flourish. It seems important then, universities and other organizations remain critical on their implicit evaluations and their inclinations and practices beyond the type of thinking they want to represent. To improve their policy frameworks and the way their users experience them, they should bring greater congruence between who they want to appear to be, and what the actual evaluations and practices within their organization are.

### ***Empowerment***

In terms of empowerment, the universities all gave some consideration to embeddedness (through networks) and social empowerment (through equality and diversity measures). University C and D provided the most concrete content for social empowerment. Organizational empowerment, however, lacked behind. Only University C paid extensive attention to this, and then only in the shape of PhD students and their supervisors. Other than this, the universities did not offer much in terms of considering or acting to reduce undesirable power imbalances. This then is a dimension in which universities could further develop. This especially as newer studies reiterate the need to pay attention to this (Tenbrunsel, Rees, & Diekmann, 2019; Naezer, Van den Brink, & Benschop, 2019; McCall, 2019). For Naezer, Van den Brink, and Benschop (2019) power differences and how they were abused was one of the major themes of the study. Tenbrunsel, Rees, and Diekmann (2019) brought up an informal survey about this topic among PhD students which gathered nearly 2000 responses in a month, and argued how power can facilitate a mindset that make perpetrating harassment more likely.

### ***Preventative measures***

In terms of preventative efforts, some matters stood out. First of all, the awareness raising strategy as proposed by University A, C and to a limited extent B. These strategies focused upon providing information about sexual harassment and (in)appropriate behavior through one or various channels, and/or the procedures the university offers on sexual harassment. These are good efforts, as multiple authors (e.g. Thomas, 2004; Bennett, 2009; Naezer, Van den Brink, & Benschop, 2019; Tenbrunsel, Rees, & Diekmann, 2019; Lay, 2019) pointed out knowledge about procedures was often lacking, and consequently may downgrade the effectiveness of the university's policy framework as well as their insight into their actual functioning by hiding cases from view. Another aspect Thomas (2004) and McCall (2019) indicated however was to feed the number of incidents and the way they were handled back to the organization's community in order to allow people to develop trust in the organization's ability to handle incidents and thus potentially come forward more easily themselves if they experienced or witnessed an incident. Clear evidence of this happening was not found through an in-depth analysis. The far-reaching confidentiality restrictions some universities were imposing, may also stand in the way of these feedback loops (e.g. Naezer, Van den Brink, & Benschop, 2019). That trust in the system was lacking was indicated several times over and in practice has led to targets of negative workplace behaviors, including sexual

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<sup>5</sup> It should be noted that reducing the occurrence of sexual harassment as much as possible is also given as a legitimate course of action by the Dutch legal framework (MSZW, n.d.-a; TNO, 2017). The choice for this formulation can thus not be entirely held against University A particularly – but this study does consider the formulation as a problematic facet.

harassment, staying silent (Van der Ven, 2017a; Van der Ven, 2017b; Van der Ven, 2017c; Naezer, Van den Brink, & Benschop, 2019). Or a recently described method as described by McCall (2019): abandoning university procedures entirely and taking their anger online. In so doing they may be causing exactly what the universities are trying to prevent with their extensive fault-finding procedures, as discussed below, and their confidentiality restrictions placed on targets. Universities could consider how they could provide more transparency and accountability to their community, without adding stigma onto innocent people<sup>6</sup>. One way to do this could be to clearly comply with the legal obligations (MSZW, n.d.-a; TNO, 2017) and report a risk analysis and a consequent plan of attack back to employees.

The second type of preventative measures that stood out were the attention given to organizational culture. Not every university was equally comprehensive or concrete in these efforts, but the need to adapt the organizational culture in the direction the policies generally proposed has been called for by several recent studies (Tenbrunsel, Rees, & Diekmann, 2019; Naezer, Van den Brink, & Benschop, 2019). However, Naezer, Van den Brink, and Benschop (2019) pointed out the unsupportive organizational culture they found to currently exist could be related to the structural characteristics of the academic field with intense competition for resources, substantial performance and publication pressure, and an emphasis on upward mobility in combination with a limited number of actual positions at the top. Although to say these characteristics would make a considerate and emphatic culture impossible would go too far, they certainly do impose an additional challenge.

Another interesting aspect was the proposal of two universities to offer training on relevant constructs. Several authors have indicated the fruitfulness of training in tackling sexual harassment (Bennett, 2009; McDonald, 2012; Buchanan et al., 2014; Ollo-López & Nuñez, 2018). However, what did not become clear from the policies (in all cases) was if the trainings would be mandatory, and if their occurrence and content would be consistent, two aspects which previous studies have indicated to be important aspects to increase their effectiveness (Gruber, 1998; Buchanan et al., 2014). Naezer, Van den Brink, and Benschop (2019) also recommended it may be especially fruitful to integrate training about sexual harassment and other negative workplace behaviors into existing training opportunities and to pay attention to each of the roles a person might have in an incident (target, bystander, or perpetrator). These matters could then be the next step in enhancing the effectiveness of the positive policy measure of providing training.

University A and University C called for investigation how their policy and reward structures might lead to inappropriate conduct or deter it, although they did not become concrete about it. This type of consideration was also called for by Eyre (2000) as an important step in trying to resolve sexual harassment.

### ***Dealing with harassment cases***

Although post-incident support, strictness or lenience of policies, and evidence and false accusations were analyzed as different topics, the findings under them largely combined to form a certain impression. Therefore, for the sake of the discussion they will be combined and some room will be afforded to discuss some outstanding aspects under them separately instead.

All universities had a well-developed and detailed policy structure for post-incident support which mainly focused on confidential advisors and their function, and the set up of the procedure for filing an official complaint. It is encouraging that universities had such procedures, as Chamberlain et al. (2008) found they were effective in reducing sexual harassment. It is also encouraging that procedures have become more defined and developed, that there are designated entry points with people who have or can develop expertise in this area, and that targets can choose between more confrontational (official complaint) and more informal assistance and responses – all improvements on shortcomings identified in the 1990s (Thomas, 2004; Bennett, 2009). Confidential advisors especially are a great addition, as they provide targets someone to safely talk to without being obligated toward any action or having to confront anybody. As they were not brought up by any studies outside the Dutch context, can be said to be a measure which can serve as an example for other universities internationally. It is also commendable that all universities explicitly required complaints committees to include independent members, as this serves as a protection against any motivation a university might have to be dismissive of cases (see Bennett, 2009; Groeneveld & Verbeek, 2012).

However, some more critical evaluations can also be uttered, and at the center of this is the question whether the found set-ups were adequate in making targets feel supported. Press sources and older research in the field, indicated targets often felt disillusioned after experiencing the post-incident support structure, feeling

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<sup>6</sup> Although not included in the in-depth analysis, nor clearly pointed out as an existing measure in the policies analyzed, among the search for documents anonymized annual reports by their complaints committee were found on the website of University A, indicating that at least this university did make some efforts in this regard.

like it was insufficient in reaching the right conclusion and too riddled with alternative interests (Eyre, 2000; Bennett, 2009; Evers, 2017; Goldhill & Slobin, 2017; Harris, 2017; Nesvarova, 2017; Van der Ven, 2017a; Van der Ven, 2017b; Van der Ven, 2017c). Compounding this, the newest publications also call attention to this (Naezer, Van den Brink, Benschop, 2019; McCall, 2019; Lay, 2019). Naezer, Van den Brink, and Benschop (2019) found that contrarily to target behavior for purely sexual matters (e.g. Kelly, 2001; Latcheva, 2017) the majority of their participants had sought some sort of help. Of the 35 participants who described this, however, 89% experienced this as either leading to no help at all or not leading to a satisfactory resolution.

Evaluating the post-incident policies as described in this study, several things stood out. First of all, not all universities gave as much or even adequate attention to, and clarity about, caring and interventive measures as they did to and of punitive procedures and measures. Although the confidential advisors were tasked with being supportive, any explicit attention to the idea that aftercare may be needed for the targets was unique rather than universal, or a short comment rather than an extensive part of the policy. Additionally, it was often not defined what that aftercare might be – such as for example the organization providing easy access to qualified (mental) health professionals for any possible physical and psychological negative consequences of being sexually harassed, providing more lenience on performance evaluations, allowing some time off, or assisting the target in adapting their job or schedule so as to avoid the perpetrator or inhibit their abilities for targeting them. Similarly, attention to measures that might be taken to stop a particular situation or inhibit a particular person without a punitive intent were not universal or extensive. This can be said to be a shortcoming, considering the hoist of negative consequences targets might experience, as other studies have indicated targets may prefer non-confrontational methods (Bennett, 2009; Naezer, Van den Brink, & Benschop, 2019). Several of the universities also described a multitude of situations in which a complaint would not be seen as valid and thus not lead to sanctions. Although there may be good motivations from deciding a priori not to assign sanctions in those cases, but the policies also insufficiently clarified what channels and procedures were then available for targets to gain support, protection, or simply facilitate policy learning.

Secondly, as brought up in section 5.3, all the universities who had a definition for sexual harassment, paid attention to the consequences of a behavior as part of the stakes. Yet, in the complaints procedure, where it would be judged if the behavior regulations or the prohibition on sexual harassment were broken, it was not explicitly given attention. This is brought up here again, because it seems that if consequences are given explicit attention in the official fault-finding procedures, it might become clearer why the complained about behavior is problematic (or not) and harder to dismiss cases as not serious enough – a criterium coming back in several of the studied complaints procedures and a problem identified by multiple recent publications (Van der Ven, 2017a; Van der Ven, 2017b; Van der Ven, 2017c; Lay, 2019; Naezer, Van den Brink, Benschop, 2019). Bennett (2009) also indicated a shortcoming witnessed in the procedures previously to be not asking targets to explain the effects of sexual harassment on their lives. Naezer, Van den Brink, and Benschop (2019) also cited cases where targets did not even bother filing complaints about negative behaviors they had experienced, as they felt they lacked factual evidence to meet the procedures' burden of proof anyway. On the other hand, when giving more attention to this, universities would also need to guard against the cognitive error of perceiving a target who does not display obvious suffering or is incapable of formulating clear and intense suffering, has not experienced sexual harassment. In the case Gillander Gådin and Stein (2017) described, for example, it was shown how some organizational members dismissed the sexual harassment experiences and complaints of one of their students, because she did not seem distraught enough.

Finally, the set-up of the complaints procedures. They are lengthy, with court-like procedures, and often with a multitude of hoops for complainants to jump through, considerable standards of proof, and not always clear protections for the complainants. Gruber (1998), and Ollo-López and Nuñez, (2018) indicated slow and weak responses tend to have a heighten the prevalence of sexual harassment. The requirement to extensively proof a situation may also be taxing and dysfunctional, and has in the past already been marked as a shortcoming of the sexual harassment policies employed by the universities (Eyre, 2000; Bennett, 2009). Imagine also for example this scenario: over a series of several weeks, the perpetrator made lewd comments and touched the targeted suggestively multiple times when they were alone. The target asked them to stop, but this had no effect. As this happened exclusively when they were alone, no one witnessed the behavior. There were also no security cameras in the areas where it happened. The perpetrator has a good reputation as a person and as an employee. The target feels angry about being treated disrespectfully, but thus far exposes no signs of mental or physical damage. When confronted, the perpetrator thoroughly denies the target's claims. In this case, what proof can the target offer? The only thing they have to offer is their word, and with appearances against them (no confession, no obvious perpetrator character flaws, no medical or psychiatric expert testimony to indicate *something* must have happened) the worth of that is not very high. Thus, in such cases the lack of a more lenient proceeding can generate false negatives, and in so doing worsen the damage to the target. Again, Naezer, Van

den Brink, and Benschop (2019) also indicated how people took scope of these norms and decided to silence themselves. This type of proceeding can thus also hide cases from view.

The court-like procedures themselves were brought up earlier in this study as a possible way to prevent false accusations and temper the fear of them, based on a suggestion by Burr (2011). However, the question has to be asked, if these procedures actually are inadequate at recognizing perpetrators and make targets feel (even more) distraught (Eyre, 2000; Bennett, 2009; Naezer, Van den Brink, & Benschop, 2019; McCall, 2019; Lay, 2019), are they worth it? Already, Burr (2011) admitted false accusations were rare. Indeed, Lovett and Kelly (2009) also showed false accusations for sexual assault were close to none, and several authors have indicated targets coming forward at all is rare (Eyre, 2000; Kelly, 2001; Latcheva, 2017; Naezer, Van den Brink, & Benschop, 2019). Furthermore, upon close reading the claims of Burr (2011) are contradictory – they argue false accusations are rare, unsubstantiated accusations are not necessarily false, and accusations where the full truth is not immediately provided are not necessarily false either – but yet thorough evidence finding must be considered a crucial aspect, and targets must not be believed on their word. Why? Why is a highly formalized court-like procedure so crucial when its functionality and purpose are not immediately clear?

Perhaps, the standards of the process are motivated not by protecting against false accusations, but against those which some may frame as frivolous or unfair. These might be accusations about behaviors which from an outsider's perspective appear relatively minor or happened a long time ago. Cases where doubt was cast if the behavior should be framed as an infraction and cases where behavior remained so ambiguous nothing of a clearly sexual nature happened were described in literature (see Lee, 1998; Eyre, 2000; Naezer, Van den Brink, and Benschop, 2019). Yet, in the case of Lee (1998) no consequences were described for the professor who engaged in the ambiguous behavior – the consequences of his actions were that in one case he discontinued supervision of a PhD student, and in the other the PhD student asked to be relieved of him as a supervisor. In the case of Eyre (2000) the university suspended the professor, but then later reinstated him and defended his capability. His teaching duties were retracted however, with the explanation of keeping disorderliness caused by distressed students to a minimum. Thus, in this case, something was taken away from this professor, but his job was preserved and the organization defended his reputation. Therefore, the consequences appear manageable. More so, recent studies reiterate that regardless of whether the university thinks the targets have a point or not, the consequences for the perpetrators tend to be minor to non-existent (Lay, 2019; Naezer, Van den Brink, & Benschop, 2019). Thus, these types of cases do not appear to sufficiently justify the procedures either.

The choice to hinge a large part of the policy framework upon the rigorous proceedings described became an even more eyebrow raising one, because similar high standards for proceedings and similar mistrust towards those coming forward were not reproduced in studied procedures the universities employed for other regulatory infractions. Furthermore, Naezer, Van den Brink, and Benschop (2019) described cases where the targets felt that once key organizational members had it out for them, as a manner of speaking, their reputation would be ruined and negative job-related consequences were applied (sometimes going as far as firing them) without employing anything near a similar standard – some citing procedures being abandoned or even argumentation being withheld. This while they experienced the allegations they received as most definitely false (Naezer, Van den Brink, and Benschop, 2019). This casts a shadow over the absolute requirement for following 'due process' in order to take action being stressed repeatedly (e.g. Burr, 2011; McCall, 2019; Lay, 2019). The argument that this type of procedure is necessary because of a noble belief only ever to use the highest standards of truth-finding and due process, can be said to be applied very one-sided and thus in practice deeply flawed.

Altogether, it appears the standards set may be too rigorous to serve both sides well and lead to a proper protecting of the innocent, and the reasoning to do so lacks in the proper logic to justify it. As this study only investigated the policies as they were written down, and not their implementation, it cannot be judged if the procedures in practice at the particular universities investigated actually dealt the targets short. However, the latest studies which did comment on implementation did not come back too positive (Tenbrunsel, Reek, & Diekmann, 2019; Naezer, Van den Brink, & Benschop, 2019; McCall, 2019; Lay, 2019). Either way, this study calls universities to take a moment for introspection and ask if their procedures sufficiently support targets, and if not, if perhaps building extensive procedures to prevent false or unfair accusations should be replaced by informational strategies to reduce the anxiety around it.

### ***Maintaining fun***

Under strictness and lenience of policies, the one thing that really stood out is that maintaining fun was a non-issue in the policies. The only times the topic could even be linked to a specific portion of text was when University A made it very clear their ICT facilities were for work purposes only, and when a turn of phrase University B used could indicate they might care about it. Not once did a policy draw attention to having to consider how to maintain pleasant interactions. Interestingly, it was also the definition formulated by University

internally that was the most sexually restrictive. The fact that this topic did not receive attention from the universities is disappointing as it is one the public considers important (see Valenti, 2017; Merkin, 2018; Mumford, 2018; Victor, 2018). Furthermore, scholars too have discussed the potentially positive aspects of sexuality in the workplace (e.g. Alvesson & Billing, 2009). Finally, it seems that if universities feel strongly enough about not prosecuting the wrong people to make complex, lengthy, and heavy complaints procedures, this could be a topic for more consideration too. Afterall, like informational strategies to reduce anxiety around false accusations, proactively differentiating between harmful behavior which deserves an official complaint and fun-enhancing collegiality might be a more positive way to deal with issues of (fear of) false accusations and requiring some level of seriousness to claims.

### ***Confidentiality***

It was also found that universities tended to have strict confidentiality agreements, which often worked both ways. As brought up previously, these are a two-edged sword. Initially, targets may desire confidentiality, because they fear what would happen if people knew they talked about the sexual harassment they went through (Jackson, 2017; Gillander Gådin & Stein, 2017; Naezer, Van den Brink, & Benschop, 2019). Yet, it has also been described how targets specifically wanted others to know and how the secrecy may be perceived by them as a bothersome (perverse) restriction (e.g. Naezer, Van den Brink, & Benschop, 2019; McCall, 2019). Earlier in this chapter it was also brought up how it might hamper perceptions of the system, use of the system, and policy learning. Although the universities in this sample all proposed some form of internal feedback loop to facilitate some degree of policy learning, it still maintained a sub-optimal learning situation as only a controlled set of actors would be allowed to participate in these feedback loops. Additionally, other universities may not have such internal feedback loops installed, while adhering to similarly high confidentiality standards. Furthermore, in the theoretical framework of this study, section 2.3 specifically, it was brought up how strict confidentiality and the academic characteristic of a tight job market and narrow expertise fields may have an interaction effect: targets are still vulnerable to suffering health and career consequences based upon their harassment experiences, while perpetrators receive protection from them (e.g. Lay, 2019). Additionally, if it ever would come so far as a perpetrator being fired or leaving their job over a sexual harassment incident, the confidentiality agreements would prevent another university from consciously deciding whether or not they want to hire a perpetrator (e.g. Lay, 2019). This opens the door to an even more problematic matter: it may increase motivations not to fire a highly influence academic or push them to the point they want to leave their job. After all, without their flaws clearly visible, it will be a move which will simply hand a seemingly fantastic employee to a competitor. It is then concluded that universities can gain by evaluating if their stances on confidentiality still serve the innocent, or have become motivated by fear of repercussions to the organization (e.g. McCall, 2019; Lay, 2019) or have come to include perverse incentives to act against the interest of the targets.

### ***Primary and secondary behavior***

As a more uplifting finding however, all universities did include policy measures for both primary and secondary behaviors. There was ample attention for creating, or at least wanting to have, a culture where people would be mindful of each other and to various degrees would have room to point undesirable behavior out to others without losing face – a highly necessary effort according to Naezer, Van den Brink, and Benschop (2019) who marked the organizational culture at universities being highly adversarial as one of the key factors in stimulating negative interpersonal behaviors. The extensiveness of the instructions, the centrality to the organization's identity, and the number of different documents of course did give the impression the different universities had various degrees of commitment to these ideas, and various chances of having reality match with these words, but the bottom line is that there was a policy aspect in which matters were proposed that could be beneficial without making the policy framework too heavy on anyone who might get involved with it from either side.

### ***Policy packaging***

In terms of policy packaging, University C appeared to do relatively well, but all the other universities had some issues with it. Issues either appeared because of fragmentation of the core of the framework over various documents, inconsistency on a particular point, incongruence between intentions and policy choices, and incongruence between different policy aspects. None of them were blatantly dysfunctional though. However, the sample selected for in-depth analysis was mostly quite close to the core of the policy framework, speaking about sexual harassment directly and extensively, and it could be possible greater issues would arise when comparing these policies to policies more peripheral to the framework such as more general policies, specific policies about hiring and promotion practices, and general HR policies. The idea that further issues might arise from this is suspected, because for University A, B, and D these policies, when drafted internally, did not even

feature sexual harassment or an interchangeable concept extensively enough to be included for this part of the analysis. Thus, universities are invited to consider to what extent the prevention and handling of sexual harassment cases is also implemented in their policies outside of the policies that are specifically about sexual harassment.

## 5.5 LESSONS LEARNED

Considering all this, what can now be said about the research question, which asked what different Dutch universities do against sexual harassment at a policy level, and what strengths and weaknesses can be identified? The answers to the three sub-questions should sufficiently answer what the universities in the sample did. That leaves the second part of the question of to what extent this tackles the challenges of this topic.

From the study it became clear that sexual harassment was sufficiently on the radar of Dutch universities as a policy topic, and the universities which offered a definition for the largest part offered one which was elegant in most if not all defining dilemmas identified by this study. Some uncertainty remained however on what would be a sufficient seriousness for a behavior to be considered sexual harassment. Considering identified dissatisfaction of targets with the post-incident support system, adding criteria to the definition which would give more clarity could be beneficial. This study's suggested dimensions of reasonableness, being context, severity, and persistence of behavior could be a place to start. Furthermore, the consequences stressed in the definition could also be given an explicit place when handling actual harassment cases. Universities were also doing well in their ability to perceive of an array of preventative efforts, although not all of them implemented them equally. Furthermore, the universities did well in having specialized personnel to handle cases, and providing a confrontational and a consultative route. Within the confrontational route they had clearly given thought to what kind of perspectives and expertise would be needed to handle cases. They also perceived well of the ability and potential need to address a culture wherein people would mind each other's experiences, and were open to speaking to each other about boundaries of appropriate and inappropriate behavior.

There were also some challenges which the universities dealt with less well. These were turning expressed intents into actual effective commitments, countering harmful power imbalances based on organizational power and the set-up of the academic world, at some level normalizing harassment experiences, packaging policy efforts, and balancing other interests against interests of targets – displayed through taxing and skeptical complaints procedures, potentially overbearing confidentiality agreements, lack of soft support for targets, and a lack of more positive efforts to protect against false accusations and over restrictive frameworks. Two of these appeared to represent a running line throughout several of the findings, and will thus receive some more attention here. The first represents commitments made, and the second represents the post-incident procedures and division of risk.

Both more zoomed out screening found shortcomings in connecting sexual harassment to larger organizational goals and in providing concrete actions, resources, and an evaluation plan – as well as in-depth analysis finding a number of general policy intentions which lacked sufficient concreteness and some policy choices which had a crippling effect – both led to a recurring impression that there were deficiencies in translating statements about what the university *wanted* to do, into actual efforts to do it. Of course, this could be misinterpretation – considering the research methods employed it remains possible the universities preferred informal policies, kept more detailed policies private, or were simply unsure of what specific actions to include while the intention remained pure. It is also possible the universities wanted to appear they were taking action against sexual harassment, without actually taking too much action. This is what Thomas (2004) actually pointed out as a major shortcoming of sexual harassment policies at British universities previously. Groeneveld and Verbeek (2012) also pointed out the possibility for empty shell policies. Thomas (2004) indicated several reasons why universities might deliberately choose for such empty shell policies. First of all, when focusing upon post-incident support, committing resources might be perceived as coming with a snowball effect: the more people are aware of these procedures and trust them, the more people may come forward, the more resources will be needed for handling all those new cases (Thomas, 2004). From a cost-management perspective this may be undesirable. Similarly, a good and well-known post-incident support system leading to more reports may also be undesirable from a reputational point of view – as it may give the appearance the university has much more sexual harassment going on than others (Thomas, 2004). Considering the high degree of competitiveness in the academic field (Naezer, Van den Brink, and Benschop, 2019), universities have an incentive against seeing any information that puts them at a disadvantage get out into the world. Another argument for why organizations may opt for words over deeds is the very legal obligation installed to have them take responsibility (Bennett, 2009). Namely, if universities can be held liable for sexual harassment cases, they may through this be given an

incentive to ban them, but when they do occur, also may have an incentive to sweep them under the rug (Bennett, 2009; McCall, 2019; Lay, 2019). Yet, besides these types of activities being objectionable from a moral point of view, it can also be said an era has been entered where these efforts will no longer promise a good result for the universities. As the #MeToo-movement illustrated, and as for example McCall (2019) described, targets are no longer universally willing to deal with insufficient support and being silenced – if they do not feel they can get justice through official channels, they have been using the internet as a resource to get the word out. Through this, the universities are exposed in the precise ways they may have been wanting to prevent, and any sort of process to verify the incident before judgment is passed upon perpetrators is taken away. These arguments all come back to a comment made in the theoretical framework (section 2.3): considering the characteristics of the academic context, prevention may a significantly better strategy for handling sexual harassment in this context than rehabilitating cases that did occur. Prevention namely does not go against financial and reputational incentives more if it is successful, indeed, some adaptations may have to be made only once, after which can continue to exist and make a structural impact. However, as the focus within policies was now primarily on the handling of cases that did occur, especially at the privately-founded universities, this does present a shift in how policy-making efforts are handled. That of course represents a strategy which presumes the universities do want to handle sexual harassment.

The second shortcoming that touched upon several aspects of the policy framework was the universities struggling with finding an appropriate division between a broad and target-friendly framework, and a framework which protects against false and frivolous cases and the fear of them. The universities largely appeared quite good at shielding the official procedures from enabling undue allegations to lead to serious consequences. However, in the process to various degrees they may have become (too) taxing on targets, repellent for use, and too narrow to serve the function of finding and stopping harassment (Thomas, 2004; Naezer, Van den Brink, & Benschop, 2019; McCall, 2019; Lay, 2019). This represents a shortcoming pointed out many times over (Eyre, 2000; Bennet, 2009; Evers, 2017; Goldhill & Slobin, 2017; Harris, 2017; Nesvarova, 2017; Van der Ven, 2017a; Van der Ven, 2017b; Van der Ven, 2017c; Naezer, Van den Brink, & Benschop, 2019; McCall, 2019; Lay, 2019). It is also especially this division of risk which the #MeToo-movement riled against. Why then was the problem still present this way? In the previous section several functional explanations were tried, and rejected, that may have justified the need or choice for a framework with exceedingly high standards to be met before official action would take place. Altogether, again, the presence of interests other than protecting innocent people who might get targeted by sexual harassment must be concluded to play a significant role in the established policies. As described above, universities may have several incentives to sweep cases that occurred under the rug, which can be achieved in part through making the route to voicing complaints inaccessible, hard, and unlikely to find in favor of the target (Bennett, 2009; Lay, 2019). McCall (2019) drew attention to this as a still relevant incentive and route as well. Furthermore, while discussing confidentiality in section 5.4, it was brought up how universities may have incentives against being harsh on perpetrators especially when information about their involvement in harassment cases is not being shared. Finally, there is one more relevant explanation in terms of alternative interests: power. When bringing up the five different sources of opposition, it was discussed what objections different groups might have against sexual harassment policies – some of which pertaining to how certain groups may perceive efforts to take (stronger) action against sexual harassment as conflicting with their interests. These were specifically those who want to harass, those who see it as a threat to positive interactions, and those who see it as a prosecution of men. What was then not introduced into the discussion is a phenomenon Hoppe (2010) refers to as powering. Powering is the process of using authority or privilege to frame a debate, or decide a conflict in favor of one interest over another (Hoppe, 2010). As Eyre (2000) illustrated, this authority and privilege to frame and decide the debate is divided unequally over all people and groups. This might explain why the interests of a particular oppositional group have found such a central place in these policies, even though logically they may not represent the best outcome in terms of fairness or need (e.g. McCall, 2019): thus far it may have been the groups who subscribe to the three forms of opposition just mentioned who have held the greatest power within the academic context. Two studies which suggests this as a major influence on shortcomings visible are Eyre (2000) and McCall (2019). Surprisingly, however, even though it was a consideration that came from attention to the same interests, the universities did not offer any meaningful contribution to the challenge of actively maintaining fun and positive interactions that may be of an equally sexualized nature as sexual harassment. This together with the call for strong evidence and due process which were only implemented and followed for when someone was specifically targeted by the negative interpersonal behaviors of another, creates a need to ask one very distressing question: to what extent are legitimized pretexts used to maintain an environment where sexual harassment can be perpetrated? This study calls universities to very carefully consider which interests have found their way into their sexual harassment policy framework, and why these are represented there to the degree they are. It also calls to include more constructive ways in which to protect



against an overreaching sexual harassment framework, for example by giving more explicit attention to how to protect friendly collegial interactions. And finally, it calls for considering better ways to protect all innocent people – whether they get to see the policy framework as a target, accused, or third party.

### **Conclusions and policy recommendations**

Overall, it can be concluded that the political nature and wickedness of the problem are evident in the policy frameworks it has generated (Hoppe, 2010; Hoppe, 2018). It was visible how different needs were pitted against each other, and a clear outcome that would serve all aspects of the problem well was hard to find (Hoppe, 2018). It could also be identified how different interests were competing with each other, as is characteristic of a political problem (Hoppe, 2010). Certainly, it was found the policy making process must have been of the messier variety (see Walt et al., 2008; Howlett & Rayner, 2013; Howlett & Mukherjee, 2018; Hoppe, 2010; Hoppe, 2018). Some of these interests which were playing into the problem were healthy ones on sich: of course, an organization has to protect itself and tries to maximize its performance in a competitive environment. Others which might be present are less savory. Either way, it is not the presence of these alternative interests which is problematic, but it is the lack of recognition of them. The policy frameworks that were found gave little transparency about the degree to which the various interests were present, and it is also unclear to what extent the policy makers themselves were aware of them. As such, policies may overstate intentions on the policy topic in comparison with actual efforts (intended to be) made, and set targets of sexual harassment up for disappointment and suffering. It may also lead to interests getting represented over others based on powering over need – both in terms of the needs of the individual organizational members, as well as of the organization as a whole. This can be drawn, for example, from how not just strong responses to handling of harassment cases can harm organizational interests, but through letting them flourish as made clear at the start of the study. Finally, it remains hard to perceive perfect solutions for all aspects of tackling sexual harassment as a policy problem, but some lessons were learned in this study. These have been transformed into policy recommendations, displayed in Table 6.

**Table 6 - Policy recommendations**

Based on the findings by this study it is recommended universities who want to further develop their sexual harassment policy framework pay special attention to the following aspects:

- Ensure that commitment is made to turn good intentions into good actions. Indicate why sexual harassment is important, and provide concrete actions, resources, and evaluation structures to policy goals.
- Include standards of reasonableness into the definition of sexual harassment, i.e. a dependence upon severity, persistence, and context of the behavior. This provides more clarity to targets, and installs a few clear categories on which complaints can be tested.
- Be vigilant against normalizing narratives, and evaluate to what extent actual actions and implicit evaluations of responsible organizational members divert from official stances on sexual harassment as an unnatural and unacceptable organizational practice.
- Carefully consider the effect of hierarchy and organizational power relationship within and beyond the university and introduce policy initiatives to counter undesirable effects of these.
- Introduce preventative methods such as information provision and awareness raising, evaluations of incentives by policy reward structures, trainings, and proactive managers.
- Work on a considerate and respectful organizational culture, and use policies targeting the context which enables sexual harassment to occur to supplement policies which regulate behavior directly.
- Make use of well-trained confidential advisors.
- Have a dedicated complaints committee but carefully consider if the implemented complaints procedure is not too taxing for targets. Minimize aspects that introduce avoidable emotional burdens. To protect against false and frivolous allegations, the fear of them, and too many restrictions, consider other measures too, such as:
  - Providing information about the rarity of impactful false accusations
  - Explicitly considering how to maintain positive aspects of interpersonal contact
  - Consider if the definition itself is sufficient in distinguishing sexual harassment from other types of interactions, and make the selected definition's choices more present in handling of cases

- Make the consideration of consequences for targets more explicit in complaints procedures, especially if they are part of the organization's definition of sexual harassment. Be careful however not to hinge the handling of cases on an obviously distraught target.
- Provide ample non-punitive support to targets, and ensure organizational members are aware what kind of support is available.
- Explicitly allow for preliminary measures to be taken when someone starts a procedure, so as to protect them from revenge, pressure, and other backlash
- Be (more) open about what is going on and what is being done, where protecting individuals, especially perpetrators of heavy cases, receives attention which is proportionate in consideration of the greater goal of dispelling and adequately handling sexual harassment within the organization.
- Pay attention to what policy measures and considerations are necessary to adequately deal with handling cases involving students in various capacities.
- Ensure the presence of ample feedback loops so as to keep a clear view on how well the policies and procedures are functioning.
- Carefully consider which and whose interests have influenced which aspects of policies, and whether these influences are desired and reflect necessity.
- Align true evaluations and intentions as much as possible with representations in policy.
- Consider how policies not about sexual harassment but about other organizational matters can and do influence the occurrence of sexual harassment.

### ***Recommendations for future research***

This study's strengths lay in it being a major empirical contribution to understanding the state of affairs of sexual harassment (policy) at universities after years silence on the topic prior to 2019 – a necessary investment after the global discussions rising from the #MeToo-movement. In making this possible some methodological and theoretical advancements were made too. It was shown that the policy rating model developed by Trezona et al. (2018) for rating the progress on health literacy as a policy topic could relatively well be adapted to rate the progress on other policy topics. The study identified a few dilemmas which need to be tackled in defining sexual harassment, and may therefore be a source of controversy in the literature, and both indicated a possible solution itself, as well as showed how these defining challenges were dealt with in the field. Finally, it identified several facets sexual harassment policies could be evaluated on, as well as identified which aspects Dutch universities were doing well and less well on. As such, it set the stage for more targeted further policy efforts and research in dealing with sexual harassment within an academic context.

A shortcoming of this study was the use of only one rater for coding policies. This could have introduced some error in assigning ratings and codes. It is recommended similar studies in the future do use multiple raters so a type of interrater reliability can be achieved. However, some redemption might be garnered from the findings being compared against literature, against findings of other universities, and against more than one methodology to arrive at conclusions. Another limitation may be that policies which could be found, and a limited sample of policies being screened in-depth, does not necessarily give the full picture of all policy practices at a particular organization. This could have led to a distorted representation of what is actually going on in the field, and absolutely speaks against using characterizations given in this study to pass judgment on any particular university in practice. However, this limitation does not stand in the way of identifying strengths and shortcomings, and formulating recommendations. If in practice universities do have the necessary or recommended policy measures not represented here, they can consider that an easy win in achieving a more optimal sexual harassment policy framework. The final shortcoming was the choice to afford the universities anonymity and remain at a distance. This has both hindered transparency and the interpretive ability that could be afforded to the readers. Furthermore, partially because of this, implementation of the policies was not closely investigated, and as Groeneveld and Verbeek (2012) pointed out – it may be the implementation which makes or breaks the effect of the policy.

One interesting direction for future research is then for researchers better positioned to do so to look into how sexual harassment policy frameworks are implemented at universities. Naezer, Van den Brink, and Benschop (2019) did investigate the experiences of targets, but a comprehensive study which compares written policies, experiences of policy users (those implementing and applying it), and experiences of policy subjects (the organizational members at large), is still missing. Whereas the most recent research has all made a contribution to better understanding of what is happening, it all relies on speculation to fill out some aspects. A study which investigates all aspects of a policy framework and its use could pinpoint problems like no other study. Another

direction for further research could be studies looking into possible directions for policy aspects which did not receive a lot of attention in this study or the analyzed policies, for example the place of student in the policies, and what can and should be done in terms of protecting organizational members in the context of journal publications and conferences. Finally, this study could be reproduced in other national contexts, or context and methods of this study could be held constant while changing the policy topic. These efforts could increase understanding of the influence of the national regulatory, organizational, and cultural framework within which universities exist; increase understanding on how universities differ from each other in terms of general policy practices; and further define the preliminary findings about the influence of institutional form and (religious) philosophical background.

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