

SEXUAL HARASSMENT AND GENDER DISCRIMINATION IN UNIVERSITIES

Current Context and Recommendations
for a Safe(r) Academic Environment

RESEARCH REPORT



Project implemented by:

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Material elaborated by FILIA Centre in "TRUST: Responsible Youth for Safe and Fair Universities" Project, developed by FILIA Centre in partnership with the National Alliance of Student Organizations in Romania (ANOSR) and the University of Pitesti, with the financial support of Active Citizens Fund Romania, program funded by Iceland, Liechtenstein and Norway through SEE 2014-2021 Grants. The contents of this material are not necessarily the official position of SEE and Norwegian 2014-2021 Grants; for further information please visit www.eeagrants.org.

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Foreword

In the context of a society permissive of violence against women, sexual harassment remains an insufficiently approached subject, especially on the level of educational units.

The data in this research report total the analysis of 85 codes of ethics of public and private universities, 52 answers based on law 544/2001 on the statistics of sexual harassment and gender discrimination cases in the last 5 years and their settlement, information on the activities of the Ethics and Academic Management Committee and the analysis of 170 ARACIS institutional evaluation reports.

The discrimination concept is mentioned in 94% of the codes of ethics, but defined in only 21% of them. No code of ethics among the ones that were analysed provides a definition for gender discrimination. In addition, 38 codes of ethics mention sexual harassment and 12 codes include a definition of it, however abstract and hard to understand in the absence of examples. Universities fail to regulate online sexual harassment in their codes of ethics as only 2% of them mention it.

Only 6 codes of ethics mention a person specialized in providing support to the harassed person for filing a report. Only one code of ethics of the 85 analysed ones mention the required steps for a report in case of sexual harassment and there are no examples of reports for sexual harassment cases.

In terms of case reports, 52 public universities recorded 44 reports in the last 5 years, among which only 15 concerning sexual harassment, 22 on discrimination and 7 not clearly classified as discrimination or harassment. The reported harassment cases had male authors in proportion of 93%.

The required steps for filing a report or the procedure followed by the Ethics Committee after the submission of the report are unclear and hard to understand from universities' responses as well. Therefore, one can see an information (importance) minimization pattern in terms of available resources for reporting harassment and discrimination.

Moreover, the Ethics and Academic Management Committee received in the last 5 years only one report on sexual harassment, three reports on discriminatory issues and one report on chances equality for women and men. 4 of the 5 reports mentioned above have been rejected.

After analysing 170 ARACIS institutional evaluation reports, we find that in 47% of the cases the evaluators did not explain in the report if the university foresees steps for discrimination issues, if this concept is produced in the Code of Ethics on institutional level or if there have been reports filed in this respect. The reports of 68 universities did not mention any information or recommendations referring to gender discrimination. Only one report mentioned cyber-bullying regulated in a Code of Ethics, but no recommendations were made in this respect.

The universities' little interest for sexual harassment only perpetuates the uneven power and credibility ratios between women and men and contributes in the long run to increasing gender inequalities and a patriarchal society and tolerance to violence. We believe the intervention for a safe(r) academia essential. We strongly believe in implementing clear provisions on reporting, mechanisms for prevention and fighting, which can discourage such abusive behaviours and may encourage

persons going through sexual harassment cases to start the necessary procedures to report such acts and have justice.

Among the procedures Romanian universities may have to prevent and fight the sexual harassment phenomenon, we recommend:

Undertaking zero tolerance messages for sexual harassment, as well as for any other forms of discrimination or violence and including information on available resources as accessible as possible in all areas under university management, both physical and online;

Introducing a dedicated sexual harassment section in the code of ethics, including the clear definition of the phenomenon, providing behaviour examples classified as sexual harassment, the procedures to follow for reporting and a report model, including the structure of the Ethics Committee and contact details, as well as applicable sanctions (proportional to the seriousness of the acts) and periodical updates of available information;

Training staff on legal and moral liabilities for harassment, including the responsibility to notify and their role in preventing sexual harassment;

Collecting data, annual publishing and reporting in a standardized form of the recorded cases, for institutional transparency reasons as well as for the purpose of internal monitoring of the phenomenon evolution and for the consistent optimization of the provided services.

The universities must be safe places where human dignity and gender equality are respected. We believe that the results of a research like the one that starts with this report are necessary in designing gender sensible policies aiming for a safe academic space.

Adela Alexandru
Project Manager

1 Introduction. Current Context on Sexual Harassment in Universities

Gender discrimination and sexual harassment are phenomena still strongly present in Romanian society. For example, according to the Euro-barometer on gender violence in 2016, 55% of Romanians believe that rape is excusable under certain circumstances (if the victim consumed alcohol, drugs, if they dressed "provocatively")¹.

Such stereotypes and discrimination forms against women are found even in environments that should provide education and a safe mental and physical space: school, high schools and universities. According to Salvati Copiii Organization, Romania is 3rd in the rankings of 42 countries where the harassment phenomenon was investigated in schools on European level, with 17% of the 11 years old children admitting they have assaulted other pupils at least three times in the previous month².

In terms of universities, the most common form of harassment is sexual. In this respect, FILIA Centre conducted an exploratory study³ in 2015 by launching an online anonymous questionnaire in more than 42 universities in the country. 668 answers have been recorded (551 of them provided by women).

The collected data show that:

- 1 of 2 women who filled out the questionnaire confirmed the existence of sexual harassment in universities;
- 1 of 2 respondents claimed that the most efficient method for fighting sexual harassment is its specific regulation in academic codes of ethics, inclusively by including sanctions.

The 3 main obstacles identified by students in hesitating to report sexual harassment cases are:

- Fear of repercussions;
- Fear of public exposure;
- Lack of proper sanctions for aggressors.

At the end of 2020 (October – November), FILIA Centre conducted a new exploratory study⁴, launching an online questionnaire answered by 368 persons in the academic environment, in more than 10 public and private universities in the country, most of them students. The collected data show that 30% of the female respondents have been sexually harassed at least once, and about 37% claimed they witnessed at least one case of sexual harassment.

¹ European Commission, 2016, Gender-based violence eurobarometer, available at: <https://europa.eu/eurobarometer/surveys/detail/2115>

² Salvăti Copiii, Preventing bullying in schools and kindergartens, available at: <https://www.salvaticopiii.ro/ce-facem/protectie/protectie-impotriva-violentei/prevenirea-violentei-in-scoala>

³ FILIA Centre, 2015, Sexual harassment in universities – exploratory study 2015, available at: <https://centrulfilia.ro/hartuirea-sexuala-in-universitati/>

⁴ FILIA Centre, 2020, Sexual harassment in universities – exploratory study 2020, available at: https://centrulfilia.ro/new/wp-content/uploads/2021/02/Rezultate_Studiu-exploratoriu_2020.pdf

The following have been identified as main causes of sexual harassment in universities:

- Lack of proper sanctions for such acts;
- Tendency to blame the victim and lack of solidarity;
- Lack of clear case reporting procedures.

1.1 Gender Discrimination

For a better understanding of the gender discrimination concept, we first must clarify the sex and gender terms. **Sex** refers to the biological dimension, while **gender** is a social construct: all expectations, values, roles we stereotypically confer to a person based on their sex; for example, we expect women to be more emotional, and men more brave. However, we must mention that sex is, also, socially influenced. For example, xx and xy dichotomy is a binary characterization through which we try to explain biological differences, but in reality the sex should be seen as a spectrum, in which there is a large category of people not falling under this pattern: xxy, xyy, x, xxx or other forms.

When it comes to discrimination, most times we refer to the imposed social rules and roles, therefore the correct term is **gender discrimination**. Gender discrimination means any distinction, exclusion, restriction or preference, based on gender, with the purpose or effect of restraining, removing the recognition, use or exercising of fundamental human rights and freedoms or rights recognized by law under equality conditions, in political, economic, social and cultural fields or any other fields of public life (Government Ordinance 137/2000).

Gender discrimination can take many forms:

- **Direct:** exclusion or unequal treatment based on a person's gender. For example, rejecting a female candidate for a job because she is a woman.
- **Indirect:** a seemingly neutral practice disadvantageous for certain persons. For example, height limit for a physical test mainly disadvantages women, as women are on average smaller in height.
- **Structural:** the lack of representation in a certain structure. In Romania, in 2022, there is only one female minister in the Government.
- **Institutional:** appears in an organization, beyond existing individual prejudice or not among its members. The lack of a code of ethics preventing and fighting female discrimination can be an example.
- **Multiple/intersectional:** a person has different identities (ethnicity, race, class, gender, sexual orientation etc.) which may come with different experience. The intersectionality term was first used in 1989 by Kimberlé Crenshaw to describe exactly how oppressive systems create different experiences depending on the identities one person has⁵. For example, a Roma woman, from the rural environment, shall deal with more difficulties and more discrimination forms than a white woman, in the middle class of a big city.

⁵ Kimberle Crenshaw, 1991, Mapping the Margins: Intersectionality, Identity Politics, and Violence against Women of Colour, Vol. 43, No. 6 (Jul., 1991), pp. 1241-1299, Stanford Law Review, available at: <https://www.berkeleycitycollege.edu/slo/files/2021/05/Crenshaw-Mapping-the-Margins-Intersectionality-and-Vioence-against-WOC.pdf>

Gender discrimination has a long history, in which women have been seen and treated as “second hand citizens”, being unequal in rights (social, political, economic, cultural etc.) for several centuries. The following lead to discrimination on average and long term: perpetuation of traditional social rules, lack of education and gender awareness, socialization forms reproducing gender stereotypes, lack of laws and public policies preventing gender discrimination and aiding the social inclusion of various groups (women, ethnic and religious minorities, LGBTQAI+ persons and others).

One of the most common results of gender discrimination and inequality is violence. Violence against women may take place in couples, between partners, but also other family members or from members of the social network (friends, work colleagues, employers, neighbours) or it may be exercised by a stranger.

1.2 Sexual Harassment

One form of gender discrimination and violence against women is **sexual harassment**. Sexual harassment implies “any unwanted verbal, non-verbal or physical behaviour of sexual nature, appearing with the purpose or effect of violating a person’s dignity, (...) creating an intimidating, hostile, degrading, humiliating or offensive space” (European Commission 2013).

Sexual harassment does not depend on the intent of the harasser, but the impact of the behaviour they adopt on the harassed person. Responsible for sexual harassment is only the harassing person! Sexual harassment, as any form of violence against women, is about the aggressor imposing control and power over the victim.

In Romania, sexual harassment is sanctioned by Law 202/2002 on equal chances and treatment between women and men, defining it as: “an unwanted behaviour with sexual connotation expressed physically, verbally or nonverbally, having as subject or effect the damage to a person’s dignity, and, especially, creating an intimidating, hostile, degrading, humiliating or insulting environment”⁶.

In the Criminal Code, sexual harassment is considered a crime if the behaviour with sexual connotations has been replicated and if there is a workplace relationship between the victim and the aggressor: repeatedly claiming sexual favors in a workplace relationship or a similar relationship, if the victim has been intimidated and placed in a humiliating situation through it. The act is punished with imprisonment from 3 months to 1 year or fine⁷.

⁶ Law 202/2002, available at: <https://legislatie.just.ro/Public/DetaliiDocument/35778>

⁷ Criminal Code 2009, Art. 223, available at:
<https://legislatie.just.ro/Public/DetaliiDocument/109855>

Among the most common forms of sexual harassment are⁸:

- Jokes and gags with sexual overtones that make one feel uncomfortable;
- Unsolicited comments on how one looks;
- Sexual comments, use of nicknames and expressions with sexual connotations;
- Whistles, pinches, caresses, unwanted touches;
- Sexist and humiliating appellations such as "pussy", "doll" etc.;
- Emails, messages, letter or comments on social networks with unwanted sexual content or sexual overtones;
- Insisting on accepting dates, relationships and/or stalking the person;
- Explicit sexual talks, proposals and/or direct sexual advances;
- Indecent exposure of parts of the body or unwanted sexual touching;
- Exposure to photographs or videos with sexual content;
- Threats, constraints or conditionings academic or professional evaluations on accepting sexual relations.

Often, wrong information can put pressure on persons who have been harassed or can minimize the gravity of the phenomenon. In this respect, here are a few myths on sexual harassment (idem):

- By the way a person looks, dresses and behaves, they entice sexual harassment deeds;
- If a person firmly refuses or ignores behaviour, sexual harassment stops;
- Sexual harassment is not a severe issue, but harmless flirt, a joke, a way to give attention to someone;
- Sexual harassment is not frequent, we have no recorded complaints;
- Some people have a way of relating involving touching and physical contact, without the intent to harass, therefore it is not sexual harassment;
- There is sexual harassment only if the harassing person uses physical force;
- It is freedom of speech, not sexual harassment, in some academic spaces women must expect broad language or behaviour in the presence of pornoplot images of women;
- Many persons abuse the accusation of sexual harassment, inventing various situations to take revenge of different people (especially professors);
- Sexual harassment has no consequences for the victim;
- Sexual harassment entails no costs for the educational institution;
- In case someone feels harassed, there is nothing they can do to stop this situation.

⁸ FILIA Centre, Bona Dea, Preventing and fighting sexual harassment in universities, available at: <https://centrulfilia.ro/new/wp-content/uploads/2021/01/Material-informativ-HSU-FINAL.pdf>

1.3 Towards a Safer Academic Environment

Educational institutions such as schools, high schools and universities have an important role in primary and secondary socialization and in information and awareness on gender inequalities. But what happens when such environments become hostile?

Sexual harassment in schools and universities represent a barrier for personal and professional development. There are studies showing that among the most common effects are the lack of motivation, absenteeism, decreased productivity, loss of will and ability to work efficiently, changing curricula, avoiding a class with a certain professor or fear of sexual harassment⁹. Depression, anxiety, low self-esteem and even school dropout add to these¹⁰.

The Project "TRUST: Responsible Youth for Safe and Equitable Universities", implemented by FILIA Centre, together with ANOSR and the University of Pitesti, financially supported by Active Citizens Fund Romania aims to contribute to creating a safe environment in universities in the country, in other words, an environment without discrimination and sexual harassment.

The project approaches the issue of sexual harassment from a multiple perspective, monitoring the current situation of the phenomenon, but also adding the component of education and awareness on inequality and gender violence which women face. In this respect, we started with the analysis of the cases recorded in the last 5 years in public universities, ARACIS and CEMU reports, but also the codes of ethics in all Romanian universities, in order to understand the current context in which this behaviour is regulated and sanctioned. Then, based on the centralized information, but also on a research related to good practices in other large university centres, we are implementing the first code of ethics in Romania providing clear procedures and sanctions for sexual harassment through the partnership with the University of Pitesti.

Another part of the project pursues the awareness on gender discrimination and sexual harassment through information and awareness session among the pupils of 12 high schools, but also students in universities all over the country. The last part of the project consists of two student initiatives, aiming to develop the advocacy skills of young people in order to create a safer academic environment.

Thusly, this document has the role of reporting how universities managed sexual harassment cases, how they regulate and sanction such behaviors through codes of ethics, providing, at the same time, examples of good practices and recommendations, from gender specialists, but also through consultations with students in several Romanian universities. Provided statistics as well as the recommendations in this report represent a starting point for creating a safer academic environment, in which the students are not discriminated against or harassed.

⁹ Fitzgerald et. all., 1988, *The dimensions and extent of sexual harassment in higher education and the workplace*. Journal of Vocational Behaviour, 32, 154-155

¹⁰ Huerta, et. all., 2006, *Sex and Power in the Academy: Modelling Sexual Harassment in the Lives of College Women*. Personality and Social Psychology Bulletin , 618. Available at <https://sci-hub.hkvisa.net/10.1177/0146167205284281>

2 Methodological Aspects

2.1 Research Objectives

Our main objective in this research is bringing to public attention the lack of regulations on sexual harassment and gender discrimination in public and private universities in the country.

Moreover, starting from this research, the project team will elaborate a set of recommendations the universities can adopt for a safe(r) academic environment. We will integrate this approach in a more ample advocacy one – respectively, we will elaborate a set of regulations proposals for the Framework Code of Ethics and we will launch a petition aiming to attract the support of relevant actors. We will also perform a journalism investigation on sexual harassment phenomenon in universities.

2.2 Data Collection Techniques

In agreement with the objectives proposed for this study we have chosen a double research approach: quantitative and qualitative. This way, we can get a general idea on the phenomenon on the level of all universities, extracting representative statistical data, and on another side, we can also go to a deeper analysis level. The used research methods were text analysis of codes of ethics and ARACIS reports and secondary analysis: we centralized and statistically analysed the sexual harassment cases in the requests formulated based on law 544 and CEMU report (see annexes 1 and 2).

In order to obtain an ample image of the sexual harassment phenomenon in universities, we have collected data through requests sent based on law 544/2001 on the access to public interest information¹¹, to all 54 public universities, requesting to provide the statistics of complaints referring to sexual harassment and/or discrimination in the last 5 academic years. In addition, we have analysed the institutional evaluations reports of the Romanian Agency for Quality Assurance in Higher Education (ARACIS), the ones made by professors as well as students. These two categories have been analysed separately, and our attention was mainly on the performance indicator for ethics and academic integrity, but not exclusively. Last but not least, we have centralized the codes of ethics of all Romanian universities, both public and private, with operating permits which we subsequently passed through an analysis grid.

The research report consists of 3 main sections, and in the final part we drafted recommendations universities may adopt for the development of a safe(r) academic environment, corresponding to each analysis section.

The first chapter analysed the codes of ethics of all public and private universities in the country. We started this approach by centralizing all higher education institutions in Romania with operating permits: universities, academies of studies, institutes, higher studies schools. The total number is 90. Then, as all these institutions are legally required to have the code of ethics available in digital version, on the

¹¹ Law 544/2001 on free access to public information, available at: <https://legislatie.just.ro/Public/DetaliiDocument/31413>

faculty website, we only downloaded the codes of ethics on official websites – this way we made sure that we centralize the most recent version of the codes. For the universities that did not have the codes of ethics available online, we returned with phone calls or via email.

Finally, from the total of 90 universities, 5 have no code or did not respond in any way to the request (Normal Higher School has no code of ethics; Theological Baptist Institute, "Bunavestire" Greek-Catholic Theological Institute and Lumina University of South-East Europe did not respond to phone calls or emails; Ştefan Lupaşcu University – has no website or public contact information). The statistical analysis is made for the 85 centralized codes.

Furthermore, we used an analysis guide that examined a total of 32 relevant indicators, through which, on one side, we examined if certain things are mentioned (gender discrimination, harassment in general, sexual harassment, cases when the person harassing is in the ethics committee etc.), and on another side we analysed how deep the interest indicators are approached (if a clear definition of sexual harassment is provided, if examples of behaviors falling under sexual harassment are given, if specific sanctions are provided for professors and students etc.) (please see Annex 3).

The 32 indicators had answers coded with YES/NO, and in the end we calculated the percentage for each indicator. Where necessary, we extracted descriptive passages from the codes of ethics, which in the data interpretation part we will use to exemplify and better explain the sexual harassment regulation level in the codes of ethics.

The second chapter describes the situation of complaints referring to sexual harassment and discrimination in the last 5 years in all 54 public universities. In addition, we emphasized how these complaints were settled and the activities of the Ethics Committees.

The third chapter analysed the activities in recent years of the Ethics and Academic Management Committee (CEMU), we verified the contents and existence of complaints received by the institution on national level, as well as the findings and recommendations in ARACIS institutional evaluation reports.

3 Regulation of Sexual Harassment and Gender Discrimination in Universities Codes of Ethics

According to the exploratory research made by FILIA Centre in 2020, 20.61% of the respondents have identified as main cause of sexual harassment in universities the lack of proper sanctions for these acts. Moreover, 24.13% of the persons who answered believe that introducing clear sanctions in the code of ethics is the best solution for fighting this phenomenon in the academic environment¹².

In this respect, we believe that an exhaustive analysis of all codes of ethics in Romanian higher education institutions with operating permits is required: universities, studies academies, institutes, higher studies schools. Total number is 90, but 5 of them have no code or did not respond in any way to our requests. Thus, the statistical analysis is made for the 85 centralized codes.

At the same time, FILIA Centre performed a first analysis of codes of ethics in 2018¹³, and the results show that:

- In 10.9% of the universities there is no mention of harassment or sexual harassment;
- In 43.6% of the universities only harassment is mentioned;
- In 29% sexual harassment is mentioned;
- In 16.3% sexual harassment is defined.
- In terms of procedures, 63.6% of the codes of ethics contain general procedures, and in 4.5% only specific procedures for sexual harassment are stated.

Starting from this data, we can see if and how there have been changes in the codes of ethics. However, we must mention that the analysis made in 2018 was made only in state universities (55 in that year), while this research is made on 85 universities (53 state universities and 32 private universities).

¹² FILIA Centre, 2020, Sexual Harassment in Universities – exploratory study 2020, available at: https://centrulfilia.ro/new/wp-content/uploads/2021/02/Rezultate_Studiu-exploratoriu_2020.pdf

¹³ Elena Samoila & Andreea Rusu (2018). Methods for Preventing and Fighting Sexual Harassment in Universities, accessible online: <https://centrulfilia.ro/new/wp-content/uploads/2021/02/Modalitati-de-prevenire-si-combatere-a-hartirii-sexuale-din-universitati.pdf>

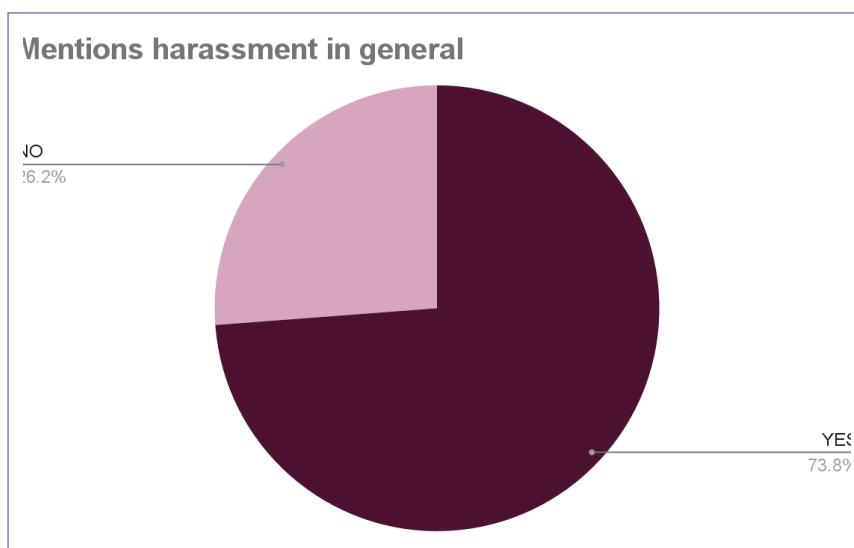
3.1 Specifications and Definitions

A first series of indicators we examined was if discrimination is mentioned in the codes of ethics. In this respect, 94.11% of the codes of ethics mention discrimination in general, and 75.29% mention gender discrimination. Although these percentages are high, we must mention that in most cases, gender discrimination is presented extremely briefly, in a phrase such as:

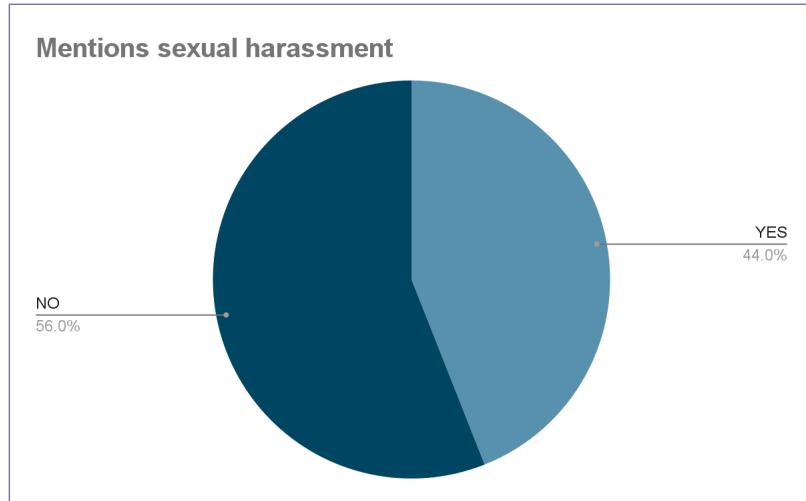
Unequal treatment of one person in relation to others is prohibited, treatment aiming or leading to the breach or limitation of that person's rights, on criteria of: gender, race, age, disabilities, sexual orientation, nationality, ethnicity, religion, social category, material condition or medium of origin.

This is a standard wording, but succinct. The notion of "unequal treatment" can be perceived as unclear without other explanations: what behaviours or acts fall under this category? A clearer definition is the one provided by law no. 324 of 14th of July 2006: "In Romania, discrimination is defined as differentiation, exclusion, restriction or preference based on race, nationality, ethnicity, language, religion, social category, beliefs, gender, sexual orientation, age, handicap, chronic noncontagious disease, HIV infection, membership to disadvantaged category etc."

Furthermore, we examined if codes of ethics mention harassment, in general, but also sexual. In this respect, 63 codes, that is 74.11%, mention harassment in general and only 38 codes (44.70%) mention sexual harassment.

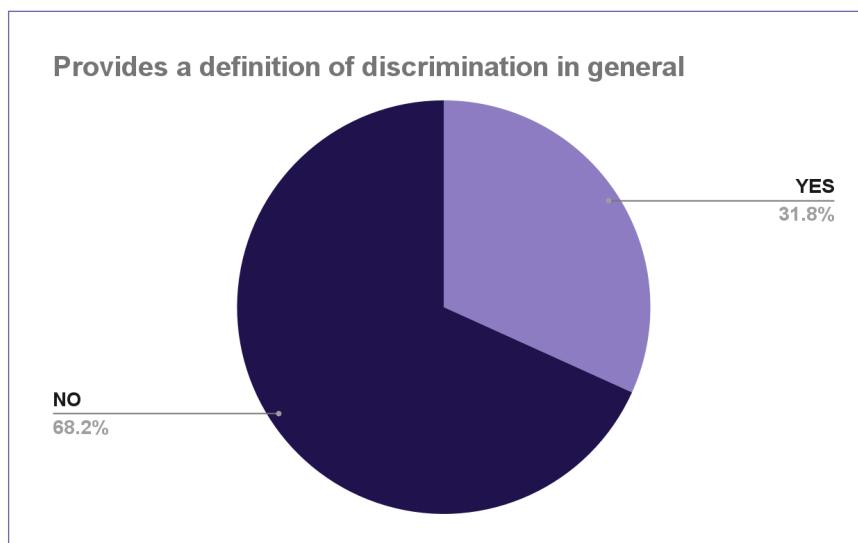


Plot 1: Percentage of codes of ethics that mention harassment in general



Plot 2: Percentage of codes of ethics that mention sexual harassment

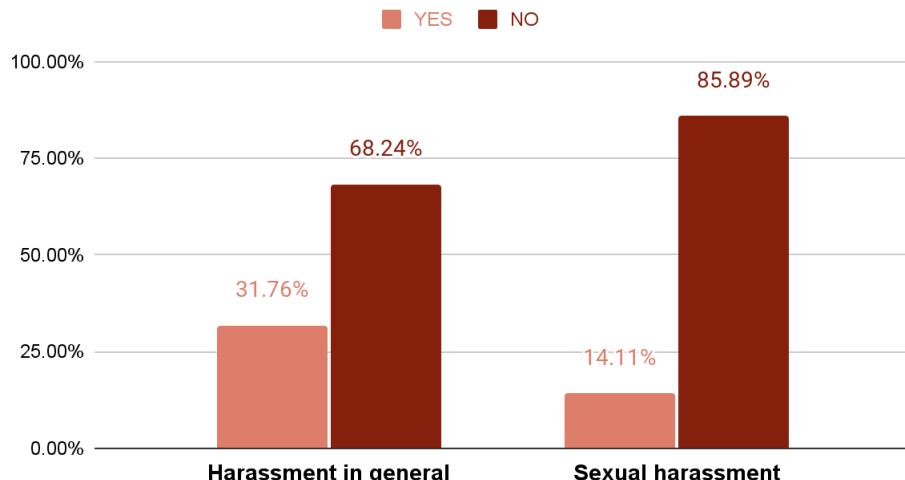
If in the first part we examined a minimum level of discrimination or harassment mentioning – we took into consideration succinct mentions as well, of several words – we further asked ourselves how many codes of ethics deepen this topic. In this respect, we found that only 21.17% of the codes of ethics provide a definition of discrimination in general, and no code of ethics defines specifically gender discrimination.



Plot 3: Percentage of codes of ethics that provide definition of discrimination in general

In terms of harassment, 27 of the codes (31.76%) provide a definition for harassment in general and only 12 (14.11%) for sexual harassment. We can therefore see that discrimination and harassment forms implying gender do not receive the attention of general forms. This can be explained by the lack of education and awareness to gender on society level. We often do not see the importance, on a structural and decisional level, of approaching gender topics, believing that a general explanation, indirectly including these forms, is sufficient. However, gender discrimination and violence against women, in which sexual harassment is included, are specific forms appearing from power and rights inequality between men and women.

Provides a definition for:



Plot 4: Percentage of codes of ethics that provide definitions for harassment in general

One definition of harassment often encountered in Codes of Ethics:

Harassment is the degrading, intimidating or humiliating behaviour aiming or leading to the severe impairment of one's capacity to normally perform professional or study activities, or to exercise their rights. Harassment usually consists of repeated behaviour (physical and verbal threats, humiliating criticism, sexual advances and others), but it can also consist of singular acts, when they have an aggressive nature (usually physical nature).

Sexual harassment, although starting in university space, can also move to personal space: many times the harassment acts take place outside classes, or through social media. Also, the effects of this phenomenon exceed the borders of academia. In many cases, a harassed person can feel fear, anxiety, depression, decreased self-esteem, and the impact of these effects are felt on personal, as well as professional levels. Therefore, we understand why the above definition is incomplete. Moreover, singular acts do not need an aggressive, and especially, physical nature to fall under sexual harassment. For example, a professor sending intimate photos to a female student without asking for her agreement is a severe form of harassment, which may happen once and does not involve physical force.

Most often, sexual harassment is defined in codes of ethics as:

Sexual harassment is defined as inappropriate sexual advances (including attempt of sexual corruption), soliciting sexual favour and other verbal or physical acts of sexual nature related to conditioning training, evaluation, employment, promotion or participation to academic activities. Such behaviour affects through intimidation, hostility, insults, work of any person, their academic performance, living conditions, business environment. (example from the Code of Ethics of SNSPA)

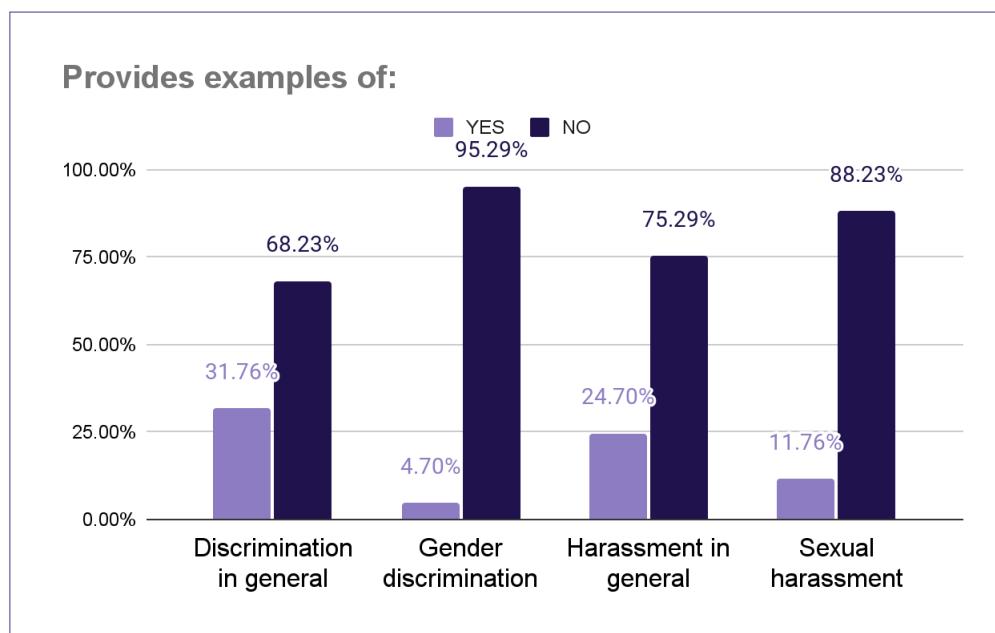
In this definition we observe that emphasis is on conditioning training, evaluation or other forms of participation to academic activities. However, a person can harass without a purpose, only because they have power, legitimacy and the required mechanisms to do so. We must emphasize, therefore, that any sexual harassment act is severe and must not be encouraged, irrespective of the harasser's purpose or objective.

3.2 Forms of Sexual Harassment and Gender Discrimination and Examples

Due to the lack of education and awareness of gender inequalities, which we specified above, definitions can be quite abstract and difficult to understand. Many times, due to prejudice and myths we hear around us about women, gender roles or victims, we end up minimizing or ignoring certain sexual harassment behaviours. For example, one myth is that sexual harassment involves only physical contact. Often, jokes or comments with sexual overtones are minimized and even ignored for this reason. But any form of sexual harassment can have long term effects: anxiety, fear, depression, school dropout or absenteeism, tendency to isolate oneself etc.

This is why, sometimes the mere mention or definition of the phenomena does not suffice. Exemplification with concrete forms may encourage students to better identify these forms and talk about their own experiences. Among the 85 codes of ethics:

- 31.76% provide examples of discrimination in general
- 4.70% provide gender discrimination examples
- 24.70% provide examples of harassment in general
- 11.76% provide examples of sexual harassment.



Plot 5: Percentage of codes of ethics that provide examples of discrimination in general, gender discrimination, harassment in general, sexual harassment

"Dimitrie Cantemir" University of Târgu-Mureş exemplifies as gender discrimination:

Another eloquent example concerns indirect gender discrimination, given that, although most graduates are currently female graduates, and higher education is feminized, decision-making positions in universities are par excellence taken by men, high academic positions as well (university professors, doctoral supervisors). This is a form of vertical segregation often seen in Romanian universities.

The above example is a real phenomenon found in the academic environment. However, this is more of a structural discrimination form, and in this respect one solution could be gender quota – imposing a minimum number of women on management level in the university.

Carol Davila University of Bucharest exemplifies harassment behaviours in general:

It usually consists of repeated behaviour (physical or verbal threats, humiliating criticism, sexual advances etc.), but it can also consist of singular acts, when they are aggressive in nature (usually, physical nature).

As specified above, one of the most common stereotypes on harassment is the fact that it involves a physical component. Thus, emphasizing this in the code of ethics will only discourage the sanctioning of harassment behaviours involving other forms, such as insisting messages, comments, stalking, blocking access and others, which although they do not involve physical contact, are just as dangerous.

Lucian Blaga University of Sibiu exemplifies sexual harassment behaviours:

The following are acts of sexual harassment:

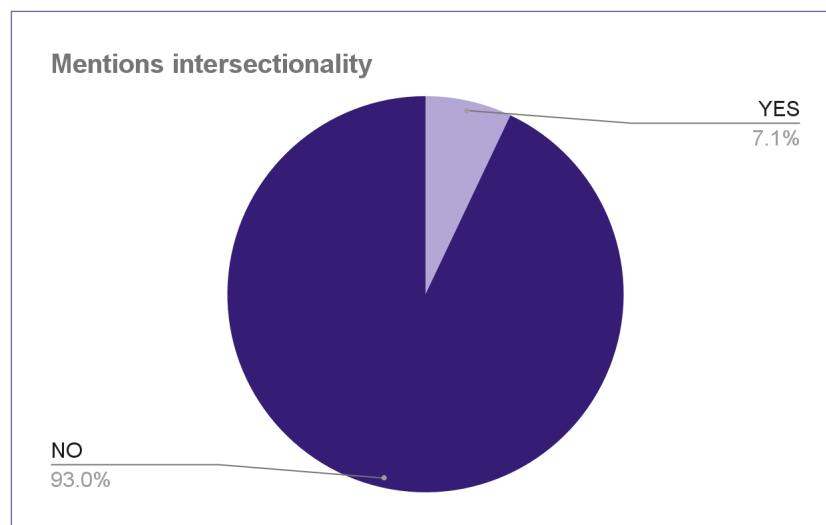
- a. Conditioning training, evaluation, employment, promotion or participation to academic activities on sexual favours.
- b. Insistence to be accepted, erotically or sexually, through mails, phones or accosting a person, when they clearly mentioned they do not want this.
- c. Remarks with sexual overtone repeatedly made by a person in charge in front of subordinates and, although warned, they do not stop.
- d. Refusal of a student to privately meet a teaching staff and this affecting the way they are graded, passed for an exam (the same is possible between hierarchical relations among university staff members as well).
- e. One student or group/groups of students systematically approaching in common areas (diners, dormitories entrance) of a person, circumstance having as consequence the avoidance of that area by the ones for whom the behaviour is undesirable and offensive.
- f. A person systematically repeating sexist utterances, jokes with sexual overtones or telling sexual fantasies, those around not accepting this and protesting against it.

- g. Sending pornographic and obscene materials, unsolicited or unwanted.
- h. Physical touch with erotic-sexual connotations, of a person, without their consent.

The above exemplifications place responsibility on the harassed person through wording such as "clearly mentioned they do not want this", "was warned", "those around not accepting this". Often, due to difference in powers or fear that the harassment act will escalate, the victim may not explicitly express refusal or request cessation of the act. Therefore, a harassed person must not be judged for the decision to confront the harasser or not. On the contrary, when a person wishes to make a sexual joke, send an intimate photo, touch someone, they must make sure they have the other person's agreement.

We can identify a problem in approaching the gender discrimination and sexual harassment topics. The mere mention of the 2 phenomena, without a definition and concrete examples, leads to confusion among students, discouraging possible victims to resort to the Ethics Committee.

As mentioned, one of the gender discrimination types is the multiple/intersectional one. Each identity we have comes with privileges or disadvantages from a social standpoint. We must emphasize that a person with several identities (such as gender, ethnicity, race, sexual orientation etc.) is more prone to dealing with various forms of discrimination and harassment. For example, Roma women are often exoticized, being assigned adjectives such as "voluptuous, exotic, seductive, woman who blows men's minds"¹⁴. Such characterizations only justify sexual harassment behaviours on Roma women and girls, assigning the blame on them – they should expect sexual harassment due to the sexuality they show and through which they are seen by men. This is why an intersectional perspective is required, taking into consideration various experiences women have. In this respect, only 6 of the codes of ethics, that is 7.05%, mention or take intersectionality into consideration.

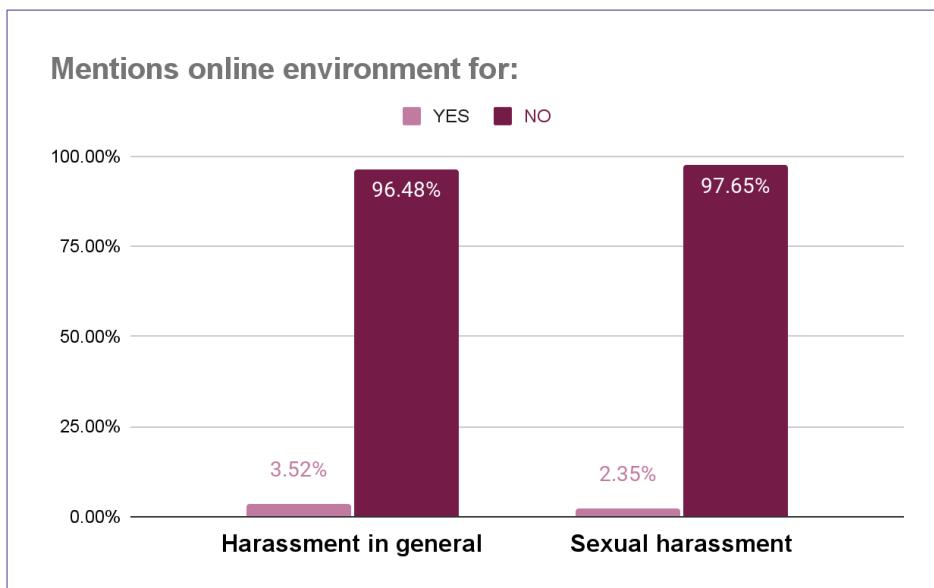


Plot 6: Percentage of codes of ethics that mention/ have an intersectional perspective

¹⁴ <https://seemeasiam.files.wordpress.com/2010/05/priveste-ma-asa-cum-sunt.pdf>

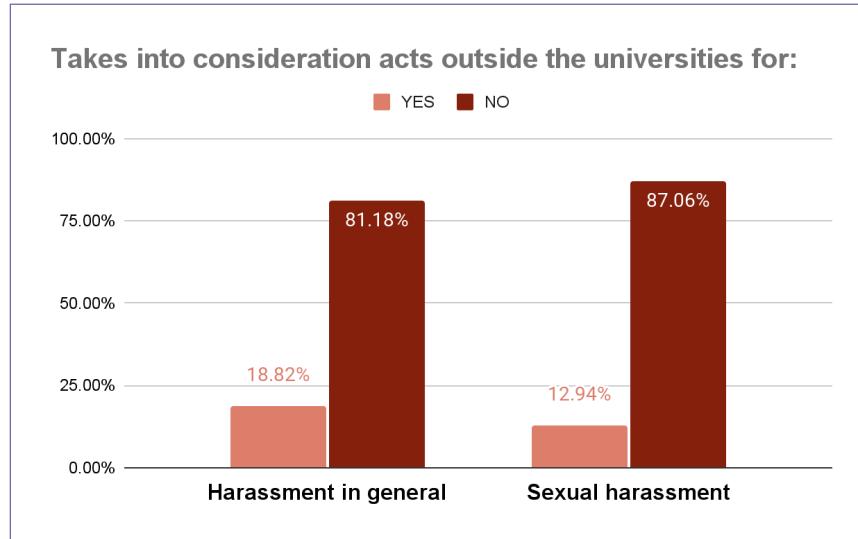
3.3 Boundaries of Sexual Harassment in the Academic Environment

As a result of technological development, but also of the pandemic context where academic classes were moved online, sexual harassment forms began to appear more and more on social media, mails, chat apps and anything related to online environment. For example, a new practice is accessing Whatsapp groups of various faculties, specialties, groups to get female students' phone numbers without their consent, for the purpose of insistently sending sexual messages, and in some cases sending intimate photos. These are newer harassment forms, which the universities fail in regulating in their codes of ethics. Only 3 of the 85 codes (3.52%) mention online general harassment, but even worse, only 2.35% mention online sexual harassment.



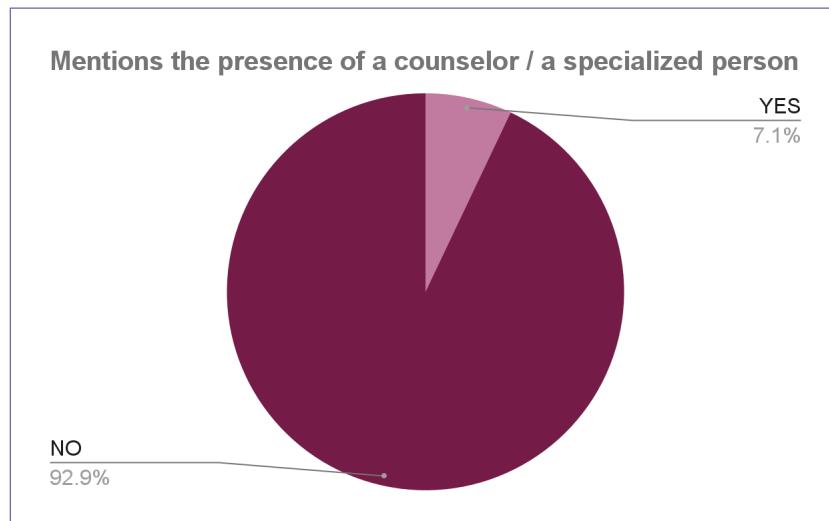
Plot 7: Percentage of codes of ethics that mention / take into consideration the online environment for harassment in general and sexual harassment

This is also related to the demarcation of academic physical environment and external environment. Often, professors, in a position of power clearly disadvantageous to female students, resort to various media outside academic physical environment to harass: in student camps, internships, leisure outings with students, online (on chats or social media). This is why, for the harassed person, it is even harder to identify the report limit, whom they can call and with whom they can speak. 18.82% of the codes mention or take into consideration harassment acts outside the university, and only 12.94% for sexual harassment.



Plot 8: Percentage of codes of ethics that take into consideration acts outside the universities for harassment in general and sexual harassment

Another issue when speaking of sexual harassment is the lack of staff sensitized to this topic and that knows how to react so that they make the harassed person feel safe. Unfortunately, **our society has a powerful culture of victim blaming**. We often hear around us: "is not even that bad, is it?", "what were you wearing?", "are you sure you are not mistaken?". Such attitudes only discourage a person from sharing their experience and may accentuate negative feelings, such as fear, shame, anxiety etc. In this respect, specialized staff is essential for a person dealing with sexual harassment to be able to turn to in the university. The financial issue is important. In the absence of free counselling support or therapy from the university, it is difficult for students to access such services due to the fees, as most cannot work because of the university schedule or because they need to prioritize other essential needs, such as accommodation, meals and others. Taking this into account, only **6 codes of ethics, out of 85**, mention the existence of a counsellor or specialized person who can help students with filing a complaint.

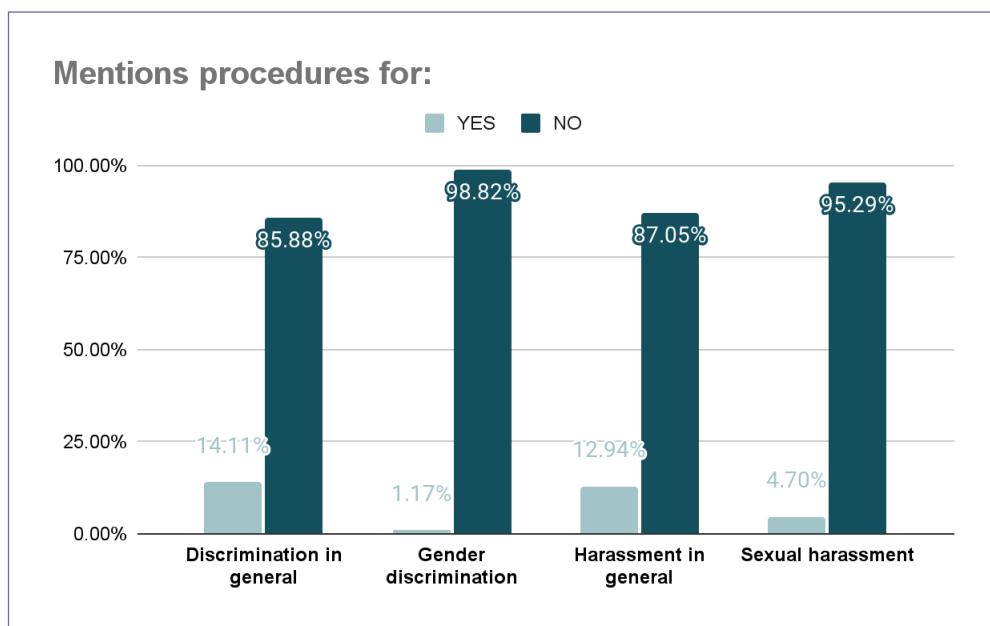


Plot 9: Percentage of codes of ethics that mention the presence of a counsellor or a specialized person

3.4 Regulations and Sanctions Provided by Universities

Furthermore, we analysed regulations. The implementation of specific and clear provisions can discourage these abusive behaviours and encourage victims to start the necessary procedures to report harassment acts.

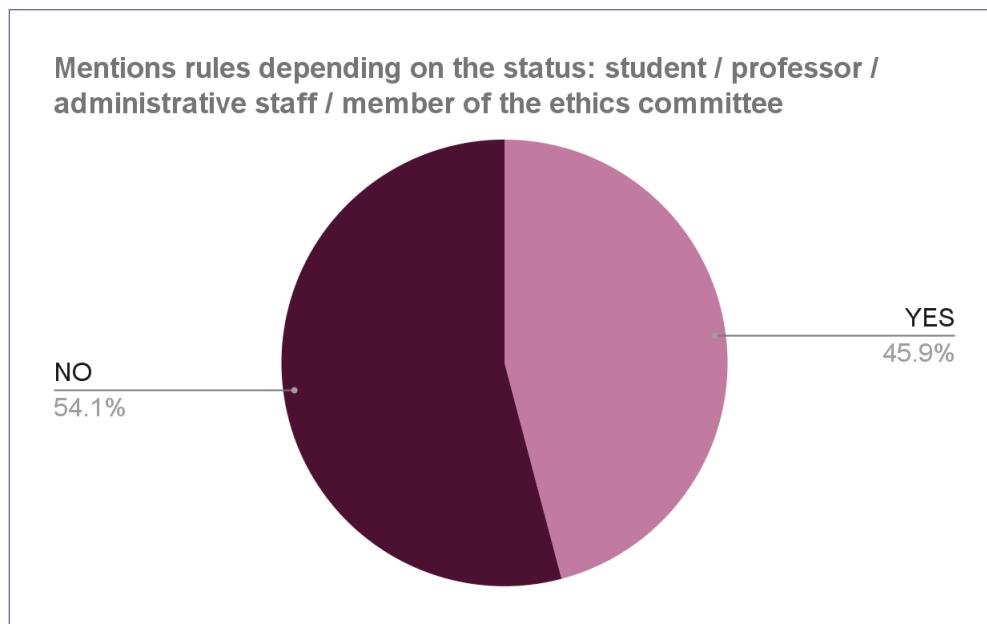
Out of the analysed codes of ethics, 11 (14.11%) have provisions for discrimination in general and only one code has provisions for gender discrimination. Moreover, when we look further, 4 of the codes have provisions for harassment in general and only 3 for sexual harassment. Therefore, we identify here a major lack of provisions for sexual harassment. As mentioned above, the forms and effects of sexual harassment are specific, and students often do not know how to report these forms of abuse they are facing. For example, from the discussion we had with over 200 young women and men in the project, a good part – if not most, did not know how to relate to more “subtle” forms of sexual harassment (e.g. jokes, comments with sexual overtones, glances etc.), they did not know if such forms are sanctionable or not, and if yes – in which category they fall, how harassers can be held liable and others as such. Thus, we understand why it is important to have clearly mentioned, and especially depending on the statute in the academic environment, a series of provisions for this phenomenon.



Plot 10: Percentage of codes of ethics that mention specific procedures for discrimination, gender discrimination, harassment in general and sexual harassment

Therefore, the power relations between members of academic community must be taken into consideration when harassment and discrimination situations are regulated. Precisely this difference in power among the members of the academic community, for example between teaching staff and a female student or auxiliary staff and management staff, generate an advantage for those in higher hierarchy positions. We must emphasize that the person in a position of power has the necessary mechanisms to intimidate the victim: they often resort to jokes that diminish the seriousness of the acts, abuse their authority and their charismatic legitimacy to denigrate the victim and influence other colleagues in not believing and isolating the harassed person.

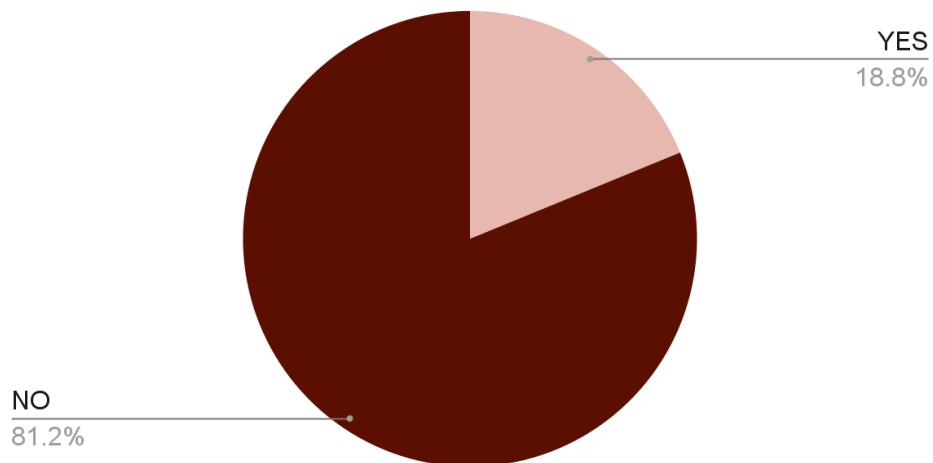
The delimitation of rules and introduction of specific sanctions for persons in positions of power in the academic environment are essential measures to fight sexual harassment. Currently, 39 codes (45.88%) mention specific rules depending on statute, but they often focus on subjects such as plagiarism, conflict of interests, preparing classes, while sexual harassment is approached in very few cases.



Plot 11: Percentage of codes of ethics that mention rules depending on the status: student / professor / administrative staff / member of the Ethics Committee

In terms of sanctions, they are mostly presented succinctly, in general and in only 18.82% of the cases they are clearly mentioned depending on status (professor, auxiliary staff, student etc.), this representing only 16 codes. We can also see the extreme approach in the case of sanctions for students: in most cases there are 2 options – either warning, or expulsion. It is clear that such an approach does not seriously consider the nuances and seriousness of the acts of breaching the code of ethics and, more specifically, the acts of sexual harassment. This translates, of course, in a superficial solving: expulsion is a rarely used measure, and warning usually has little to no influence. Moreover, from a legal standpoint, it is easier to expel a student than to terminate the employment contract of teaching staff. Therefore, we can see another way in which repercussions on students are easier to implement, while the behaviours of the teaching staff are much harder to sanction through current regulations. This imbalance adds to the ones explained above, where a person in a position of power already has certain advantages compared to a student.

Mentions sanctions depending on the status: student / professor / administrative staff / member of the ethics committee



Plot 12: Percentage of codes of ethics that mention sanctions depending on the status: student/ professor / administrative staff / members of the Ethics Committee

Most codes of ethics have the following sanctions:

Disciplinary sanctions that can be applied to teaching and researching staff are:

- a) written warning;
- b) decrease of basic wage, cumulated, when applicable, with management, coordinating and control indemnities;
- c) suspending, for a limited time period, of the right to register to contests for higher teaching positions or management, coordinating and control positions, as member in doctoral, master or bachelor commissions;
- d) dismissal from management position in education;
- e) disciplinary termination of employment contract.

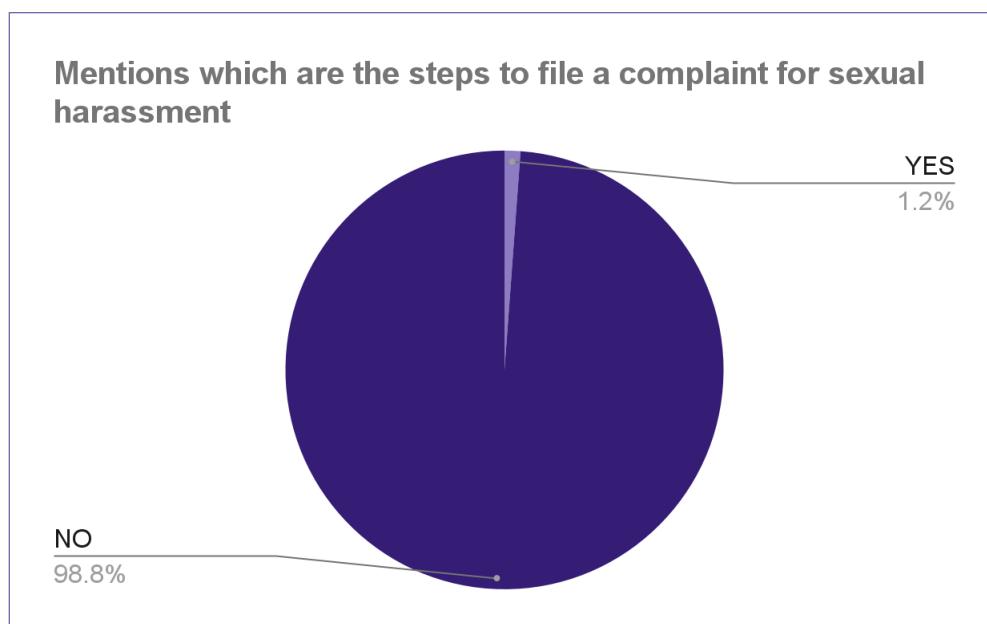
The sanctions that can be applied by the Professional and Academic Ethics and Deontology Committee to students and doctoral students for breaching academic ethics are:

- a) Written warning
- b) expulsion
- c) other sanctions provided by the Academic Professional Ethics and Deontology Code.

We must also mention that measures with an educational role are missing. Implementing measures like "participating to information and awareness classes on sexual harassment and gender discrimination", "participating to sessions with a counsellor/specialist", "working hours for university benefit" not only sanction the act, but at the same time they lead to education and awareness on this topic, this depending, of course, on the seriousness of the act.

3.5 Case Reporting – When, How and To Whom

As mentioned above, we can see an issue in terms of the sexual harassment acts reporting process to the ethics committee. One explanation for this is the lack of regulation and clear definition of this phenomenon, which we have already exposed above in figures. However, besides this issue, students do not know the necessary steps to file a complaint. Examining the 85 codes of ethics, only 23.52% explain the steps. However, this is only on a general level, in most cases attention is drawn to complaints for plagiarism, conflict of interests and other issues concerning more the academic results and not so much the physical and mental safety of students. Only one code of ethics mentions the necessary steps for a complaint in case of sexual harassment.



Plot 13: Percentage of codes of ethics that mention the steps after filing a complaint for acts of sexual harassment

"Dimitrie Cantemir" University of Târgu-Mureş presents sexual harassment topic in this way:

Measures on University and Faculties Levels

The Academic Ethics Committee notified about such cases cooperates with a specialist.

The faculties set, within students and teaching staff, counsellors for such issues (students' attorney, affirmative action officer) as well as a person dealing with academia safety (in dormitories and within the university);

universities must publish the methods of approaching and solving such complaints, as well as the persons appointed to provide counselling.

How to React in Case of Sexual Harassment

Usually, harassers do not stop until they are warned or sanctioned, and harassment victims are ashamed to tell such experiences fearing they will not be believed or they will be blamed for having provocative behaviour that attracted harassment. Therefore, the persons affected by such manifestations must be encouraged to report such cases. Ignoring and minimizing SH cases do not make them disappear, on the contrary, they lead to increasing their incidence.

Sexual harassment can be stopped by personal actions directly:

Direct, blunt (trenchant) negative answer from the affected persons, without smiles or being intimidated. Disapproval must be clearly communicated;

If we have difficulties talking to a harasser, we can write them requesting them to stop, keeping a dated copy of the letter and consulting the counsellor in this respect on harassment issues.

The Academic Ethics Committee must keep a file of acts, in order to be able to verify possible repetition from the same persons.

Sexual corruption attempt must be stopped in a similar manner.

Answer to Incidents

If a person is affected by SH, they must approach the person appointed to solve such cases in an adequate and prompt (informal or formal-disciplinary) resolution. An informal resolution means the mediation of an agreement between the parties, with or without them meeting directly. A formal complaint is addressed to a body appointed by the University Senate to propose disciplinary resolutions, in our case, the Academic Ethics Committee, in cooperation with a legal adviser.

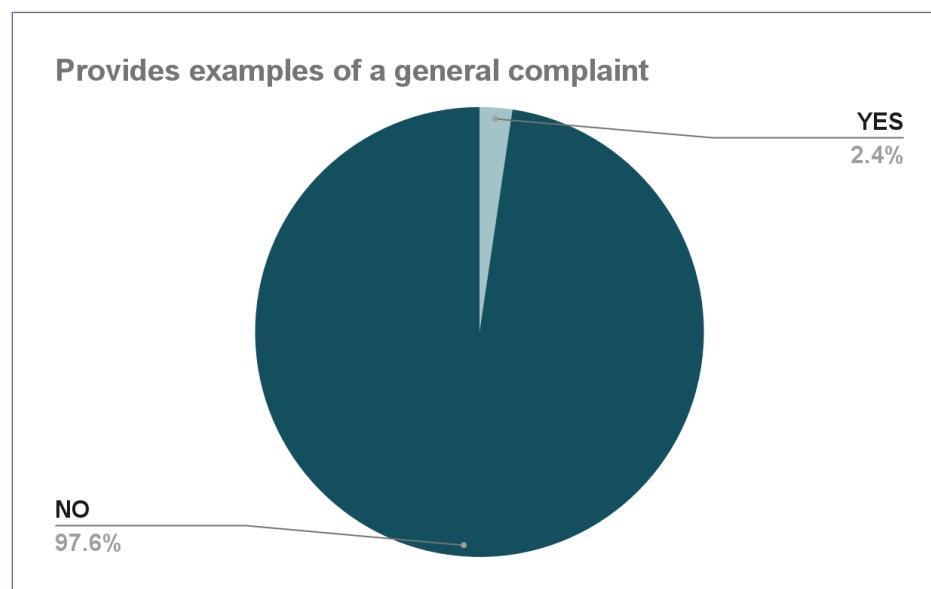
We thusly see the university's intent to sanction the sexual harassment acts and provide counselling to harassed persons. However, it is important to emphasize that liability must never be placed on the harassed person. One of the most common stereotypes on sexual harassment is that acts would stop if the harassed person would clearly say "NO". This phenomenon, also known as victim blaming, not only minimizes the aggressor's liability, but it also negatively affects the harassed person.

Most times, a person going through such an experience is already in a vulnerable situation and can experience fear, anxiety etc. Moreover, when considering the imbalance of power created when a female student is harassed by the teaching staff, she will most likely not feel comfortable or safe talking about this.

Although it is quite visible when a person feels uncomfortable because of comments, gestures, acts with sexual overtones, the question "how can I tell then?" may appear. In this respect, in order to understand easier, we must refer to the concept of **consent**. Consent, that is agreement, must be: expressed freely, knowingly, granted for a specific purpose, granted explicitly and positively (for example a hesitant "yes" or "I guess" must not be construed as consent), must use accessible language and may be withdrawn at any time. Thusly, when someone wants to make a joke with sexual overtone, touch someone, send intimate content and others, they must first make sure they have the other person's consent. In no case must they act and then wait for acceptance or refusal of the other person.

Why is it necessary to mention the steps for filing a complaint specifically for sexual harassment? Compared to other acts already specified, such as plagiarism – which has an easy way of testing the act, sexual harassment implies a much more sensitization process from emotional, as well as illustrative standpoint. Sometimes collecting evidence may prove to be difficult when it involves oral or more "subtle" forms of harassment: for example, verbal jokes or sexual comments are more difficult to prove. In this respect, a harassed person should know that the existence of a witness significantly helps their case. Moreover, the existence of a counsellor and the report's anonymity are information that may encourage, from a psychological standpoint, a female student to act and file a complaint.

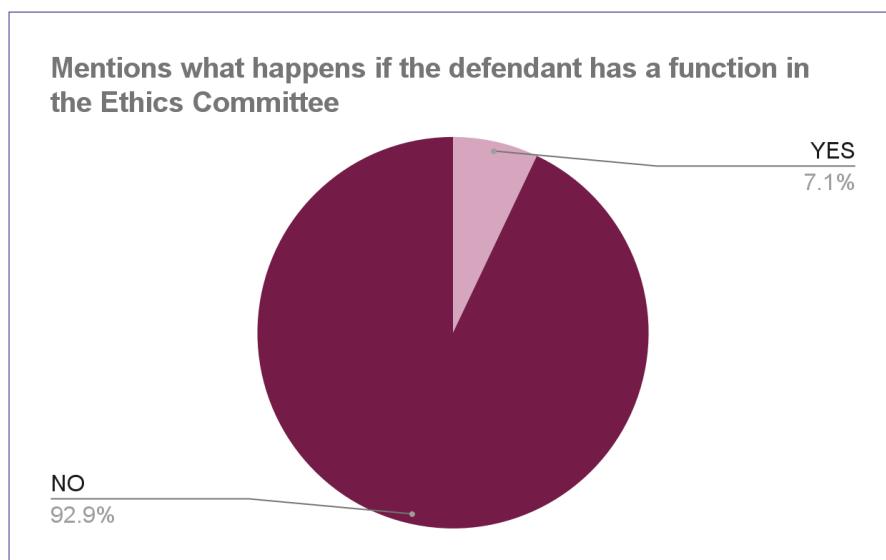
After our sensitization and awareness sessions on sexual harassment and discrimination in universities we have noticed that most students do not know how a complaint must be worded. Thus, in order to help harassed persons and simplify the complaint submission process, the existence of a model in the code of ethics is required. Currently, only 2.35% of the codes provide a complaint example in general, and none for sexual harassment cases.



Plot 14: Percentage of codes of ethics that provide examples of general complaints

3.6 Ethics of the Ethics Committee

In terms of the ethics committee, only 4.70% provide details on its members – here we refer to the fact that they only provide the name of members. The transparency of the committee, but also a possible list of names and contact details of members can provide more trust to students in filing complaints. Moreover, we must take into account that this committee itself has the significant power to suggest sanctions for the aggressor or not. In this respect, we asked ourselves what happens when the harasser is part of the ethics committee. Only 6 codes (7.05%) provide procedures or measures in case the accused is a member of the committee, but more on a general level. This context is classified most of the time under the idea of abuse of power and provides in most cases that the decision is made by committee vote. We must emphasize that in sexual harassment cases, it is retraumatizing for a person to be faced with their harasser. Moreover, it is obvious that an objective decision cannot be made, therefore, the member should be automatically excluded from the case.



Plot 15: Percentage of codes of ethics that mention what happens if the defendant has a function in the Ethics Committee

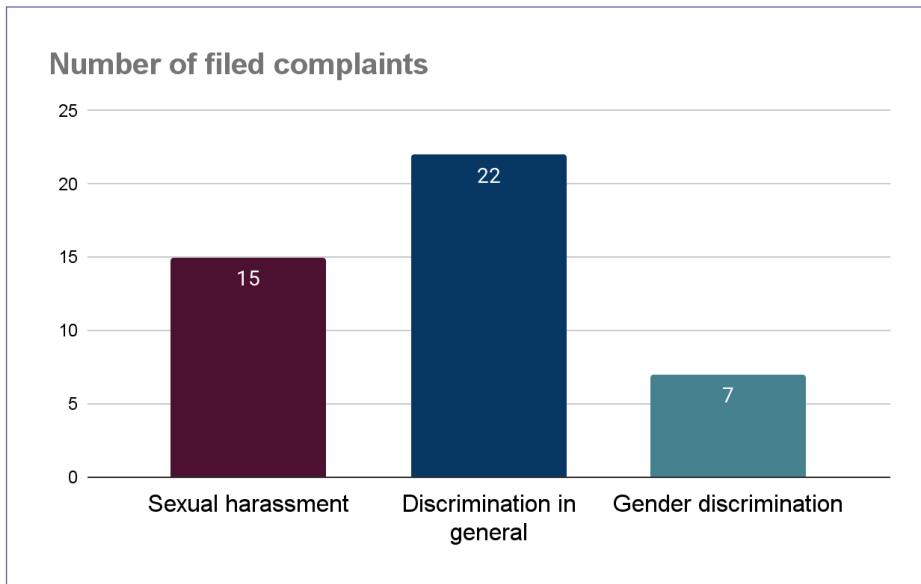
4 Sexual Harassment in Figures: the Last 5 Years in Romanian Universities

In this analysis we aimed to better understand the reporting level of the phenomenon on university level. Thusly, we requested from the 54 public universities, based on law 544/2001 on access to public interest information, data on the statistics of complaints referring to sexual harassment and/or discrimination in the last 5 academic years (2016-2017, 2017-2018, 2018-2019, 2019-2020 and 2020-2021), mentioning their number and broken-down data on gender of authors and harassed or discriminated persons, if the persons are underage or adults (women, men, adults, underage), the relationship between the harassed person and author (teaching staff/student, student/student, teaching staff/teaching staff, teaching staff/auxiliary staff etc.). We must specify that some of the answers given by universities do not mention gender of authors or victims, this is why they have been classified under separate categories. At the same time, some of the answers do not mention if the reported cases refer to harassment or discrimination, and they have also been classified in separate categories.

We have also requested specifications regarding the activity of the Ethics Committee referring to complaining method (how complaints are made, if the committee can take own initiative, what are the steps subsequent to complaint and if there is an available complaint model) and the solving procedure or the reason for not solving the reported sexual harassment cases (e.g. lack of evidence, lack of proper sanctions, lack of clear procedures on reporting and submitting complaints on sexual harassment), including related activity reports. In order to elaborate an analysis reflecting the experience of the members of the academic community as much as possible, in terms of access to information, we only included explicit answers received from universities in data analysis, and not references to websites, Code of Ethics, Regulation and others. Part of the received answers was ambiguous, referring to various internal documents/regulations (poor in information as well). In the case of a person that went through a sexual harassment experience and wants to know the steps for reporting, this type of answers missing clarity might be a reason to discourage that person from seeking justice.

We have received answers to our request from 51 universities, while 2 of them did not answer (SNSPA and "Ion Mincu" University of Architecture and Urban Planning of Bucharest), and one refused to send information on complaints (University of Agronomic Sciences and Veterinary Medicine of Bucharest). Most universities did not mention in their answers the requested information on the activities of the Ethics Committee. All requested information was verified independent of the received answers, directly on universities websites, and the elaborated recommendations consider to great extent the quality of the experience of universities websites navigation – respectively the accessibility of the information on complaint and solving mechanism.

4.1 Analysis of Reports on Sexual Harassment and Gender Discrimination



Plot 16: Number of complaints during 2016-2021

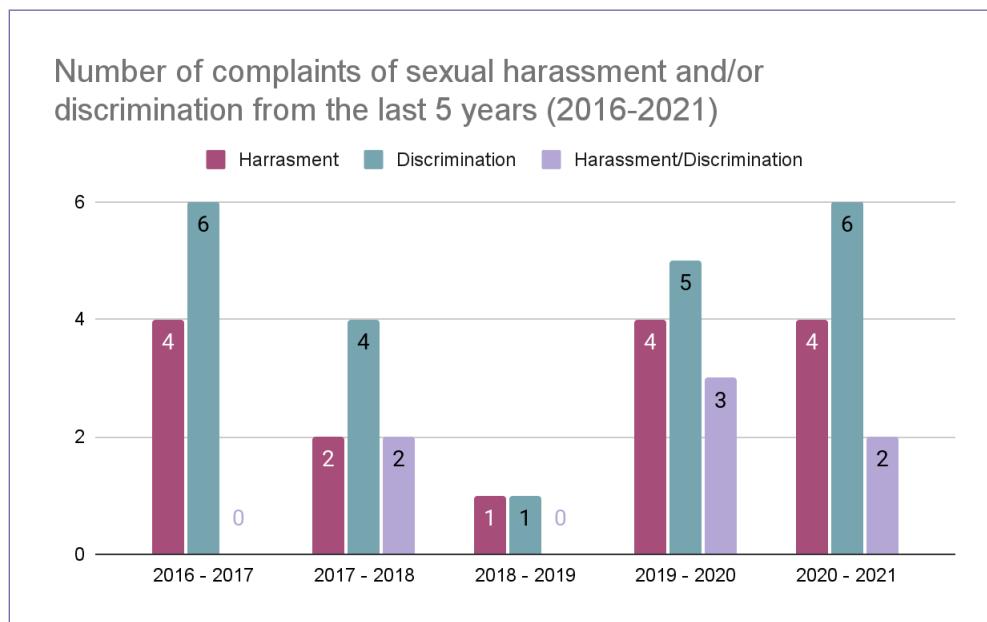
Of the 52 responding universities, only 15 declared they recorded complaints on sexual harassment and/or discrimination cases in the specified periods, representing 28.85% of the total. Among them, we mention 15 complaints on sexual harassment, 22 on discrimination and 7 not mentioning if they referred to discrimination or harassment. Among these, most were recorded during academic years of 2020-2021 and 2019-2020, followed by 2016-2017, with 12, respectively 10 complaints. Thus, comparing the statistical evolution, we cannot determine if there is an improvement in time of the phenomenon reporting level based only on the existing data.

However, we can see since the amplification of the #metoo movement in 2017 a better visibility of the phenomenon in the academic community, the discussions in the public space including numerous stories referring to university staff authors. Most visible online testimonies of abuse victims faced waves of negative reactions, rejecting the need to undertake zero tolerance attitudes towards the phenomenon, and invoking the existence of a law against sexual harassment, in fact rudimentary and deficient in terms of sufficient protection. Unlike the laws of other states, the Criminal Code provides that sexual harassment "*must take place repeatedly (which means that in court the victims must prove with evidence the repetitive nature of the harassment)*". At the same time, despite multiple changes to law wording, "*Romanian legislators follow the principle that harassment refers to behaviour rather through its repetition, and not the nature and character of the act, bothers the victims*"¹⁵. In the absence of undertaking significant changes on institutional and legislative levels, online spaces were created in time, more restricted and safer for sharing harassment experiences and reporting possible abusers.¹⁶

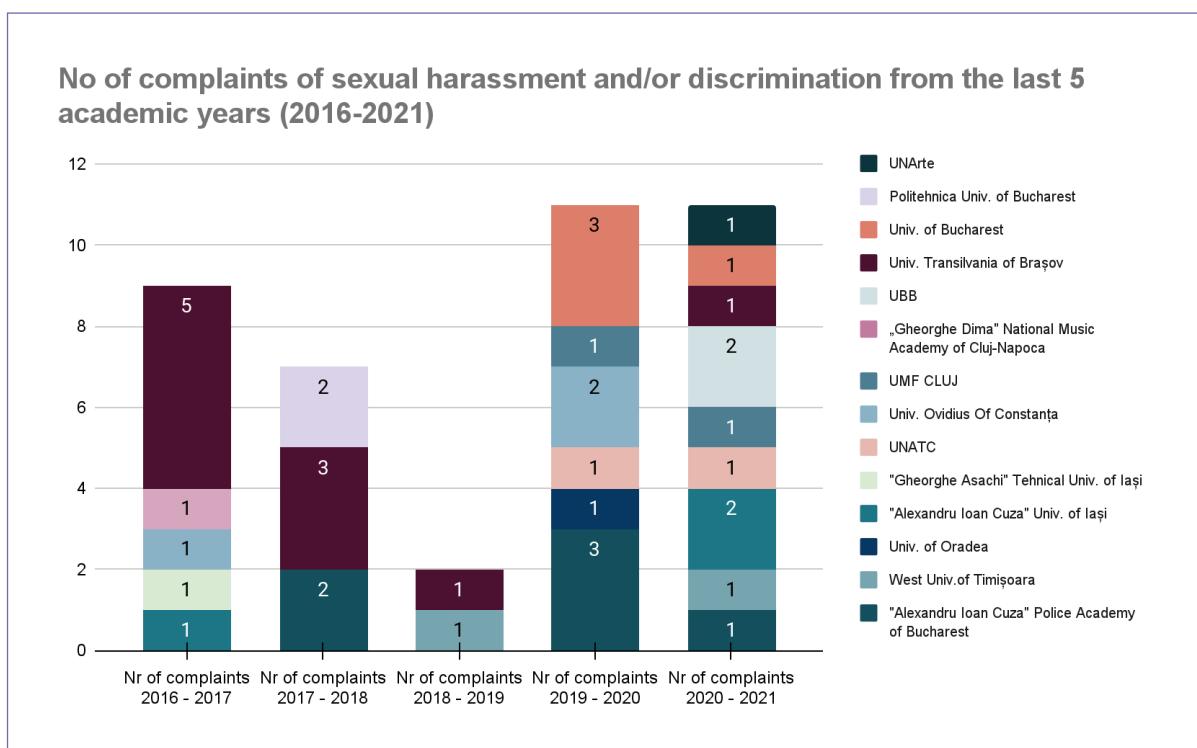
¹⁵ <https://www.elle.ro/lifestyle/de-ce-e-hartuirea-legala-si-acceptata-romania-566161>

¹⁶ <https://www.vice.com/ro/article/qjb77p/grup-privat-facebook-romancele-invata-apere-de-abuzuri>

In 23 of the cases, the author was a teaching staff, and the harassed and/or discriminated person a student. In other 10 cases, the abuse was made by a teaching staff towards other teaching staff.



Plot 17: Number of complaints of sexual harassment and/or discrimination from the last 5 academic years (2016-2021)

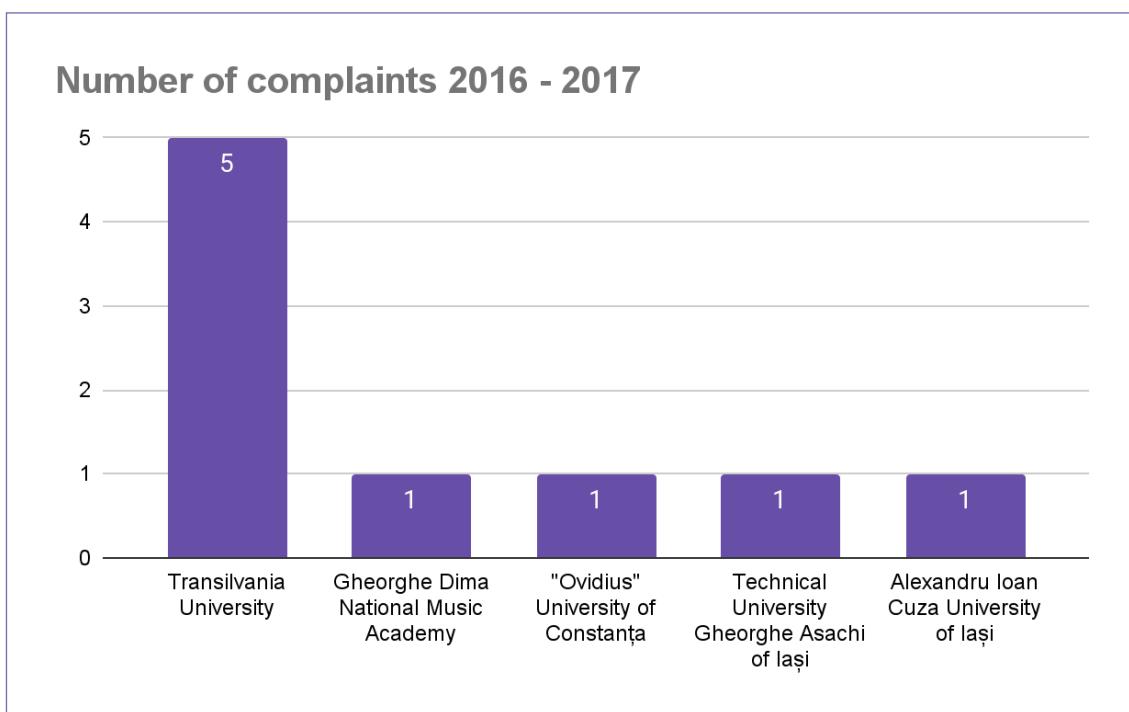


Plot 18: Number of complaints of sexual harassment and/or discrimination from the last 5 academic years (2016-2021)

However, we see in Plot 18 an increase of the number of universities from which complaints come, with 7, respectively 10 universities in the last two years. It is important to remind that in the previously mentioned period (2019-2020 - 2020-2021) both courses, as well as part of the academic administrative activities took place online as a result of the restrictions imposed by authorities in the context of the crisis generated by COVID-19. Given that from the information made available on reported cases it does not result if harassment acts took place online or in person and not having information on cases where the Ethics Committee acted on own initiative, we cannot automatically correlate the slight increase of the reporting level to a higher degree of institutional trust felt by the persons who filed complaints.

In the absence of official announcements in this respect, a better approach of the phenomenon on institutional level cannot be assumed. At most, **we can correlate this increase of the complaints number with the greater presence of the awareness discourse for the phenomenon and destigmatising the victims on public agenda.**

4.2. Statistics Between 2016 and 2021 and Case Approaches

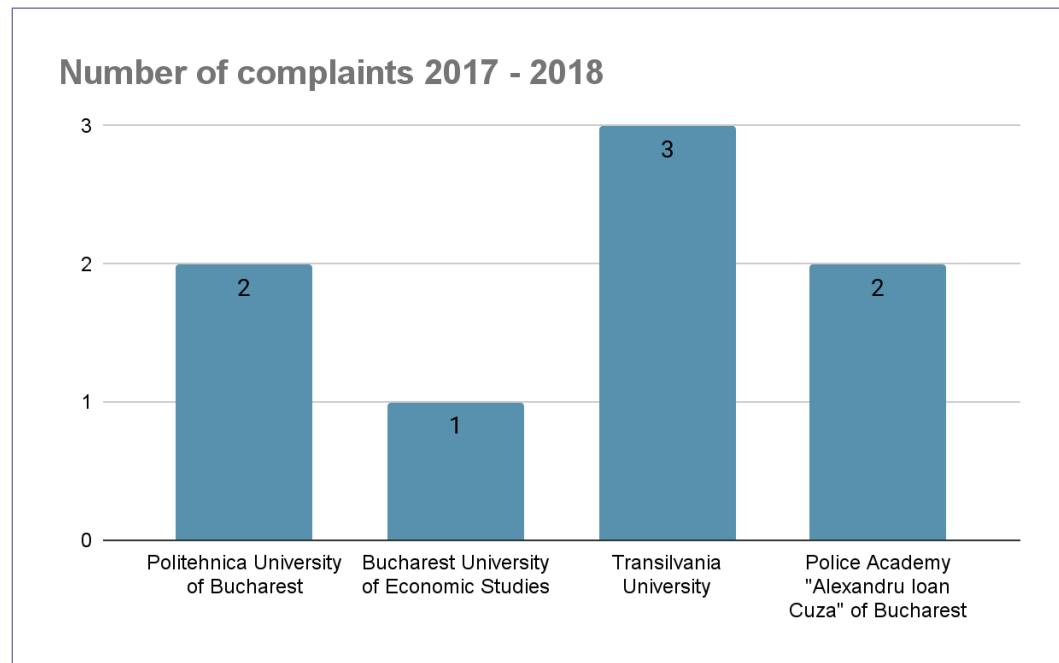


Plot 19: Number of complaints 2016 -2017

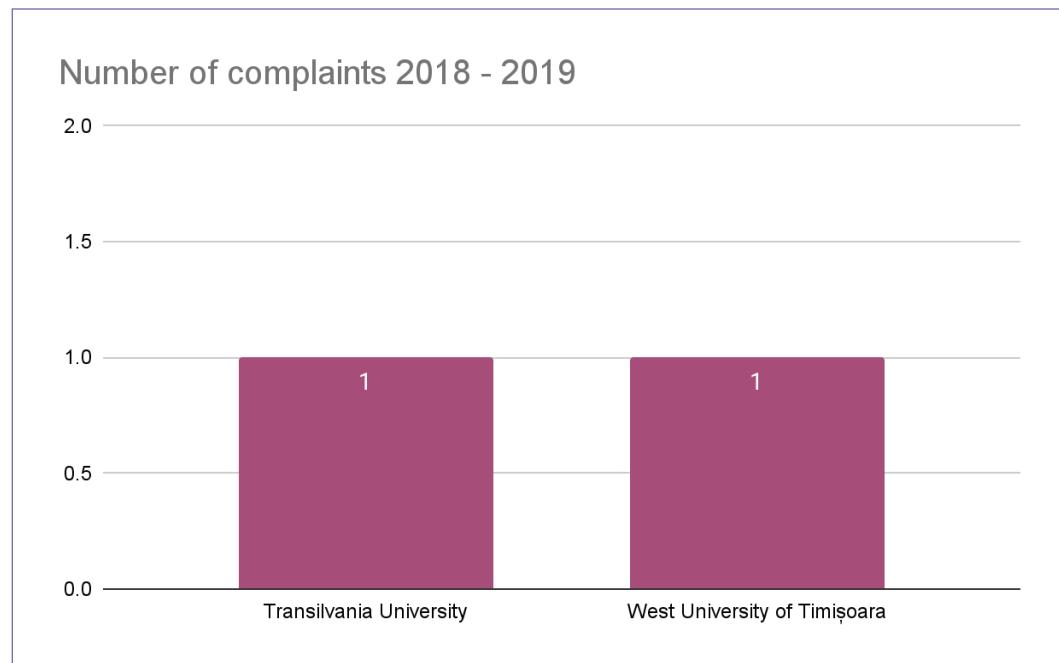
It is important to specify that a higher number of complaints recorded by a university does not automatically indicate a larger scale of the phenomenon.

Given the discrepancy between the number of reported cases and the estimates on phenomenon scale based on the data obtained in exploratory studies, the number can be assigned, among others, to greater institutional transparency or more accessible reporting mechanisms. These issues are elaborated in the chapter for Codes of Ethics analysis.

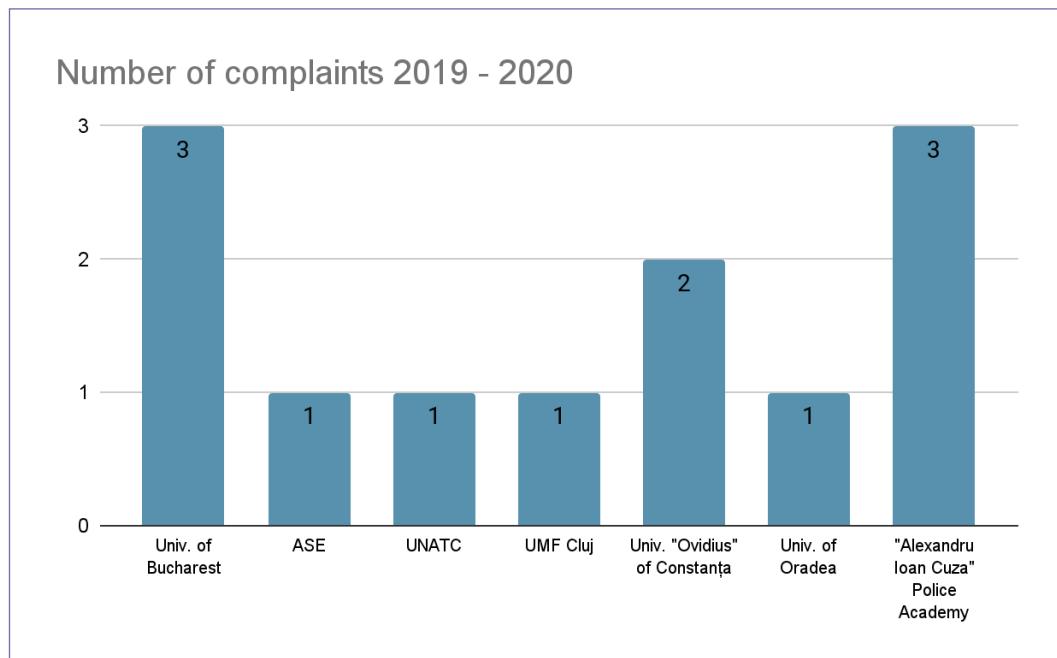
Although Transilvania University of Brașov registered most complaints, this should not be construed as the main indicator of the phenomenon scale in the university. At the same time, given the use of the complaints number as plot indicator, we do not have a visual numeric representation of the number of affected persons, for example, in case of "Gheorghe Asachi" Technical University of Iași the complaint was addressed to several persons, both female students as well as teaching staff mentioning the same author.



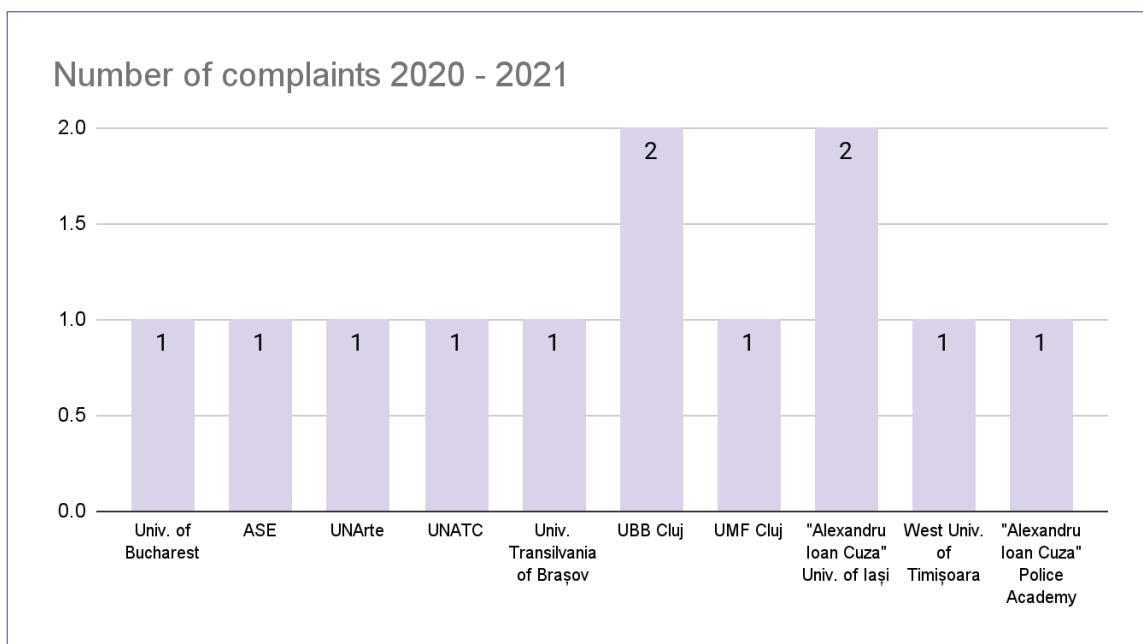
Plot 20: Number of complaints 2017-2018



Plot 21: Number of complaints 2018-2019



Plot 22: Number of complaints 2019-2020



Plot 23: Number of complaints 2020-2021

Moreover, there are universities publicly known to perpetrate an unsafe environment for students through tacitly protecting authority figures, fact which obtained media notoriety as well¹⁷¹⁸ and whose statistics cannot be deemed to reflect the reality on site.

¹⁷ <https://www.scena9.ro/article/hartuire-sexuala-umilire-viol-studenti-teatru>

¹⁸ <https://culturaladuba.ro/ioana-bugarin-actrita-experienta-de-la-unatc-a-fost-traumatizanta-am-avut-cateva-atacuri-de-panica-in-fata-universitatii-imperiatica-sa-intru-acolo/>

In the case of "I. L. Caragiale" National University for Theatrical and Cinematographic Arts of Bucharest, which registered only one sexual harassment complaint in the last 5 years, the received answer does not define the act as sexual harassment, but "improper behaviour in the relationship professor-female students", with no other details on the case. It is important, however, to mention that in this case, as a result of meetings, hearing the parties (in this case female students complained about a male professor) and drafting the case report, the Ethics Committee proposed the sanctioning through written warning. Subsequently, however, according to the university statement, other control bodies reevaluated the seriousness of the case and ordered the disciplinary termination of the employment contract:

"Taking note of the documents made available by the Ethics Committee, the Senate of UNATC sends this case to the Disciplinary Investigation Committee, finding that the following have been breached: Internal Regulations, Code of Ethics and Labour Code.

The Disciplinary Investigation Committee, met in several meetings, took note of the consequences of the professor's offences, proposed the application of maximum disciplinary sanction, that is the disciplinary termination of the employment contract, according to Art. [...]

The proposal of the Disciplinary Investigation Committee has been validated by the Faculty Council and UNATC Senate."

No additional information has been published on possible measures taken against the Ethics Committee for minimizing this case.

Such a discrepancy between the proposals of the Ethics Committee and the Disciplinary Investigation Committee denotes at least the absence of an integrated approach in fighting sexual harassment, if not an indication of deontology breach. Besides, this is not the only university which either avoided the classification of reported behaviours as sexual harassment or left them free to construe for other reasons, as the unclear or limited definition of the phenomenon in the rules, or sent information on a number of cases without organizing them according to the request, being interpreted by us in the process of collecting data.

For example, in the answer of "Gheorghe Dima" National Music Academy of Cluj-Napoca, we find:

"On the 23rd of October 2019, the Ethics Committee received a complaint reporting the breach of the Ethics and Deontology Code of A.N.M.G.D. (art. 21, principle of collegiality) by the Artistic Creation Service Chief. At the same time, the accused person submitted a statement reporting the tense situation in the Artistic Secretariat, bringing some clarifications on this. The analysis of this case started in 2019 and was solved in 2020."

This complaint and others as such not referring directly or indirectly to sexual harassment or discrimination acts have not been included in the collected data.

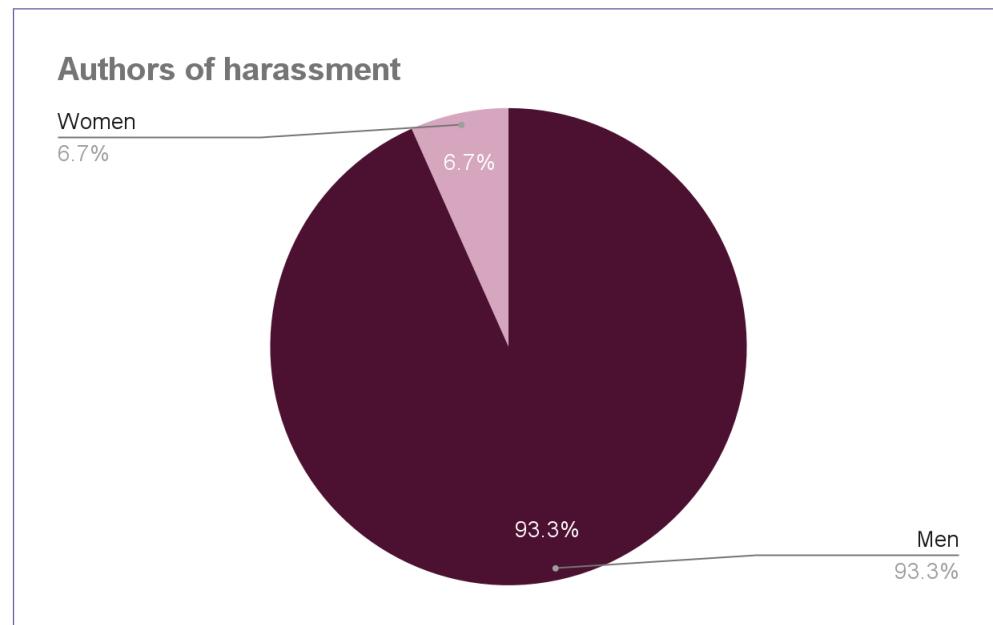
Another example of answer in similar note was received from the University of Agricultural Sciences and Veterinary Medicine of Cluj-Napoca, stating:

"Between 2016-2021, the Ethics Committee of USAMV Cluj-Napoca has not been notified, respectively, has not acted on own initiative in sexual harassment and/or discrimination cases. On 30th of October 2020 the Ethics Committee was notified about a claimed case of improper conduct of a professor in relations with colleagues. In the drafted Report (25181/02nd of December 2020), the Ethics Committee found/noted some offences, but not strictly on sexual harassment reason."

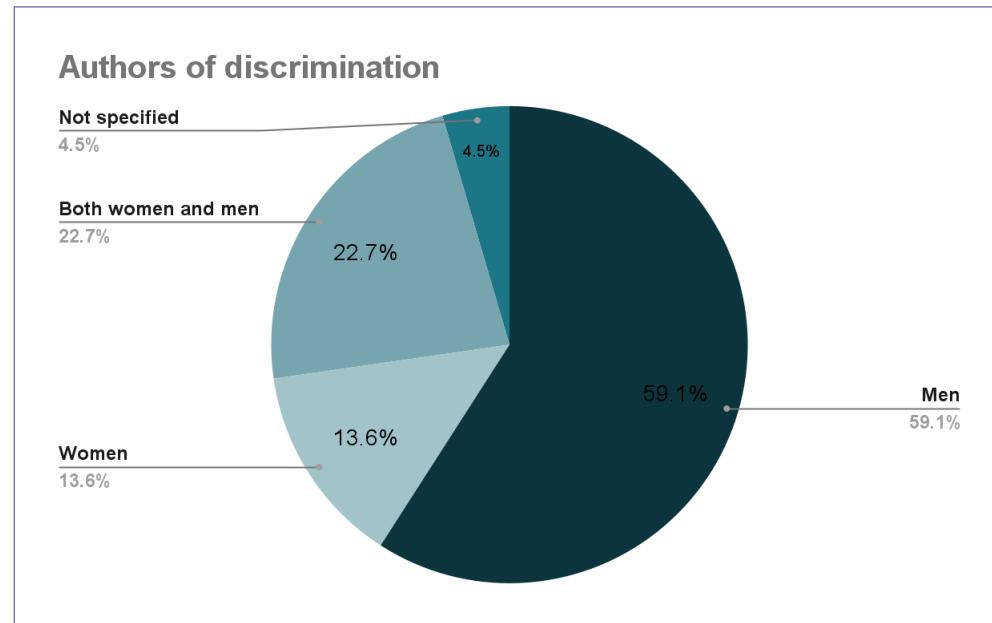
Of all answers mentioning the method of solving the recorded cases, information provided voluntarily by some universities, only one mentioned the collaboration with the state authorities, after the aggressed person forwarded the case to IPJ (County Police Inspectorate). In this case, the Committee declined the solving of the case to the criminal authorities. Besides, the measures ordered in most other cases consisted of written warnings, the recommendation of amiable settlement or the rejection of the case for lack of evidence.

For these reasons we deduct the need to clarify and improve the definition and provisions referring to sexual harassment in universities, as well as the harmonization to a common standard.

4.3 Uneven Power Ratio: Who Harasses and Who is Harassed

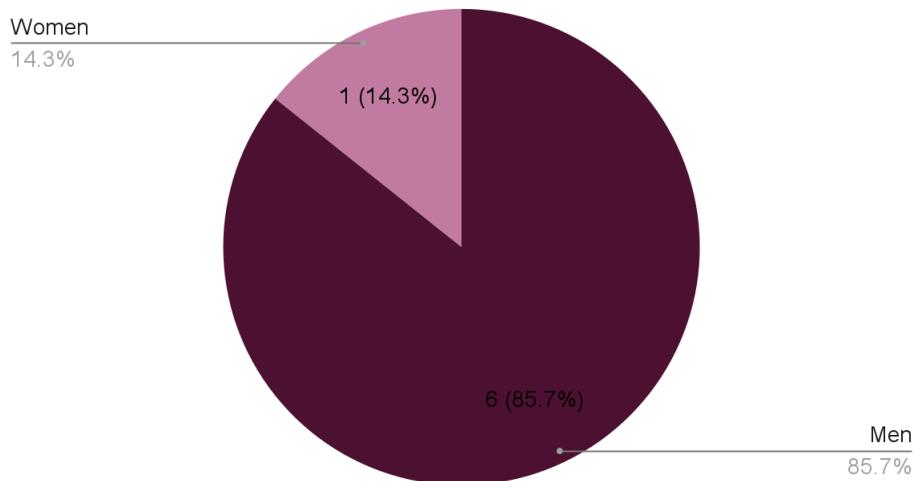


Plot 24: Authors of harassment



Plot 25: Authors of discrimination

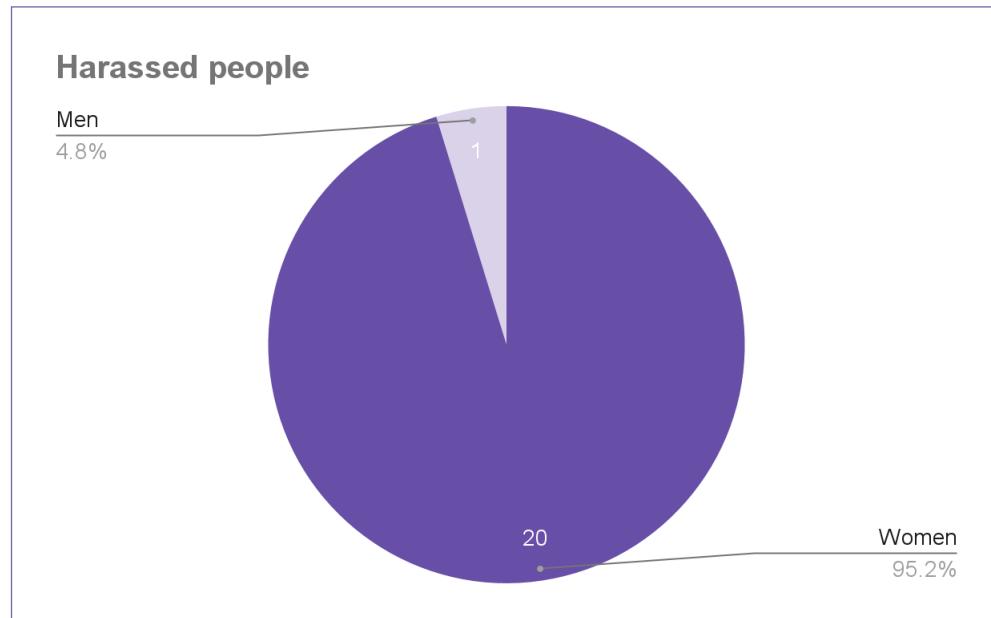
Authors harassment/discrimination (not specified)



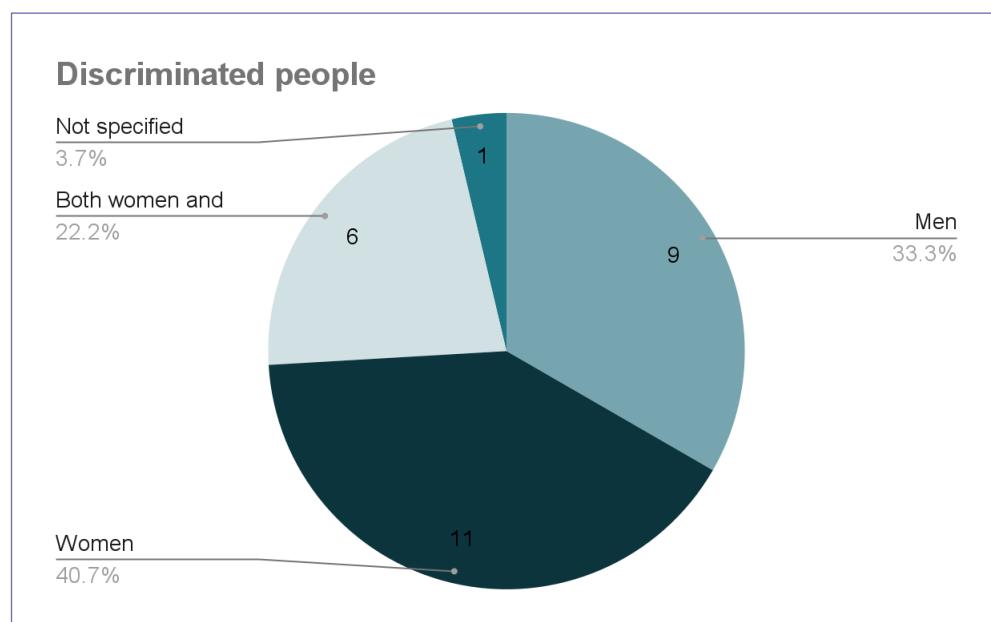
Plot 26: Authors of harassment/ discrimination (not specified)

Reported harassment cases had in proportion of 93.3% men as authors, totalling 14 cases and one case with a woman author. The 22 discrimination cases had a smaller majority proportion, of 59.1% men authors. Three of these complaints accused women as authors, one did not specify classification, and 5 had both women and men as authors. In these cases both parties were teaching staff.

The fact that there have also been complaints against hiring committees, university management or other administrative entities consisting of several persons can represent an explanation for this peculiarity. For seven complaints the universities did not specify in the sent answer if they were harassment or discrimination cases.



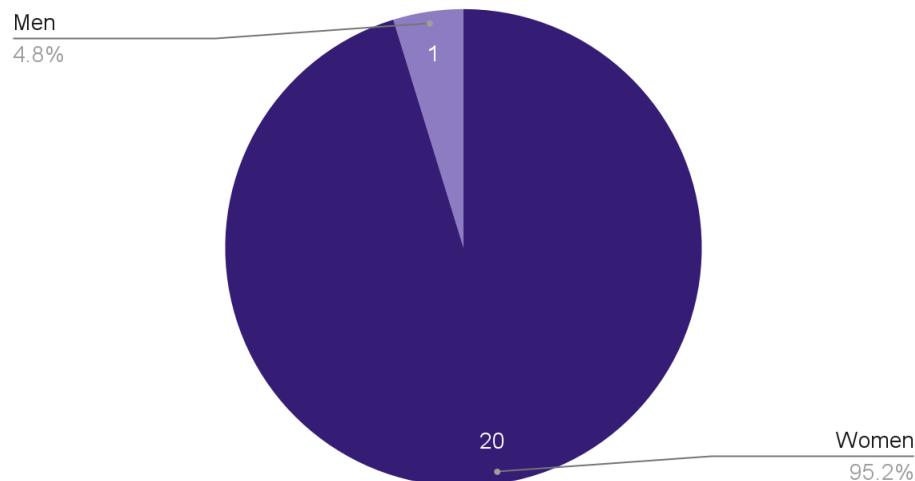
Plot 27: Harassed people



Plot 28: Discriminated people

In some complaints, several complaining persons have been identified against the same author, therefore the proportion of harassed and/or discriminated persons against authors is higher. Among these, we identify a percentage of **95.2% harassed women, compared to 4.8% men**, 40.7% discriminated women compared to 33.3% men, 22.2% both men and women, and 3.7% a person whose gender is unknown, and 71% women, respectively 28.6% men in cases where it was not specified if it was harassment or discrimination. **We thus observe a clear pattern where the authors are preponderantly men, and the harassed and/or discriminated persons are women.**

Harassed/discriminated people

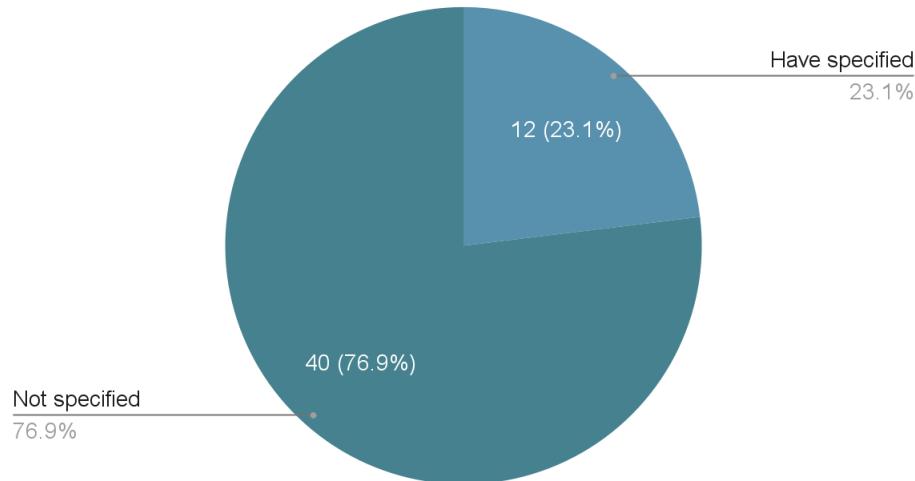


Plot 29: Harassed/discriminated people

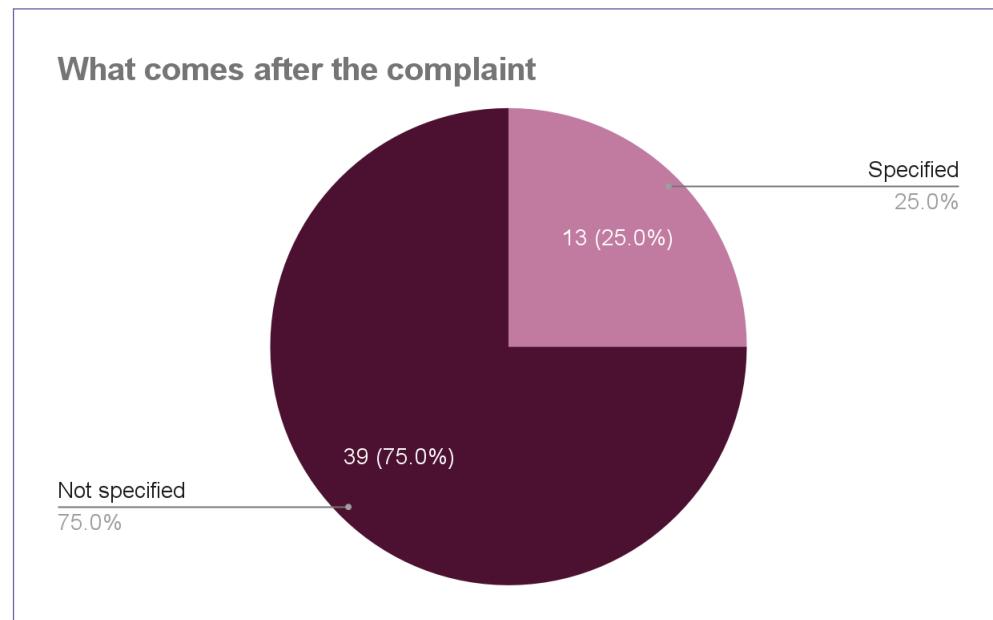
4.4. Access to Justice: From Theory to Practice

In most cases, **the data made available by universities did not reveal practical information on necessary steps for filing a complaint or the procedure followed by the Ethics Committee after complaint filing.**

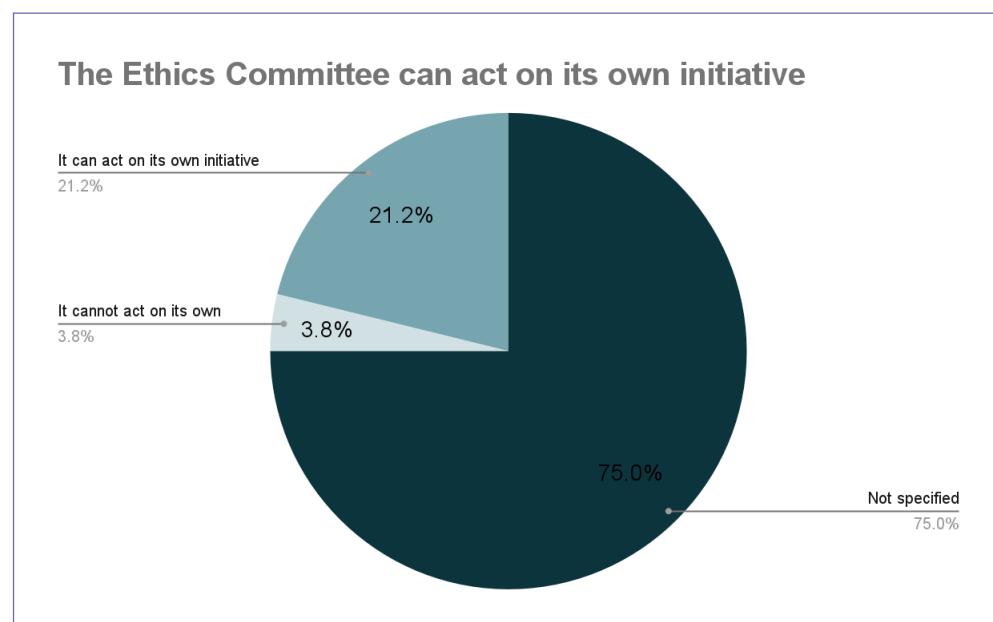
How to file a complaint



Plot 30: How to file a complaint



Plot 31: What comes after the complaint



Plot 32: The Ethics Committee can act on its own initiative

Of the 52 public universities that answered the second part of the information request, only 12 (23.1%) specified how a complaint can be filed in the Ethics Committee, 13 (25%) mentioned the steps after the complaint, and 11 (21.2%) declared it can act on its own initiative. Even so, most of those who responded quoted in their answers articles from the Code of Ethics which, using a legal and normative language, is not accessible to students looking for practical information about accessing institutional services as reporting and protective instruments. However, we cannot say universities are not aware, do not have the necessary resources, or choose to not approach student needs in terms of practical

information for accessing institutional services. For example, "Ion Ionescu de la Brad" University of Agricultural Sciences and Veterinary Medicine of Iași includes in section "Documents and Website Requests Forms as many as 22 request forms, inclusively for the distribution of a parking stop, but not the complaint model.

Therefore, we can see rather a (importance) minimization pattern for information on available resources for reporting harassment and discrimination.

5 Activities of Ethics and Academic Management Committee

In close connection with the activities of ethics committees on academic level, there is also the Ethics and Academic Management Committee (CEMU) – a consultative body of the Ministry of National Education, without legal status. It operates according to the provisions of the Law of national education no. 1/2011¹⁹. The mission, role and attributions, as well as the organization and operation of CEMU are regulated by the Order of the Ministry of National Education no. 4783 of 30th of August 2017 on the approval of the Organization and Operation Regulation for the Ethics and Academic Management Committee²⁰. CEMU structure is regulated by the Order of the Ministry of National Education no. 5585 of 12th of November 2021. The mission of the Ethics and Academic Management Committee is to develop ethics and integrity culture in Romanian universities and to determine and support universities to elaborate and put into practice, in an organized, transparent and efficient manner, the academic ethics and integrity policies, according to the legal provisions²¹.

According to the laws in force, any individual or legal person may report to the Ethics and Academic Management Committee in respect to the inobservance of the correlative obligations. After receiving such a report, the Ethics and Academic Management Committee is bound to investigate the reported issues and respond to the report within 3 months. The answers to these reports represent public documents and are published on the website of the Ministry of Education. In this respect, we requested in the project, based on Law no. 544/2001 on access to public interest information some information relevant to the project we developed. First of all, regarding the statistics on reports referring to sexual harassment and/or discrimination in the last 5 academic years, CEMU provided solutions or is currently solving 5 reports:

- One report on sexual harassment – rejected by CEMU Decision no. 14/19th of July 2018;
- One report on equality of chances between women and men – rejected by CEMU Decision no. 8/18th of March 2021;

Three reports referring to discriminatory issues – two rejected and one pending solving.

In terms of the ethics committees audit performed by CEMU between 2018-2019, the institution stated that it did not centralize the reports existing at that time on audited universities level.

¹⁹ National Education Law no. 1/2011. Text published in the Official Journal, Part I no. 18 of 10th of January 2011, available at:
<https://lege5.ro/gratuit/geztsobvgi/legea-educatiei-nationale-nr-1-2011>

²⁰ Ministry of National Education, Order no. 4783/2017 of 30th of August 2017 on approving the Organization and Operation Regulation of the Ethics and Academic Management Committee. Text published in the Official Journal no. 750 of 19th of September 2017, available at: <https://www.edu.ro/sites/default/files/ordin%204783-2017.pdf>

²¹ Ethics and Academic Management Committee - About, available at:
<http://www.cemu.ro/index.php/despre/>

We positively observe that, with the drafting of a Reference Code of Academic Ethics and Deontology, approach within the project "Quality in Higher Education: Internationalization and Databases for the Development of Romanian Education" – POCU 126766²², developed by UEFISCDI in partnership with the Ministry of Education, some of the proposals in this document are:

- Clear public stands stating that harassment or any similar behaviour are not tolerated.
- The existence of a specialized policy for harassment and use of various methods for informing the entire academic community.
- Initiating debates and encouraging dialogue about harassment or other topics related to human rights.

²² Further information on the project:
https://www.edu.ro/sites/default/files/_fisiere/Minister/2020/concursuri/altele/ANUNT%20SELECTIE%20-%202009.03.2020%20-VARIANTA%204.pdf

6 Analysis of ARACIS Institutional Evaluation Reports

For the purpose of shaping a clear image on how harassment and discrimination are perceived in higher education, we analysed to what extent these topics are approached in the institutional evaluation reports of the Romanian Agency for Quality Assurance in Higher Education (ARACIS), the ones made by teaching staff, as well as the ones made by students, these two categories being analysed separately; we mostly focused on the performance indicator for academic ethics and integrity, but not only.

According to the public information on the institution website, ARACIS is an independent institution of public interest with the mission to perform an external evaluation of the quality of education provided by higher education institutions and other organizations providing studies programs specific to higher education²³.

ARACIS operates in Romania for the purpose of certifying, based on quality standards, the capacity of the education providing organizations to meet beneficiaries' expectations, to contribute to the development of an institutional culture of higher education quality, to provide protection for direct beneficiaries of study programs on higher education level, by producing and dissemination systematic, coherent and credible information, accessible to the public, about education quality.

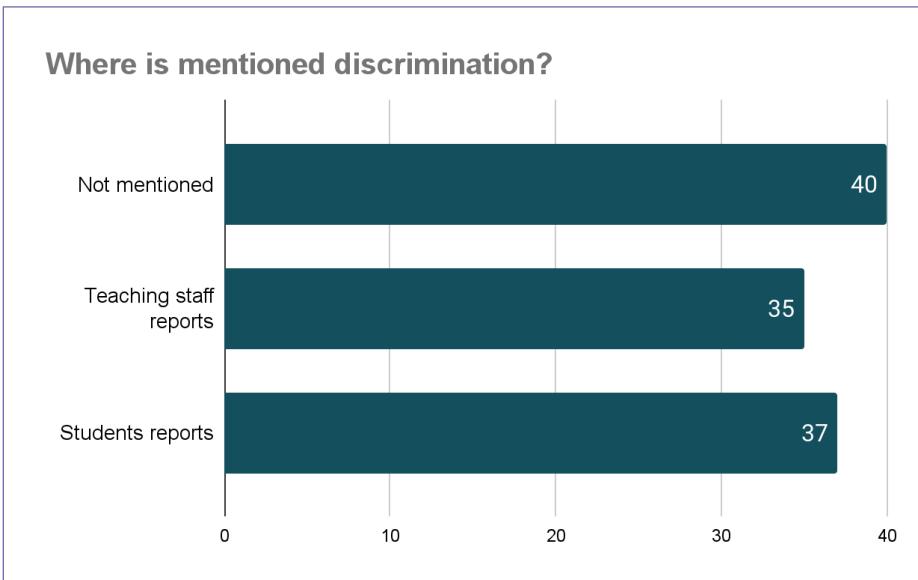
At the same time, ARACIS has the role to propose to the Ministry of Education strategies and policies for permanent improvement of higher education quality, in close correlation with pre-university education.

The reports we analysed are public reports on ARACIS website. Of the 90 higher education institutions listed in the Government Decision no. 403/2021 on approving the Nomenclature of Academic Fields and Specialties/Studies Programs and the Structure of the Higher Education Institutions for academic year 2021-2022²⁴, we have found on ARACIS website 85 of these institutions; thus, the information presented below refer to 85 higher education institutions in Romania, totalling 170 reports, drafted from 2009 until present moment, depending on the year of the institutional evaluation.

For start, in terms of mentioning discrimination in evaluation reports, in 40 of the 85 institutions, more specifically 47% of them, evaluators did not explain in the report if the university foresees approaches for discrimination issues on university communities level, if this concept is present in the Code of Ethics on institution level or if there have been complaints in this respect addressed to the Ethics Committee.

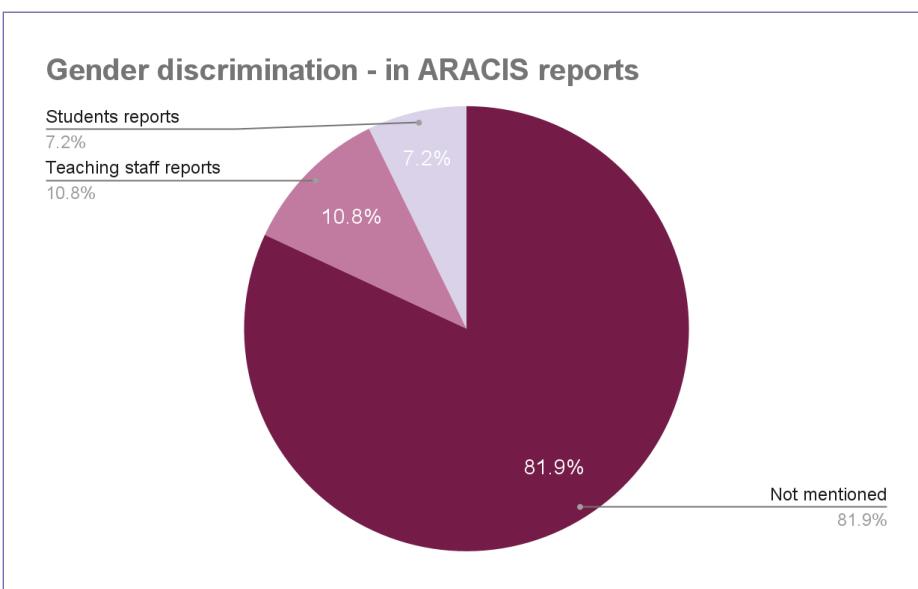
²³ Romanian Agency for Quality Assurance in Higher Education, available at: www.aracis.ro

²⁴ Romanian Government – Decision on approving the Nomenclature of Academic Fields and Specialties/Studies Programs and Structure of Higher Education Institutions for the academic year of 2021-2022, available at: https://www.edu.ro/sites/default/files/fisiere%20articole/HG%20403_2021%20Nomenclator%20programe%20licenta%202021-2022.pdf



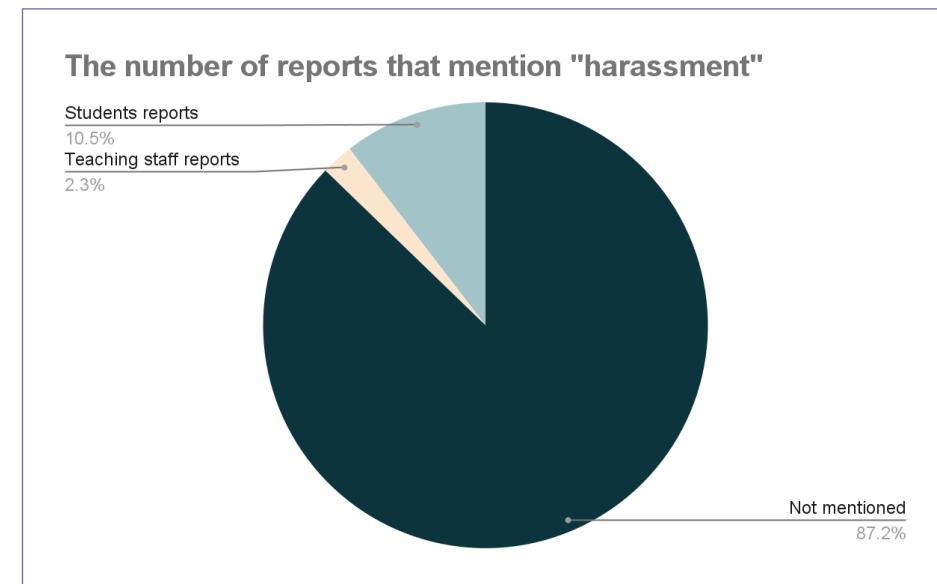
Plot 33: Where is discrimination mentioned?

When we analyse the topic of gender discrimination, figures prove a much smaller interest on higher education level for this issue. Thus, in the reports of 68 universities of the 85, no information or recommendation referring to this topic was mentioned.



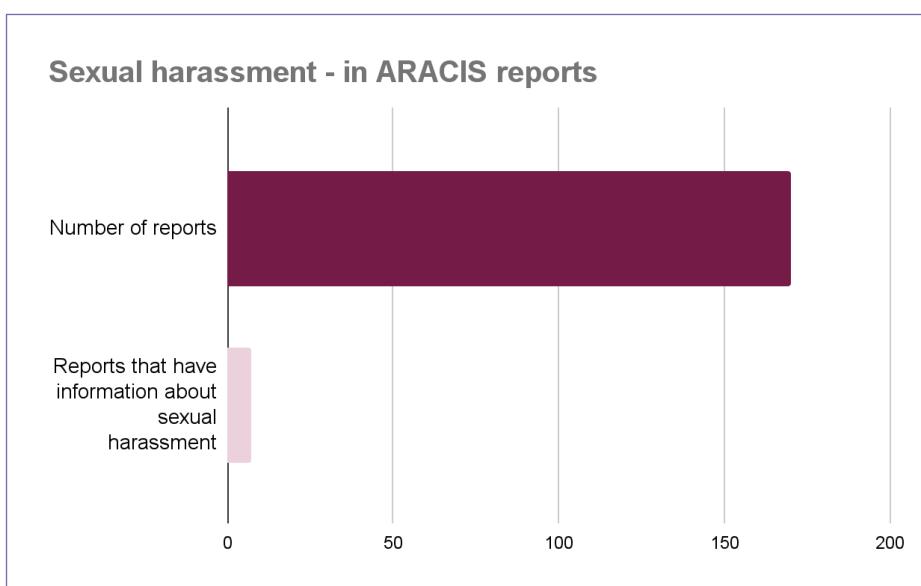
Plot 34: Gender discrimination - in ARACIS reports

Even more worrying is that the notions of harassment, verbal harassment or sexual harassment are found in even smaller numbers in the 170 analysed reports. Thus, the notion of harassment, on a general level, is found in 11 reports of the 170 (85 reports of teaching staff and 85 reports of students), that is 6.47% of all reports.



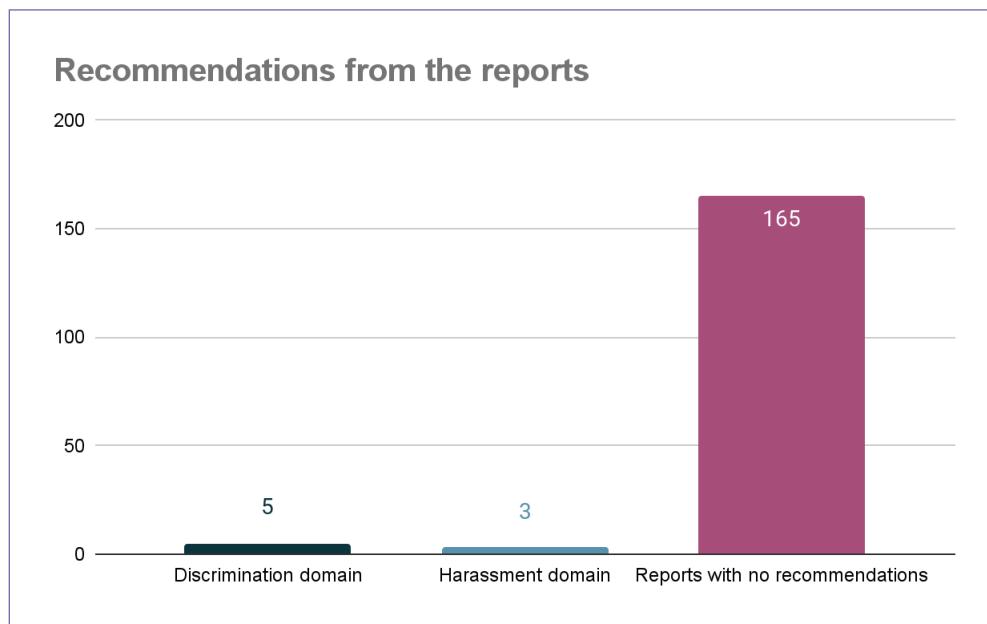
Plot 35: The number of reports that mention "harassment"

Moreover, sexual harassment was taken into consideration as relevant element to be mentioned in only 7 student reports of 170 reports, that is 4.11% of the reports. Most mentions are found in the analysis of the performance indicator dedicated to academic ethics and integrity, where students noticed that harassment is defined or not in the Codes of Ethics of universities. We are aware that, from customary standpoint, this issue was not a priority at the time when one Code of Ethics was verified in an institutional evaluation, but we believe that, in the context of the number of institutions not defining harassment in internal regulations being so high, evaluating experts should pay more attention to this topic during evaluations, when it comes to the contents of the Code of Ethics, as well as the activities of the Ethics Committee and academic management structures.



Plot 36: Sexual harassment - in only 7 ARACIS reports

In terms of harassment as general concept in online form and sexual harassment in online environment, only one report mentioned cyberbullying regulated in one Code of Ethics. No other reports discussed notions or provided recommendations in this respect.



Plot 37: Recommendations from reports

Furthermore, even more alarming is the number of reports containing recommendations in the field of harassment or discrimination. Only students provided recommendations in this respect, more specifically 5 recommendations in the field of discrimination and 3 in the field of harassment – for the University of Bucharest, Bucharest University of Economic Studies, "1 Decembrie 1918" University of Alba Iulia, "Iuliu Hațieganu" University of Medicine and Pharmacy of Cluj-Napoca, "Ion Ionescu de la Brad" University of Agricultural Sciences and Veterinary Medicine of Iași, University Politehnica Timișoara, University of Petroșani and "Adventus" University of Cernica. Amongst them, we remind about the creation of support groups for victims of abuse on institutional level and redefining certain notions in Codes of Ethics.

In conclusion, we find that there is no real awareness on national level either in terms of harassment and discrimination and this because they are not deemed a current issue, universities did not actually implement real measures, coherent prevention methods for abuse and short, medium and long term solving.

7 Recommendations for Safe(r) Academia

A first step was the detailed analysis of the current context on sexual harassment in universities: how many sexual harassment cases have been reported in the last 5 years, how the reports from the supervision institutes (ARACIS and CEMU) look and what they contain, what provisions and sanctions the codes of ethics of Romanian universities have for such conducts. Furthermore, we present a series of recommendations that may help create a safer academic environment. In this regard, we consulted students in universities around the country to shape recommendations answering their real needs in the academic environment. At the same time, we used as a resource the codes of ethics and regulations in great academic centers of the world, which have developed procedures and systems to support harassed persons and fight the phenomenon.

7.1 Recommendations for Universities

For Better Information and Awareness of the Academic Community

Sexual harassment, abuses and any form of gender discrimination and violence against girls and women come also as a result of the lack of education and awareness to gender inequality. This is why preventive measures for awareness and information of the member of academic community on sexual harassment and the effects of sexual harassment are extremely important. We present below a few examples of measures in this direction:

- Awareness campaigns in offline academia (posters and flyers available within university, research centres and accommodation areas of the university, for students and teaching and non-teaching staff) and online (in social media, on university website, in online groups for members of the academic community);
- Creating a mini-guide with information on: possible events and actions organized on the topic of sexual harassment and gender discrimination; steps to follow (briefly) for reporting a sexual harassment case with reference to the existing procedure in the code of ethics. This mini-guide can be distributed at the beginning of each academic year.
- Information actions to increase awareness on the impact sexual harassment can have at the intersection of several discrimination criteria (conferences, communication sessions, consultations with students, modular classes per topic and others);
- Including public messages from university representatives, supporting a safer academic environment and undertaking zero tolerance for sexual harassment, as well as for any other form of discrimination or violence that may prejudice human dignity (e.g.: in the festivities for opening each academic year), including affirmative measures for promoting women in the academic community (representation, management etc.).

To Support Persons Experiencing Sexual Harassment

Sexual harassment can have effects such as anxiety, depression, fear, unrest, school dropout, tendency to avoid classes out of fear to meet the harasser, absenteeism, inability to focus and enjoy classes.

The way authorities and persons in academia respond after finding out about harassment plays an important role on the physical and mental health of the harassed person. This is why the university must provide support to persons dealing with sexual harassment, irrespective of where and when the sexual harassment case took place. When responding to a sexual harassment case brought to their attention, the members of the Committee for Safety in University must take all necessary measures to:

- Inform about and provide access to counselling services within the university;
- Inform about and offer access to available services outside university (Ethics and Academic Management Committee, National Agency for Equal Chances, National Council for Fighting Discrimination, Police, Nongovernmental Organizations etc.);
- Keep the confidentiality of the person who reported the sexual harassment case in all possible circumstances;
- Make sure there will be no comments or questions from the members of the Committee for Safety in University blaming the harassed person (such as comments or questions about how they dressed, how they behaved, how they spoke, their intimate relationship history);
- Inform on the process of reporting sexual harassment (steps to be taken by the person who was sexually harassed, as well as the way the decision-making mechanism works in cases of sexual harassment) and the duration of such a process. Reporting will imply a formal complaint to a body appointed by the University Senate to make disciplinary resolutions, in our case, the Ethics Committee in cooperation with a legal adviser;
- Provide respect for the decisions of the person facing sexual harassment to act or not in view of reporting the sexual harassment act;
- Make sure revictimization is avoided and the situations in which the person who faced sexual harassment must detail the lived experiences are limited as much as possible;
- Make sure there is no discrimination of any kind against persons signalling and reporting a sexual harassment case;
- Inform the person who reported the discrimination case about the options they have if they do not agree to the university decision as a result of reporting the discrimination case.

For Better Definition of the Phenomenon in the Codes of Ethics

A first recommendation is the introduction of a section for sexual harassment. In this section, it is essential to clearly define the basic concepts in this respect: discrimination, gender discrimination, sexual harassment with an intersectional approach. Moreover, providing examples of conducts falling under harassment domain may help students to faster identify these phenomena and report them. Complex and detailed definitions and examples on gender discrimination and sexual harassment can be found in the introductory part of this report. The examples provided in this report, as well as possible examples of universities are not limiting, but they are only to provide a better understanding of harassment forms of manifestation.

For Better Sanctioning of Cases (*Proportional to Acts Severity*)

Another recommendation is the introduction of clear and more diverse sanctions. Currently, sanctions are few and somewhat extreme. For example, students have the options of warning or expulsion. Furthermore, they are not divided depending on the severity of the harassment act. Below are some examples of sanctions proposed by Initiative We Act for Safety in Universities in an academic policy proposal addressed to SNSPA²⁵:

According to the set procedures, sanctions are divided depending on severity of acts:

For jokes, gags with sexual overtones that make the victim feel uncomfortable, comments with sexual nature, use of nicknames and expressions with sexual overtones, also, indecent comments related to how the victim looks and their private life (offline and online), use of sexist and humiliating appellations (such as: "birdie", "bunny", "pussy", "doll" etc.), emitting sexual sounds, whistling, but also the aggressor using emails, messages (SMS or social media), or sexual letters or letters with sexual overtones on the victim, taking the number from online groups (Whatsapp or Facebook) and insistently sending messages, the following sanctions must be applied:

For students:

- Warning (with a period between 3 months and 12 months), but in case of a new complaint, this will lead to suspension for several months, one term or 1 year;
- Educational training (actively attending information classes);
- Separating the harassed person from the harasser (e.g.: changing groups for a limited time);
- Forbidding access to accommodation services for several months, one term or 1 year.

For teaching staff/non-teaching staff and auxiliary staff:

- Warning (with a period for 2 months, 9 months or 1 year), but in case of a new complaint, this leads to suspension for several months, one term or 1 year;
- Reducing basic wage and, as applicable, the management bonus for a period between one month and three months by 5-10%;
- Demoting from position, giving the wage corresponding to the position where the demotion was ordered, for a period of maximum 60 days;
- When a second complaint appears and demotion takes place, this will lead to:
- Loss of positions/membership they have in university management (e.g.: senate, council), forbidding attendance to contests for merit grading, reducing wage bonus from own revenues and others.

²⁵ Academic policy proposal for preventing and fighting sexual harassment in SNSPA [draft] is available at: https://drive.google.com/file/d/0B_ggu8T7sdJ1ZDg3WE44Z21Sb1k/view?resourcekey=0_phUqyH19XSrm0zrPyThfQ

In case of unwanted pinching, caressing, touching, direct sexual proposals and/or advances, explicit sexual discussions, exposure to explicit sexual content photos or displays (offline and online), insisting request of sexual photos, one of the following must be applied:

For students:

- Suspensions (for several months, one term, one year);
- Expel for a new complaint after suspension;
- Public apologies.

For teaching/non-teaching staff and auxiliary staff:

- Suspension (for several months, one term, one year);
- Termination of employment contract when a new complaint appears, after suspension;
- Public apologies.

In case of insisting on accepting invites or starting a relationship, stalking the person, threats, constraints or conditioning academic or professional evaluation on accepting sexual nature relations, the following sanctions must be applied:

For students:

- Expel and forbidding registration to another university for 2 years;
- Public apologies.

For teaching/non-teaching staff and auxiliary staff:

- Disciplinary termination of individual employment contract and forbidding practice in other institutions for 2 years;
- Public apologies.

If the sexual harassment case falls within the scope of the Criminal Code, the submission of a criminal complaint to the police is required, and in case the Ethics Committee was notified, it shall take one of the measures specified above and notify the competent authorities. When repeated and implying sexual favours, sexual harassment is a crime and is punishable by imprisonment from 3 months to 1 year, according to the Criminal Code.

For Reporting a Case

When a person is in a vulnerable situation, as is the case of sexual harassment, the lack of information and support mechanisms may discourage the victim to ask for help from authorities. In this case, in order to encourage students to report to various authorities (police, ethics committee, CEMU and others) the inclusion of a complaint model is recommended. Furthermore, this model should be accessible – on site, on the notifications board, in classes etc. and actively communicated by the university – at the beginning of the academic year, in ethics classes, through awareness programs etc.

Below is a model proposed by the Initiative We Act for Safety in Universities in an academic policy proposal, which can be easily adapted depending on university or case:

COMPLAINT

(model)

Personal information

I, , domiciled in , identity card SERIES NO., CNP (personal number) as , a. Bachelor student, b. Master student, c. Doctoral student, d. Teaching staff, e. Auxiliary staff, f. Others (please specify) in (as applicable, please mention Faculty/Master Program/Department, specialty and year), I submit the following complaint:

Based on Art. 6 of Law 202/2002 on equal chances and treatment between women and men; Art. 2 of Ordinance 137/2000 on preventing and sanctioning all forms of discrimination, Art. of the University Code for rights and obligations of students of University , I inform you about the following, (describing as precisely and clearly as possible the fact which, in the petitioner's opinion, represent a breach of the regulations of University Charter of ..., specifying the date of the acts or finding the consequences of the acts or any legal circumstances related to the case; if known, name and address of offender must be specified)

Please mention:

- a. Date and time
- b. Place of incident
- c. Incident in detail
- d. Any detail related to aggressor
- e. Any other proof or witnesses who can validate the incident

Reasons for complaint

I/We request offender's accountability.

Please specify the victim's expectations in terms of case solving according to the provisions mentioned in the Procedure for preventing and fighting sexual harassment in universities (e.g. term for solving, protective measures, resources granted for support etc.).

E.g.: For the reasons shown in this complaint, please:

1. Find the commitment of the sexual harassment acts.
2. Remove the consequences of the sexual harassment act, ordering the necessary measures and sanctioning the aggressor.

Evidence means underlying this complaint:

- Witnesses
- Documents
- Recordings
- Photographs

Contact information

E-mail:

Phone:

Date

Signature

Project implemented by:

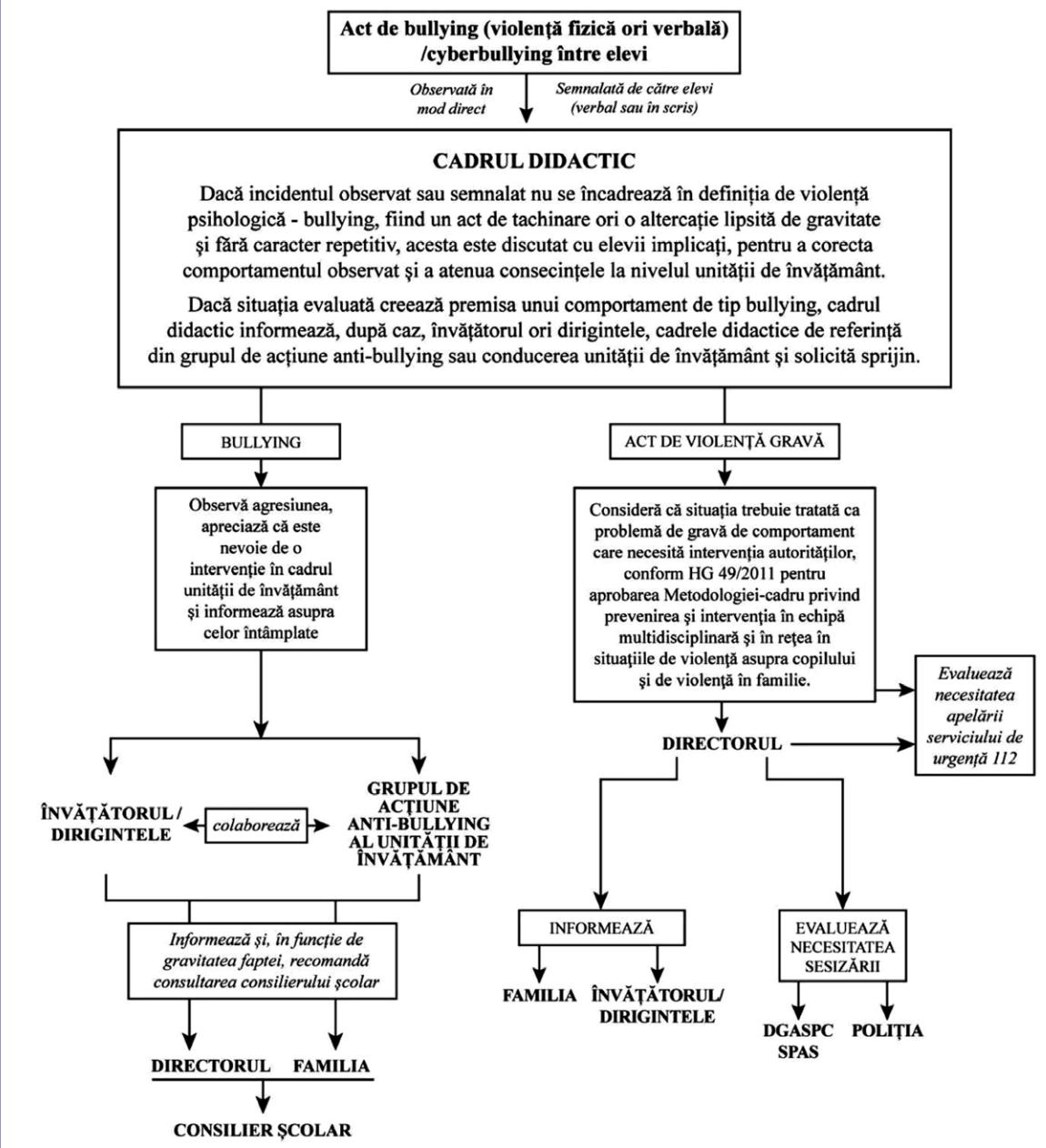


In order to facilitate the reporting process, we recommend universities to schematically illustrate the steps to be followed by a person facing harassment or gender discrimination. Such a model can be seen below:

ANEXA 3

INTERVENȚIA CADRELOR DIDACTICE ÎN SITUAȚIILE DE BULLYING DIN UNITĂȚI DE ÎNVĂȚĂMÂNT*

* conform modelului de intervenție propus de Organizația Salvați Copiii și aplicat în 30 de școli și licee din Târgoviște și București, în perioada 2018-2020.



Source: Organization and Operation Regulation of "General Magheru" Technological High School of Râmnicu Vâlcea

For Updating Information and the Code of Ethics

The information, studies and researches in the field of violence against women and gender equality continue to constantly evolve, as any information in the field of academic research. That is why we recommend a periodical verification and improvement of the code of ethics and information and awareness programs, in order to be updated with recent information in the field.

At the same time, the data on the Ethics Committee, as well as the members and their names, should be constantly and accessibly notified to students. Currently, the information is scattered in several places: University Charter, Internal Regulations, Code of Ethics, websites, notice boards. For this reason, a student may be confused about where the information is and to which resource they can resort when facing a sexual harassment case.

For Fighting a Culture of Gender-Based Violence

We recommend undertaking zero tolerance messages of the university for any forms of gender-based violence and discrimination, and supporting the affected persons through a multitude of resources and specific services. We also recommend informing and including materials in public events (opening the academic year, reception in dormitory, other social events and events organized by students associations), as well as the periodical organization of information sessions on available resources.

We also recommend facilitating workshops on recognizing, fighting and intervening of witnesses in harassment, for students as well as teaching and auxiliary staff. In addition, we believe it is necessary to train staff on legal and moral responsibilities in terms of harassment, including the responsibility to inform and their role in preventing sexual harassment.

We propose the creation of a position for a specially appointed person, with training in the field of gender studies/sociology/psychology, responsible with the monitoring of sexual harassment cases and gender discrimination and maintaining the relations with the academic community on these two topics (collecting data, organizing trainings, workshops etc.). In addition, we recommend constant consultation of students and student associations on taking measures to prevent and fight harassment (e.g.: if they feel they are enough, if they have other ideas that may be applied) and integrating the collected feedback in the subsequent measures and actions implemented by the university.

For Accessibility to Website Resources

Given the low accessibility of available information on most university websites in terms of complaint method, complaint content, steps subsequent to complaint and inclusively in terms of the structure of the ethics committee, respectively the persons in charge of investigating complaints, we emphasize the importance of a better visibility of available resources for the academic community. However, we remind that the main role of the universities in fighting the phenomenon should not revolve around reporting, although it is and must remain an integral part, but around a multidimensional approach and granting a variety of information and support resources. Total and assumed institutional transparency for the avoidance of conflicts of interests (as well as setting confidential communication channels with counsellors on harassment, among students associations as well as staff not

affiliated to university or employed on other positions) are essential for creating a safe environment for the persons wishing to report an abuse.

We recommend the inclusion of the information on available resources in a form as accessible as possible in all fields under university management, physical and online, in a form visible on the Homepage of university website, respectively the Homepage of students' portal.

Especially important is the access to support resources for persons going through a harassment experience or any other form of violence irrespective of whether they choose to submit a complaint or not. Among the information accessible online we include clear and practical information on institutional and legal resources they have available and reporting mechanisms with the necessary steps, method of contacting counsellors and staff providing support services, working hours of such services, an anonymous communication channel, the feedback option for provided services, and other information on available resources for medical care and services for mental health.

We also recommend the collection of data, annual publication and reporting the recorded cases in a standard format, for institutional transparency reasons, as well as for the purpose of internally monitoring the evolution of the phenomenon and consequently optimizing the provided services.

7.2 Recommendations for the Analysed National Structures: ARACIS and CEMU

Immediate publication of the Reference Code of Academic Ethics and Deontology;

Clear public positions stating that harassment or any similar conducts are not tolerated;

Initiating debates and encouraging dialogue on harassment and discrimination;

Constant verification of notions, preventive measures, but also sanctions existing in the Codes of Ethics, during an institutional evaluation;

Consistent proposal of relevant recommendations in the field of ethics, consistent with the structure and needs of each evaluated institution, with the role to reduce existing risks on higher education level.

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Annexes

Annex 1: Request Based on Law 544 Addressed to Universities

Cerere

Stimată doamnă/Stimate domnule rector,

Subsemnata, Dârlău Alexandra, posesoare a CI seria [REDACTAT], nr [REDACTAT], în calitate de Responsabila Advocacy în cadrul proiectului “TRUST - Tineri Responsabili pentru Universități Sigure și Echitabile” implementat de Centrul FILIA în parteneriat cu Universitatea din Pitești și Alianța Națională a Organizațiilor Studențești din România, cu sprijinul finanțier al Active Citizens Fund România, parte integrantă a Mecanismului Finanțier al Granturilor SEE și Norvegiene 2014-2021, formulez prezenta cerere conform Legii nr. 544/2001 privind liberul acces la informațiile de interes public.

Doresc să primesc următoarele informații:

1. situația statistică privind **sesizări referitoare la hărțuire sexuală și/sau discriminare** din ultimii 5 ani universitari (2016-2017, 2017-2018, 2018-2019, 2019-2020 și 2020-2021), specificând numărul acestora și informațiile despre sesizări sub forma unor tabele (preferabil editabile în format excel) cu indicatori defalcați în funcție de autor (bărbați, femei, majori, minori), persoana hartuită/discriminată (femei, bărbați, majore, minore), relația dintre victimă și autor (cadru didactic/student, student/student, cadru didactic/cadru didactic, cadru didactic/personal auxiliar etc.).
2. Precizări referitoare la activitatea Comisiei de Etică în privința
 - a) modului de sesizare (de exemplu: cum se fac sesizări, se poate auto-sesiza comisia, care sunt pașii ulterioiri sesizării, există un model de sesizare disponibil?) și
 - b) procedura de soluționare (ex. cercetare disciplinară) sau motivul nesoluționării (ex. lipsa probelor, lipsa sancțiunilor corespunzătoare, lipsa de proceduri clare privind raportarea și depunerea plângerilor privind hărțuirea sexuală), **inclusiv rapoartele de activitate aferente**.

Vă rog să-mi transmiteți informațiile în format electronic la adresa alexandra.darlau@centrulfilia.ro. În cazul în care nu le detineți în format electronic, vă rog să le transmiteți prin poșta la adresa Bd. Decebal, nr. 14, bl. S6, sc. 1, et. 6, ap. 23, sector 3, București.

Data:
06.04.2022

Semnătura:
.....

Annex 2: Request Based on Law 544 Addressed to CEMU



Număr de înregistrare:

Către Consiliul de Etică și Management Universitar,
În atenția domnului președinte, conf. univ. dr. Ciprian Ion Preda,

Stimate domnule președinte,

Alianța Națională a Organizațiilor Studențești din România (ANOSR), federația națională studențească care reprezintă studenți din România la nivel național și internațional, este partener în cadrul proiectului **"TRUST - Tineri Responsabili pentru Universități Sigure și Echitabile"** implementat de **Centrul FILIA** în parteneriat cu Universitatea din Pitești, cu sprijinul financiar al Active Citizens Fund România, parte integrantă a Mecanismului Financiar al Granturilor SEE și Norvegiene 2014-2021.

În acest sens, **pentru a contura o viziune clară** asupra unor situații statistice în ceea ce privește hărțuirea sexuală în instituțiile de învățământ superior din România, cât și modul în care funcționează comisiile de etică, pentru a putea continua activitatea în cadrul proiectului, **ANOSR** formulează prezența solicitare pentru furnizarea de informații de interes public, în baza Legii nr. 544/2001 privind *liberul acces la informațiile de interes public, publicată în Monitorul Oficial nr. 663/23 octombrie 2001*.

Avem rugămintea de a ne comunica informațiile referitoare la:

- situația statistică privind sesizări referitoare la hărțuirea sexuală și/sau discriminare** din ultimii 5 ani universitari (2016-2017, 2017-2018, 2018-2019, 2019-2020 și 2020-2021), specificând numărul acestora și informațiile despre sesizări sub forma unor tabele (preferabil editabile în format excel) cu indicatori defalcați în funcție de autor (bărbați, femei, majori, minori), persoana hartuită/discriminată (femei, bărbați, majore, minore), relația dintre victimă și autor (cadru didactic/student, student/student, cadru didactic/cadru didactic, cadru didactic/personal auxiliar etc.);
- Centralizarea sesizărilor din cadrul comisiilor de etică de la nivel universitar referitoare la **hărțuirea sexuală și/sau discriminare**, în cazul în care dețineți aceste informații;
- Rapoartele de activitate ale CEMU** în perioada 2016-2021;
- Inițiativele existente la nivel instituțional** în vederea promovării unor valori etice fundamentale, mai ales în ceea ce privește combaterea discriminărilor, abuzurilor și a hărțuirilor de orice tip, în cazul în care acestea există;

ANOSR este membru în:

European Students' Union



Consiliul Tineretului din România



Alianța pentru o Românie Curată



The European Council of Doctoral Candidates and Junior Researchers



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Calea Plevnei, nr. 61

Camera 12-13, sector 1,

București, 010223



5. O listă cu activitățile, evenimentele și demersurile întreprinse dedicate hărțuirii sexuale și discriminării, în cazul în care au existat.

În speranța unui răspuns pozitiv, vă asigurăm de întreaga noastră considerație!

Cu stimă,

Președinte ANOSR,

Horia-Șerban ONIȚA



Alianța Națională a Organizațiilor Studențești din România (ANOSR) este federația națională studențească, non-guvernamentală și non-partizană care, de peste 22 ani, are ca **scop principal** reprezentarea intereselor comune ale studenților din România, apărarea și promovarea drepturilor și obligațiilor acestora, cât și stimularea participării lor la actul educațional și la viața socială, economică și culturală.

ANOSR reunește studenți din 19 centre universitare din întreaga țară, din 30 de universități, atingând un număr de 112 de organizații membre, care luptă împreună pentru menținerea în funcțiune a mecanismului mișcării studențești.

La nivel național, ANOSR este parte a **Alianței pentru o Românie Curată** și membră în **Consiliul Tineretului din România**. De asemenea, federația este reprezentantul legitim al studenților din România la nivel european, prin statutul de membru cu drepturi pline al **Organizației Europene a Studenților (ESU - European Students' Union)**, singura structură europeană care reprezintă studenții.

ANOSR este membru în:

European
Students'
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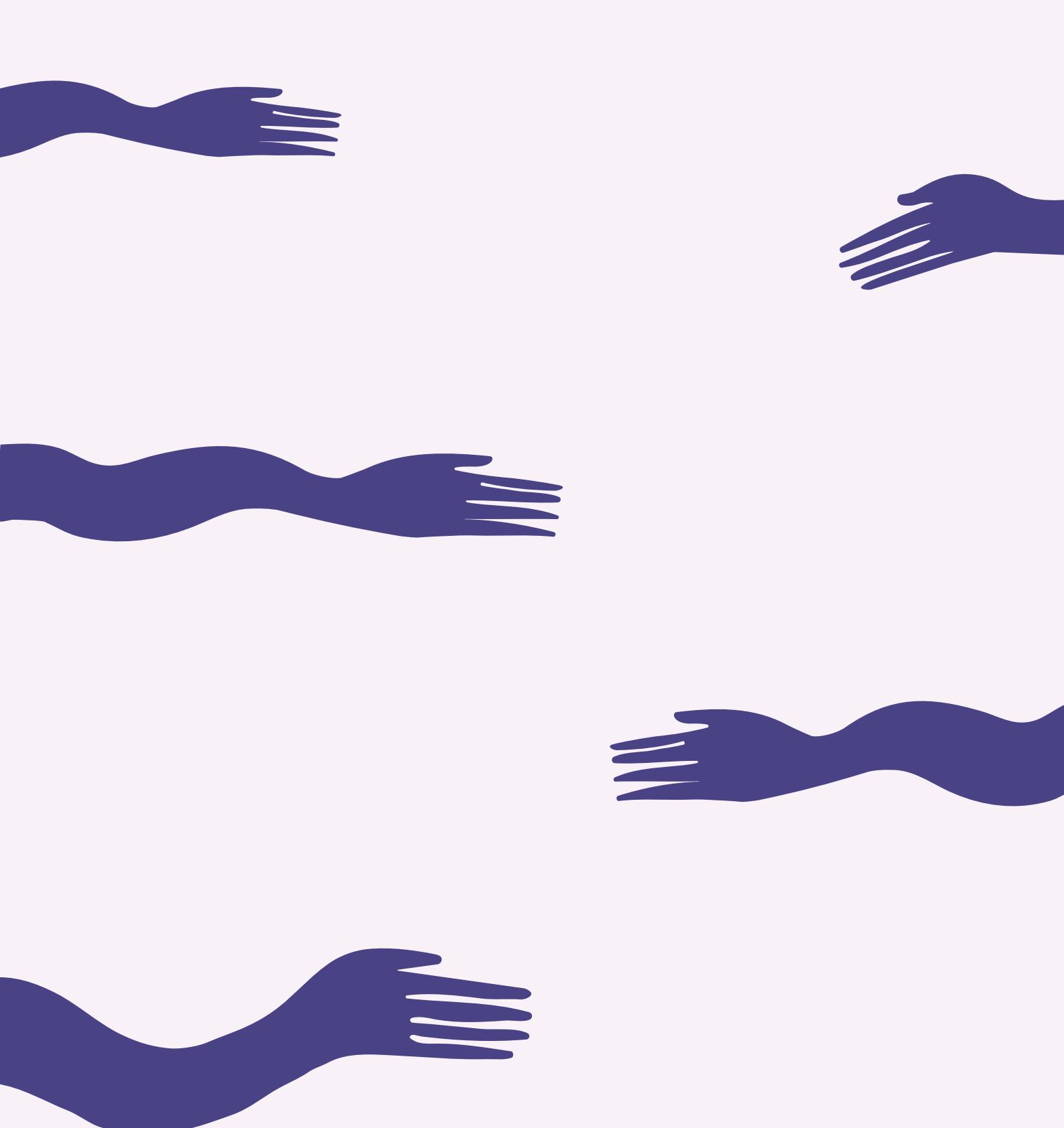
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Project implemented by:



Annex 3: Analysis Guide for Codes of Ethics



ZERO TOLERANCE FOR SEXUAL HARASSMENT IN UNIVERSITIES!

More information about the project available at: <https://centrulfilia.ro/trust/>