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WHY SO SLOW? ANALYSING THE SYSTEMIC REGULATION OF SEXUAL HARASSMENT AND VIOLENCE IN THE SLOVENIAN ACADEMIC FIELD

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ABSTRACT

Research on sexual harassment and gender-based violence in academia shows that these issues are widespread and complex and that victims face significant barriers, often resulting in under-reporting and cases remaining unresolved. In Slovenia, these issues have received less attention compared to other forms of gender-based violence, resulting in a lack of research, public debate and systematic regulation. A research project funded by the Ministry of Education and the Slovenian Research Agency aimed to investigate how Slovenian academic institutions deal with sexual violence and harassment. The project found a general lack of comprehensive policies and highlighted the need for more proactive measures to effectively address these issues. The results of the project, which are presented in this article, provide insights into the prevalence, regulation and institutional responses to sexual violence and harassment in Slovenian higher education.

Keywords: sexual harassment, sexual violence, gender regime, academic field, legal documents, content analysis, Slovenia

PERCHÉ COSÌ PIANO? ANALISI DELLA REGOLAMENTAZIONE SISTEMICA DELLE MOLESTIE E DELLA VIOLENZA SESSUALE NEL SETTORE ACCADEMICO SLOVENO

SINTESI

Le ricerche sulle molestie sessuali e sulla violenza di genere condotte in ambito accademico dimostrano che si tratta di problematiche diffuse e complesse e che le vittime devono affrontare ostacoli significativi, che spesso si traducono in mancate denunce e casi irrisolti. In Slovenia, poca attenzione è stata prestata a questi problemi rispetto ad altre forme di violenza di genere, con conseguente mancanza di ricerca, dibattito pubblico e regolamentazione sistematica. Il progetto di ricerca finanziato dal Ministero dell'Istruzione e dall'Agenzia di Ricerca Slovena mirava a indagare come le istituzioni accademiche slovene affrontano la violenza sessuale e le molestie. Il progetto ha rilevato una generale mancanza di politiche complete e ha evidenziato la necessità di misure più proattive per affrontare efficacemente questi problemi. I risultati del progetto, presentati in questo articolo, forniscono indicazioni sulla diffusione, la regolamentazione e le risposte istituzionali alla violenza sessuale e alle molestie nell'istruzione superiore slovena.

Parole chiave: molestie sessuali, violenza sessuale, regime di genere, campo accademico, documenti legali, analisi del contenuto, Slovenia

INTRODUCTION¹

Research on sexual harassment and other forms of gender-based violence in the academic landscape has shown that it is a widespread, complex and still largely hidden social problem that has only recently begun to receive more attention (List, 2013; FRA, 2014; Bull & Rye, 2018; Johnson et al., 2018; Klein & Martin, 2019; Sivertsen et al., 2019; Bondestam & Lundqvist, 2020; Lipinsky et al., 2022). These studies have also revealed the barriers and fears faced by individuals, particularly women and members of vulnerable groups, who have experienced such violence. This often results in a significant proportion of cases remaining unreported, hidden and unresolved (Bondestam & Lundqvist, 2020; Lipinsky et al., 2022).

Nevertheless, the issues of sexual harassment and violence are not new to public discourse, not even in Slovenia. However, the relative lack of attention these issues have received compared to other forms of gender-based violence (such as domestic violence and intimate partner violence) is reflected in the serious lack of research in this area, the lack of appropriate professionally and scientifically supported public debates and the lack of appropriate systematic regulation in this area. Recently, there has been a shift towards more actively problematizing and addressing sexual harassment, particularly in the context of paid work and the employment of women, but it is limited to certain professional groups. The academic field in Slovenia has generally been either excluded from or only partially included in these discussions.

The longstanding concealment and (deliberate) oversight of this issue in the academic environment can also be attributed to the specific organizational structure of this environment, characterized by intertwined power relations rooted in an androcentric institutional academic cultural environment (Husu, 2001; Jogan, 2007; Schiebinger, 2008; Antić Gaber, 2018; Górska, 2023). Influenced by powerful academic feminist movements in academia, student initiatives and the entry of new generations into these environments, which have significantly challenged traditional power relations in academia, this issue is now being addressed more actively and vocally, with public discourse around it increasing. The public disclosure of sexual violence

and harassment in academia has also been greatly facilitated by testimonies within movements such as #MeToo, #Nisamtražila,² and #Nisemprijavila,³ which have brought to light numerous reports of sexual violence and harassment in academic circles. Thanks to these movements and initiatives, the problem of sexual violence and harassment has gained broader recognition and acknowledgment in society, leading to calls for more proactive systemic solutions and approaches to the problem.

The academic environment also plays an important role in shaping societal attitudes towards sexual and other harassment and violence. It is therefore important to examine how academia is addressing this issue, the measures institutions have implemented and where significant gaps remain in tackling the problem effectively. This was also the focus of the targeted research project titled “Institutional, legal and awareness-raising solutions and activities to address sexual harassment and other forms of sexual violence in higher education and research organisations in Slovenia” (No. V5-2112) funded by the Ministry of Education, Science and Sport and the Slovenian Research Agency. The principle findings of this project are presented in this article. As specific areas of the project are covered in separate articles within the thematic issue, this article aims to provide a general overview of the situation and answer the main research question: How is the issue of sexual violence and harassment regulated in Slovenian academia, and how do academic institutions deal with these issues at the institutional level?

The first part of the article lays the theoretical groundwork for understanding the definitions of violence, harassment and, in particular, sexual violence and harassment. It proceeds to discuss research findings on the prevalence, specificities and regulation of this issue in both international and Slovenian contexts. This section also offers conceptual reflections on the specificities of the academic environment that contribute to the prevalence of this problem and its still inadequate systemic regulation. The second part of the article provides a comprehensive overview of the first phase of the above-mentioned project. This phase focused on the organization of systems for the prevention and sanctioning of sexual harassment and other forms

1 This article has been published with financial support from the Ministry of Education, Science and Sport and the Slovenian Research Agency through the program “Institutional, legislative and awareness-raising solutions and activities to address sexual harassment and other forms of sexual violence in higher education and research organisations in Slovenia” (No. V5-2112), and the program “Liminal spaces: areas of cultural and societal cohabitation in the age of risk and vulnerability” (No. P6-0279).

2 The “Nisam tražila” initiative ([‘I didn’t ask for it’]) began with four art students’ reactions to rape cases in Serbia: Mateja Mavrak, Asja Kršmanović, Ana Tikvić, and Nadina Mičić (NISAMTRAŽILA, 2024).

3 On December 25, Serbian activist Nina Stojaković tweeted accusations of systematic violence by her sister’s ex-boyfriend, a well-known Serbian rapper. Thousands of girls responded with their own stories about why it is difficult or impossible to report intimate partner violence, the fears they have and how state institutions do not respond to requests. Thousands of women and girls in Serbia then shared their experiences of sexual and physical violence by their partners on Twitter under the hashtag #NisamPrijavila ([‘I did not report’]), with tens of thousands of tweets coming together.

of sexual violence in (public and private) higher education institutions and public research institutions in Slovenia. It examined the extent to which this issue is addressed and regulated in Slovenian academic institutions, evaluating the content and adequacy of these regulations and their compliance with international recommendations, foreign research findings and best practices from abroad.

NAMING A PROBLEM MEANS SEEING A PROBLEM: THEORETICAL CONSIDERATIONS ON THE DEFINITION OF SEXUAL HARASSMENT AND VIOLENCE

As mentioned in the introduction, sexual harassment and violence are issues that have only recently begun to receive significant attention, especially in academia, but this does not imply that these are new phenomena or that they did not previously exist. As Jogan (2001, 148) emphasizes, sexual harassment is a phenomenon that became visible in society only when it became part of the public discourse. In Slovenia, this shift began in the mid-1990s. One of the greatest achievements of the second feminist wave was the introduction of a legal definition that recognized sexual harassment as a social problem, thus promoting its visibility and providing mechanisms and tools for its prevention (Vohlídalová, 2011, 1125). Some experts (Russell & Harnes, 2001; Romito, 2005) argue that the act of naming newly identified forms of oppression of women is key to their elimination and prevention; a problem cannot exist if it does not have a name. For example, the introduction of terms for certain forms of harassment and violence, such as “sexual harassment”, has made these problems visible and recognizable in broader society. Diana Russell elucidates this point: “Until feminists coined the term ‘sexual harassment of women’ to describe exploitative harassment in the workplace, this problem was ignored by almost everyone – including feminists” (Russell & Harnes, 2001, 7). Language serves not only as an instrument that enables communication and social interaction but also as a means to codify and conceptualize the world. The names we assign to phenomena and behaviours, or those assigned to us by others, shape our perceptions and reactions to them.

Understanding sexual harassment and sexual violence through defining the key concepts

When discussing violence and harassment, we must first acknowledge that these terms are very difficult to define, precisely because, as Jeff Hearn points out, violence is a set of human life experiences and is discursive and material in nature, not merely an object or a term (Hearn, 1998). Bearing

this complexity in mind, rather than seeking a definitive definition of violence and harassment, it is suggested that violence should be understood as an overarching concept in its context. Violence can be broadly defined as acts in which a person or group of people exploit their position of power and control over others. It can manifest as either a deliberate, controlled and premeditated single or repeated act, or as abuse of existing power and control as a consequence of actions, regardless of the perpetrator’s aspirations or intentions. Such acts usually manifest through various forms of violent, harassing and manipulative behaviour, such as psychological, physical, sexual and economic violence, as well as stalking and mobbing. For the purposes of this article, the definitions of sexual violence, sexual harassment and gender-based violence, which were also the basic concepts of the entire project and are also essential for this article, are briefly presented. These forms of violence and harassment are also the least studied and most overlooked in research and society at large.

When discussing violence and harassment, especially sexual harassment, it is important to point out the theoretical and legal distinctions between these two categories. Although harassment and violence are interlinked concepts that are equally unacceptable, there is often no clear boundary between them. Harassment is a sub-concept of violence or one of its forms. The key distinction lies in how they are treated separately in both theoretical discussions and legal frameworks. Therefore, we present the theoretical and legal definitions of violence and harassment below. Understanding the differences between them is essential when addressing this problem in the context of systemic regulation.

In a theoretical sense, *sexual violence* is defined as any act related to sexuality that occurs in the context of non-consensual relationships and is perceived by a person as coercive. It encompasses any behaviour that a person experiences as an invasion of their bodily integrity, restricts their right to make decisions about their own body, and violates personal boundaries. It is important to recognize that coercion can encompass a broad spectrum of levels of violence. Beyond physical violence, it may involve psychological intimidation, blackmail or other threats – such as the risk of physical harm, loss of employment or limitations on obtaining desired employment positions (Jansen, 2016). This also extends to scenarios affecting academic advancement, including withholding benefits and promotions. Moreover, sexual violence can also occur when the assaulted individual is unable to give consent, for example, due to intoxication, being asleep or lacking the mental capacity to comprehend the situation (Jansen, 2016).

Sexual violence is in most cases considered one of the forms of *gender-based violence*, which is defined as any violent act that is directed against a person on the basis of their gender, gender identity or gender expression, or that disproportionately affects persons of a particular gender (EIGE, 2020). This encompasses severe forms of harassment, bullying, intimidation and similar behaviours. The European Victims' Rights Directive defines gender-based violence as a violation of the victim's fundamental freedoms and includes sexual violence (e.g. rape, sexual assault and sexual harassment) among other types of violence (Direktiva 2012/29/EU, 2021). The classification of sexual violence under the umbrella of gender-based violence is supported by data indicating that up to 90% of all victims of the above-mentioned forms of harassment and violence are women (FRA, 2014). In addition, individuals from the LGBTIQ+ community are often targets of gender-based violence due to their sexual orientation, gender identity or sexual expression (Godzisz & Viggiani, 2019; Koletnik, 2019; Lipinsky et al., 2022).

On the other hand, Robnik (2009) describes *harassment* as a form of discrimination in which a person is subjected to intrusive behaviour based on their gender, sexual orientation, nationality, ethnicity, national origin, social background, skin colour, religious beliefs, etc. *Sexual harassment* is any form of unwanted verbal, non-verbal or physical conduct of a sexual nature that aims to or effectively violates a person's dignity, particularly when it creates an intimidating, hostile, degrading, humiliating or offensive environment. The concept of gender-based harassment in the workplace refers to ridicule, humiliation, intimidation, physical aggression, insults, lies and rumours about a person's sex life, as well as sexist jokes based on a person's gender (Robnik, 2009) or sexual orientation or expression (Konik & Cortina, 2008; Siebler et al., 2008; Leskinen et al., 2015; Fitzgerald & Cortina, 2017). Sexual harassment and gender-based harassment are broad terms that do not necessarily refer to sexual behaviour or target a specific person. Such behaviours can also include publicly expressed negative or sexual comments about women or men as a social group (Kelly, 1988; Fitzgerald et al., 1995; Robnik, 2009; Johnson et al., 2018). Johnson, Widnall and Fraizer (2018) explain that sexual harassment is a form of discrimination that consists of at least three main types of harassing behaviour: **gender-based harassment** (verbal and nonverbal behaviour that expresses hostility, objectification, exclusion or second-class status toward members of one gender), **unwanted sexual**

attention (unwanted verbal or physical contact that can lead to sexual assault) and **conditioning through sexual coercion** (when professional or academic success is made contingent on gender-based requirements).

Sexual harassment can manifest directly (oriented towards an individual) or as part of an institutional culture. The latter scenario refers to environments where sexual harassment is pervasive within certain institutions, yet the necessary sanctions are absent, and the harassment is not recognized as a problem by the authorities. These practises are extremely harmful and create a hostile work environment that negatively affects employment conditions, impairs work performance or hinders the ability to study and learn (Johnson et al., 2018). However, as experts in the field (Kelly, 1988; Fitzgerald et al., 1995; Jogan, 2002; 2006; Robnik, 2006; 2009; 2013; Cook et al., 2018; Johnson et al., 2018) point out, a clear definition of sexual harassment is difficult, as the above-mentioned behaviours represent only some of the existing forms of sexual harassment. Therefore, one of the most important criteria for identifying whether someone is a victim of sexual harassment is the individual's self-assessment of their position within the group and in relation to others.

In addition to the theoretical distinctions, it is also important to point out the legal distinction between the understanding and treatment of violence and harassment. With respect to the legal difference, various forms of harassment generally refer to infringements on the right to work and education without serious sexual or other assaults on another person, thus constituting a violation of the Employment Relations Act (ZDR-1, 2013)⁴ for employees or the Higher Education Act (ZViS-A, 2022) for students. These laws expressly forbid sexual and other forms of harassment, including mobbing, in the workplace and educational settings. While sexual and other forms of harassment are often not classified as criminal offenses, the Slovenian Criminal Code (2008) does define various forms of sexual assault or physical assault and violence as criminal offenses.

The legal categorization of certain behaviours influences the type of proceedings that are initiated. When conduct does not meet the criteria of a criminal offense, reports of violence or harassment are typically directed to the institution where the individual is employed or studying. Given that most acts of sexual harassment are not usually classified as criminal offenses, yet are more prevalent than other, "more 'serious'" forms of sexual violence, it is crucial for institutions to have mechanisms in place to address this issue successfully and systematically.

4 In addition, sexual harassment and all other forms of harassment are prohibited by the Protection Against Discrimination Act, the Health and Safety at Work Act and the Public Employees Act. Moreover, any discrimination on the grounds of sex is a violation of fundamental rights and freedoms as determined by the Constitution of the Republic of Slovenia. Article 14 of this document ensures the equality of all citizens, regardless of personal circumstances (URS, 1991).

It should be noted that the substantive/theoretical and legal definitions of harassment and violence do not necessarily coincide in categorizing their severity. Certain behaviours, even if not recognized as criminal and therefore perceived as “less serious” or “less harmful”, can have a destructive effect on the victim’s life.⁵ The fundamental distinction that identifies harassment as a specific form of violence is based on the nature of the behaviour and the level of threat it poses to the victim. This threat is not limited to physical danger but extends to the overall well-being and integrity of the individual.

SEXUAL VIOLENCE AND HARASSMENT IN ACADEMIA: A WIDESPREAD BUT STILL HIDDEN SOCIAL PROBLEM

According to the data, sexual violence and harassment in academia is a widespread yet concealed social problem that mainly affects women (Fitzgerald et al., 1995; Johnson et al., 2018; Lipinsky et al., 2022; Rudolfsson et al., 2022; Hagerlid et al., 2023). Research by Hagerlid et al. (2023) indicates that a significant proportion of undergraduate, graduate and doctoral students have experienced sexual harassment in the academic environment, with women constituting the majority of the victims.

A 2022 study across fifteen European countries revealed high rates of gender-based violence, with 62% of respondents experiencing some form of it since joining their institution. Psychological violence was most common (57%), followed by sexual harassment (31%), physical violence (6%), and sexual violence (3%). LGBTQ+ individuals (68%), people with disabilities or chronic illnesses (72%), and ethnic minorities (69%) were more likely to be affected, with women predominantly facing sexual violence and harassment. Despite the prevalence, only 13% of victims reported incidents, often due to doubts about the severity (47%) and failure to recognize the behavior as violence (31%) (Lipinsky et al., 2022). These findings are consistent with previous research (Rabelo & Cortina, 2014; Rosenthal et al., 2016; Fitzgerald & Cortina, 2017; Coulter et al., 2017; Sivertsen et al., 2019; Wood et al., 2021), which also shed light on the breadth of the problem and its gender and intersectional specificity.

Some studies also suggest that certain groups of women are at higher risk of falling victim to such violence. In particular, lesbian or bisexual women

(Konik & Cortina, 2008), women who openly support gender equality (Siebler et al., 2008) and women who challenge stereotypical roles in appearance and behaviour, often appearing more masculine (Leskinen et al., 2015), are more likely to be targeted. Among men, those most vulnerable to such violence are gay men, transgender men and men who are perceived as “not masculine enough” (Rabelo & Cortina, 2014; Fitzgerald & Cortina, 2017).

In Slovenia, there is no representative study specifically analysing the problem of sexual violence and harassment in the academic environment. The majority of research conducted in recent years in Slovenia has focused on sexual and other forms of harassment within specific professional fields (Institute of Occupational Health, 2008; Robnik, 2013; Pilinger, 2017), with only a handful of studies addressing the issue on a broader national scale (Jogan, 2000; DELO, 2007).

The data from the Rezistenca⁶ research group offers stark insights into sexual harassment and violence against students within Slovenian academia. This data was gathered as part of an anonymous survey on sexual violence against female students at faculties and higher education institutions between 2020 and 2022 and reveals how widespread sexual violence is in academia. Just over 1600 students took part in the survey. The results showed that almost half of all respondents, mostly women, had experienced some form of sexual violence and harassment. The most frequently reported forms of violence were verbal in nature and included comments about appearance, dress, steering conversations toward sexuality without cause and similar behaviours. Fourteen percent of respondents also reported unwanted physical touching. The percentages were higher for students with special status when asked the same questions. Among those who reported experiencing sexual violence on campus, the alleged perpetrators were overwhelmingly male (90%), with full professors being the most frequently identified (48%), followed by associate professors (20%). Despite these numbers, only 4% of victims (three individuals) reported the incidents to their faculties, and a mere 3% (two individuals) took their cases to the police (Rezistenca, 2022).

The studies mentioned consistently highlight the pressing issue of underreporting in cases of sexual violence and harassment. The data suggests that a remarkably small proportion of victims decide to report these forms of violence (Lipinsky et al.,

5 My focus is on the various forms of psychological bullying and harassment, which, despite being more challenging to identify or substantiate as criminal acts, can inflict greater harm on the victim than physical assault. The European Parliament’s special report “On measures to prevent and combat harassment and sexual harassment in the workplace, in public places and political life in the EU (2018/2055 (INI))” highlights that workplace violence is often inadequately addressed, precisely because it often focuses on more visible forms such as physical violence (Picierno, 2018). However, it is crucial to acknowledge that sexual and psychological harassment can have even more devastating consequences for individuals. Sexual harassment and gender-based violence in professional settings can lead to the victim’s exclusion from the workplace or academic pursuits, adversely affecting their economic independence and family income (Picierno, 2018).

6 Rezistenca is a research collective formed by students from the University of Ljubljana, dedicated to conducting research on the topic of sexual violence experienced by students at the hands of teaching staff across faculties, academies and colleges.

2022). As a result, the majority of victims receive no support or protection, and the vast majority of perpetrators usually go unpunished. This widespread lack of accountability is primarily due to the inadequate or non-existent regulatory frameworks within many academic institutions. These findings therefore underscore the urgent need for comprehensive measures to address and prevent gender-based violence in academia. This requires action not only at the systemic level but also culturally, alongside improvements in reporting mechanisms and enhanced support for victims.

REGULATION OF SEXUAL HARASSMENT AND VIOLENCE IN THE SLOVENIAN ACADEMIC FIELD

The prevailing conditions highlight a conspicuous absence of institutional strategies and solutions for effectively detecting, addressing and preventing sexual harassment and violence in the Slovenian academic landscape. A critical consideration is how higher education institutions should shoulder their own institutional responsibility in establishing mechanisms and prevention practices in this area. Of particular significance is the extent to which academic institutions have been able to implement solutions that safeguard students as well as employees, especially considering that, until recently, students in Slovenia lacked specific legal protection against these issues. It was only in 2022 that Article 7b was included in the Higher Education Act, expressly prohibiting sexual and other forms of harassment and bullying in educational settings (ZViS-A, 2022).

These questions also directed the focus of the targeted research project, which examined institutional, legal and awareness-raising measures aimed at addressing sexual harassment and other forms of sexual violence within both public and private higher education and research institutions in Slovenia. The overarching findings of this project are detailed in the following subsections.

Material Methods for Data Collection and Analysis

To explore the systemic treatment of sexual harassment and violence in Slovenian academia, we focused on institutional policies and internal documents (regulations, protocols, guidelines, codes, etc.) that address and regulate this issue at Slovenian public and private universities, public research institutions, and public and private higher vocational schools. We requested these internal documents from all relevant institutions and additionally reviewed their availability on the official websites of the institutions to assess the status of normative and other documents concerning the academic environment in Slovenia.⁷

We sent requests to a total of 69 institutions and received 30 responses, representing a response rate of nearly 50%. The breakdown of requests is as follows:

- 3 public universities and 31 members of these universities (yielding 17 responses);
- 16 private higher education institutions (universities and post-secondary education institutions, yielding 7 responses);
- 3 public short-cycle vocational education institutions (yielding 2 responses);
- 16 public research institutes (yielding 4 responses).

In total, we received 20 documents.⁸ All of these documents were included in the analysis, with the exception of the SFU Ethical code (n.d.) and UM Ethical Code (2021), as they do not define sexual harassment and other forms of sexual violence. Thus, the total number of documents analysed amounted to 18.

Based on the type of document, we received 15 regulations,⁹ 2 guidelines¹⁰ and 3 ethical codes.¹¹ Based on the type of institution, we obtained 11 documents from public higher education institutions,¹² 5 documents from private higher education institutions¹³ and 4 documents from public research institutes.¹⁴

7 The list of higher education institutions (public and private) was obtained from the website of the National Agency of the Republic of Slovenia for Quality in Higher Education (NAKVIS, 2023). The list of public research institutions was obtained from the website of the Ministry of Education, Science and Sport (GOV.SI, 2023).

8 The difference between the number of responses and the overall number of documents received is primarily attributable to members of the University of Ljubljana, who mostly adhere to UL Regulations (2022).

9 The regulations were sent by DOBA Business School (DOBA), Environmental Protection College (EPC), Faculty of Natural Sciences and Engineering (NTF), Faculty of Polymer Technology (FTPO), Institute of Contemporary History (INZ), International School for Social and Business Studies (ISSBS), National Institute of Biology (NIB), New University (NU), Regional Study Centre (RSC), School of Advanced Social Studies (SASS), Jožef Stefan Institute (JSI), University of Ljubljana (UL), University of Maribor (UM), University of Novo mesto (UNM) and University of Primorska (UPR).

10 The guidelines were sent by the Faculty of Arts (FA UL) and Sigmund Freud University Vienna – Ljubljana branch (SFU).

11 The ethical codes were sent by SFU, The Science and Research Centre Koper (ZRS Koper), and UM.

12 EPC Regulations (2013); FA UL Guidelines (2021); NTF Regulations (2012); NU Regulations (2012); RSC Regulations (2013); SASS Regulations (2013); UL Regulations (2022); UM Ethical Code (2021); UM Regulations (2015); UNM Regulations (2021); UPR Regulations (2009).

13 DOBA Regulations (2012); FTPO Regulations (2016); ISSBS Regulations (2013); SFU Ethical code (n.d.); SFU Guidelines and Protocol (n.d.)

14 INZ Regulations (2018); JSI Regulations (2021); NIB Regulations (2012); ZRS Koper Ethical code (2020).

On the basis of the documents received, we evaluated the extent to which institutions in Slovenia have internal policies addressing the issue. Using the content analysis method (Krippendorff, 1980; Howard & Berg, 2017), we analysed the documents for their content, relevance and compliance with recommendations from European institutions, foreign research and best practices abroad. These documents were analysed “page-by-page” (Howard & Berg, 2017) to identify content-related structures.

The analysis of the documentation was divided into two overarching thematic areas: **general aspects** and **legal aspects**. Within the **general aspects**, the analysis was further divided into **11 subcategories**: 1) General organization of the area in internal documents; 2) Clarity and pragmatism of the documents; 3) Accessibility of the documents; 4) Definitions of key terms and approaches to the issue; 5) Interim measures to protect the parties involved prior to the formal closure of the procedure; 6) Remedial measures; 7) Support mechanisms and assistance outside the overseeing institutions; 8) Treatment of vulnerable social groups; 9) Verification of status at the time of reporting, during the procedure and at the conclusion of the procedure or report; 10) Protection of personal data and assurance of anonymity; 11) Ethical obligations and preventive measures.

Within the **legal aspects**, the analysis was divided into six broader subcategories, some of which were further subdivided internally: 1) reporting and duration of proceedings; 2) reporting of criminal offenses; 3) reporting of offenses not classified as crimes (including who can report violations, anonymous reporting, initiation of proceedings without formal reporting, false reporting); 4) conduct of proceedings; 5) procedural specifics (confrontation of victim and alleged offender, person of trust, opportunity for the offender to make a verbal or written statement); and 6) measures against the perpetrator after a crime is discovered.

The general results of the project are presented below, based on the analysis of the first three general subcategories or research questions:

Q1: How many institutions have internal documents regulating sexual harassment and violence, what types of documents exist and what is the (legal) status of these?

Q2: How clear and practical are the documents?

Q3: How accessible are the documents – are they publicly available on websites or are they difficult to find?

The answers to these first three questions reveal the general state of affairs in this area, which is also the aim of this text. Other specific subcategories are discussed in separate chapters of this edition.

RESULTS

General organization of the area in internal documents and the clarity of their content

As part of the general review of the documentation, we were interested in how many institutions have some form of internal act addressing the area under consideration and the types of documents available. Our interest extended to whether, in addition to the formal regulations, there were accompanying documents, such as guidelines, protocols, codes of ethics or similar, that are of additional help to staff and students. We were also interested in who these documents are aimed at. In the case of higher education institutions in particular, we were interested in whether students and employees are equally addressed by these documents.

The analysis of the obtained documents reveals a remarkable absence of internal legal acts and regulations concerning sexual and other forms of harassment and violence across the Slovenian academic landscape. The majority of internal documents were obtained from public universities and their affiliated institutions (faculties), which demonstrated a high response rate. Conversely, public post-secondary educational institutions, private higher education institutions and public research institutes responded particularly poorly to requests for documents, with many lacking any form of regulation in this area.

Among the institutions that did provide documents, most possess legally binding regulations. However, only a few also have additional accompanying documents such as protocols, guidelines or other documents that present the legal and other provisions in this area in a more detailed and systematic way. Notably, only two institutions (the Faculty of Arts, UL (a public faculty) and Sigmund Freud University (a private higher education institution) provided guidelines in addition to the regulations.

A concerning observation from our analysis is the scarce reference to students in the regulations and other documents from higher education institutions. Among the documents received, only one of the regulations (UL Regulation, 2022) and only one accompanying document (FA UL Guidelines, 2021) explicitly address both employees and students.

In the case of public universities and public short-cycle vocational education institutions, it is noteworthy that all three public universities in Slovenia (the University of Ljubljana, the University of Maribor and the University of Primorska) have drawn up such regulations, which also apply to the activities of their faculty members. However, only the University of Ljubljana includes students in its regulations. The University of Maribor supplements its regulations with a code of ethics covering this topic. Inquiries about whether faculties possess additional documents revealed that

most adhere to their respective university's regulations without having specific internal documents such as guidelines or other accompanying documents explaining the applicable legal acts. The Faculty of Arts of the University of Ljubljana is an exception, having provided the above-mentioned guidelines entitled "Professional Guidelines: Prevention of Sexual and Other Harassment, Mobbing and Violence". In addition to the three public universities and their faculty members, three other public institutions have also issued regulations on harassment and violence: the Higher School for Environmental Protection in Velenje, the Regional Study Centre in Celje and the Faculty of Science and Technology. The latter is part of the University of Ljubljana and not an independent legal entity, and thus it is bound by the regulations of the University of Ljubljana, raising legal questions about its ability to independently regulate procedures.

Among private higher education institutions, only seven responded to our appeal, with six providing regulations and one supplying guidelines. The response from short vocational schools was extremely poor, with only two schools and the community of higher vocational schools replying, all indicating the absence of specific regulations or other documents in this area.

The response from public research institutes was also poor, with only four institutions responding to our request for documents. Three research institutes submitted regulations, and one submitted a code of ethics that addressed sexual harassment among other topics.

Clarity and pragmatism of documents

We evaluated the documents for their readability, user-friendliness and whether they provide individuals with a clear overview of their rights in this area. Specifically, our analysis aimed to assess the clarity of the procedures for resolving issues and the detail provided in this regard. Of particular interest was whether the documents specifically address and separately regulate sexual violence and harassment.

On the basis of the documents received, we found that the majority are regulations that are generally concise, pragmatic and relatively well structured. Only one institution lacked a dedicated document on this issue; sexual harassment is addressed in the institution's code of ethics instead.

The vast majority of the documentation (16 out of 18 documents) addresses various forms of violence and includes sexual harassment and violence as a separate category. However, two regulations exclusively focus on mobbing. Despite the pragmatism and clarity of the documents, particularly the regulations, they are notably brief and contain only a concise definition of forms of violence and harassment, rights, legal solutions, formal options and procedures. This brevity, while potentially beneficial for simplicity,

may inadvertently result in insufficient guidance for individuals, complicating their ability to navigate the procedures effectively.

Among the documents received from the public higher education institutions, five regulations were characterized by their brevity, adhering to a logic of concise, yet sometimes oversimplified descriptions, both in terms of definitions and articles on procedures and other issues. A standout among the more advanced and comprehensive regulations is the updated regulation of the University of Ljubljana, which divides definitions and other articles systematically and precisely, giving users a better insight into their options, solutions and rights in this area. The section dealing with procedures is particularly noteworthy for its detailed presentation, providing a quick and relatively clear overview of the options available to potential victims and institutions when violations are detected (UL Regulations, 2022).

Among the documents received from *public higher education institutions* are the guidelines of the Faculty of Arts, University of Ljubljana (FF UL). This document is over 30 pages long and provides a relatively detailed examination of various aspects of this topic – from definitions of terms and the faculty's ethical commitments to support mechanisms within and outside the institution, procedures, etc. While the guidance is quite lengthy, it is a comprehensive document that may be of significant assistance to users seeking further clarification in these areas. The guidelines are not a legal document in their own right and do not regulate formal procedures (FA UL Guidelines, 2021). In this respect, the FF UL, like all other members of the University of Ljubljana (UL), is obliged to comply with UL regulations.

All received regulations from *private higher education institutions* are relatively concise and pragmatic documents that do not contain in-depth explanations of individual articles. Five of the six regulations deal with various forms of violence, including sexual harassment and violence, while one only covers mobbing. One of the institutions provided guidelines entitled "Guidelines and Protocol for Sexual Integrity in the Context of an Educational Institution" (SFU Guidelines and Protocol, n.d.), which are also quite short and pragmatic, providing only a brief overview of definitions and possible solutions in this area.

For public research institutions, there appears to be a significant gap in regulation. Two of the three regulations received address all forms of violence and harassment, including sexual harassment, and are relatively well structured despite their brevity, offering clear initial guidance. One of the regulations focuses exclusively on harassment; it is brief but sufficiently clear and pragmatic for wider application. However, one institution lacks a specific regulation or document dealing specifically with the area of sexual and other

harassment and violence, addressing the issue within its code of ethics instead. While the code is clear, it only briefly addresses sexual and other harassment and violence in a single section.

While there is an acknowledgement of the importance of addressing sexual violence and harassment as distinct issues within internal policies, it is striking that most institutions have not yet fully internalized this understanding. The debate over whether these forms of violence should be separately addressed continues to permeate discussions on systemic regulation. International research and recommendations on sexual harassment and violence consistently advise (Lipinsky et al., 2022; Hagerlid et al., 2023) that institutions should enact internal policies dedicated to specifically managing these issues. This approach is essential for effectively preventing, intervening in and prosecuting cases of sexual violence and harassment. Given the specific and complex nature of these behaviours, which are challenging to prosecute, detect and expose, it is crucial for institutions to establish clear, dedicated policies. Such policies not only aim to prevent and punish these acts but also contribute to fostering an institutional culture that unequivocally condemns all forms of violence and harassment.

Accessibility of documents

Our focus on document accessibility centred on public availability, ease of access and whether the institutions also have special (internal) websites on these topics. Accessibility is crucial, as it enables potential victims or witnesses to independently find necessary and pertinent information without having to directly contact institution management or specific services.

We observed that not all documents are publicly accessible; some can only be obtained through specific requests to the responsible individuals at the institution. Public higher education institutions demonstrate better accessibility, with six out of seven of the documents received being available on their official websites. Conversely, among private HE institutions, only one out of seven has publicly accessible policies. Accessibility is similarly poor among research institutions, with just one in four policies publicly available online.

The inaccessibility of documentation complicates the process of reporting violence and responding to such reports. Individuals who experience any form of violence or harassment often struggle to discuss their experiences or seek guidance. This is particularly true for those at the bottom of the employment hierarchy and students, who may be reluctant to approach superiors. Many are unaware of their rights and unsure of whom to consult. Thus, having publicly accessible information allows them to inform

themselves anonymously and without obligation, significantly easing the initial steps towards recognizing the problem and seeking help.

The public accessibility of documentation is crucial not only for potential victims but also for the broader community, which might witness incidents or be confided in but may not know the appropriate steps to take. Therefore, it is beneficial for everyone within the community to be informed about these issues, enabling them to address inappropriate behaviour directly or guide someone seeking help.

DISCUSSION: THE IMPORTANCE OF SYSTEMATIC REGULATION OF SEXUAL HARASSMENT AND VIOLENCE

Sexual harassment and violence in academia remains a significant challenge that requires ongoing efforts to raise awareness, change cultural norms, implement robust policies and procedures, and hold perpetrators accountable. It is vital for academic institutions to prioritize the safety, well-being and dignity of all people in their communities and strive towards creating an environment that is free from harassment and violence.

The persistence of sexual violence and harassment in academia can be attributed to several key factors: 1) **Power dynamics**: the hierarchical nature of academia, where professors, advisors or senior researchers have significant power over students or junior colleagues, can create opportunities for abuse. The power disparity often deters victims from reporting or confronting such incidents (Jogan, 2007; Johnson et al., 2018). 2) **Gender imbalance**: The historical male dominance within academia persists in many disciplines and at various levels of academia (Husu, 2001; Jogan, 2007; Schiebinger, 2008; Antić Gaber, 2018; Górska, 2023), contributing to a culture that excludes or disempowers women and other marginalized groups, making them more vulnerable to harassment and violence. 3) **Uncertain work environment**: Precarious working conditions, hierarchical organizations, specific academic power dynamics and a culture of silence that is an integral part of academic culture can significantly influence the conditions for external violence and harassment (Bondestam & Lundqvist, 2020). 4) **Normalization of behaviour**: In some academic environments, harassment and violence may be normalized or dismissed as “part of the culture” (Johnson et al., 2018), complicating recognition and reporting by victims and hindering institutional response. 5) **Lack of accountability**: Academic institutions may fail to hold perpetrators accountable for their actions, whether due to inadequate policies and procedures, insufficient training on how to handle complaints or concerns over tarnishing

the institution's reputation (Lipinsky et al., 2022). This lack of accountability can perpetuate a culture of impunity and allow harassment and violence to continue unchecked. 6) **Underreporting**: Fear of retaliation, stigmatization or adverse career impacts deter many victims from reporting their experiences (Jogan, 2000; Robnik, 2013; Lipinsky et al., 2022; Hagerlid et al., 2023; Rezistenca, 2022), making it challenging for institutions to fully grasp the extent of the problem and take effective action to combat it. 7) **Career impact**: Victims often suffer academically and professionally, experiencing diminished productivity, job dissatisfaction and in some cases, termination of their academic or professional pursuits (Johnson et al., 2018). 8) **Intersectionality**: Gender-based violence in academia intersects with other forms of discrimination and marginalization, including race, ethnicity, sexual orientation, disability and socioeconomic status, resulting in increased vulnerability of certain groups (Rabelo & Cortina, 2014; Rosenthal et al., 2016; Fitzgerald & Cortina, 2017; Coulter et al., 2017; Sivertsen et al., 2019; Wood et al., 2021; Lipinsky et al., 2022).

In light of all this, it is very important to draw attention to the inadequate treatment of this problem in academia. While issues of harassment and violence fall under national labour and criminal law, the vast majority of higher education institutions appear to either neglect or display indifference towards their institutional responsibility for establishing mechanisms and prevention practices. Despite some universities making significant strides recently, there remains a lack of specific institutional measures that systematically and comprehensively address these forms of harassment and violence (Lipinsky et al., 2022; Hagerlid et al., 2023).

The urgency of addressing sexual harassment and violence as well as harassment and gender-based violence in Slovenia has been highlighted by organized student groups, several higher education unions and political parties. These groups have demanded clearer measures and practises to ensure the safety of all students and staff at higher education institutions. Many accuse universities and higher education institutions of being passive and indifferent towards this issue (DELO, 2020; 2021; VEČER, 2021; MMC RTV SLO, 2021a; 2021b). Researchers from the Institute of Criminology at the Faculty of Law in Ljubljana have also highlighted the need for more effective regulation of sexual harassment and violence in academia. They point out a gap in the legal framework and normative standards, especially as many acts of sexual harassment fall outside the purview of criminal law due to inadequate consideration of interference with sexual self-determination, despite its profound and lasting impact on victims. Such deficiencies are

unacceptable in the academic field. Beyond the enactment of criminal laws, it is crucial to establish clear internal guidelines for acceptable and unacceptable behaviour in the academic environment. Mere moral condemnation of abuse is insufficient; instead, a more principled and systematic approach is needed to effectively address these unacceptable behaviours (Plesničar & Ambrož, 2021).

Addressing sexual harassment and violence in academia is therefore crucial for several reasons. Foremost, it allows for the general protection of individuals. Guaranteeing the safety and well-being of students, faculty and staff in academic institutions is paramount. No one should have to endure harassment or violence in any form while pursuing their education or professional goals. Additionally, combating sexual harassment and violence is integral to promoting equality. Sexual harassment and violence perpetuate power imbalances and reinforce unequal treatment based on gender or other factors. By addressing these issues, academia can strive towards creating a more equitable environment in which everyone has the opportunity to thrive, regardless of their gender or background. Furthermore, addressing harassment and violence is vital for upholding academic integrity. Such behaviours can create a toxic working or learning environment that undermines the pursuit of knowledge and academic excellence. Ensuring a safe and respectful atmosphere is essential to maintaining academic integrity and fostering productive scholarship.

Dealing with these issues systematically and appropriately also serves to prevent harm to individuals who are part of this community. Sexual harassment and violence can inflict serious and lasting damage on victims' mental and physical health, as well as their academic and professional aspirations. Through proactive measures, universities can prevent harm and offer support to those affected. Moreover, academic institutions bear the responsibility to uphold legal and ethical standards regarding harassment and violence. Failure to address these issues not only violates laws and regulations but also the principles of fairness, justice and respect.

In summary, addressing sexual harassment and violence in academia is essential for creating a safe, inclusive and supportive environment conducive to learning, research and professional development.

CONCLUDING REMARKS AND FUTURE DIRECTIONS

Sexual violence and harassment in academia is a widespread but still hidden social problem that is insufficiently addressed in most academic institutions across Europe (List, 2013; FRA, 2014; Bull & Rye, 2018; Johnson et al., 2018; Klein & Martin, 2019; Sivertsen et al., 2019; Bondestam &

Lundqvist, 2020). Slovenia is no exception, as our analysis reveals a significant gap in the internal policies of Slovenian academic institutions concerning sexual and other forms of harassment and violence. Despite recent advancements, the effort remains fragmented and largely confined to specific institutions.

Public universities have shown the most progress, with all three public universities in Slovenia (Ljubljana, Maribor and Primorska) developing specific regulations that also apply to the work of their faculty members. However, the situation is least regulated at public and private higher vocational schools, as there are no documents dealing specifically with this problem.

The majority of institutions that responded to our inquiry have legally binding regulations in place. However, additional supporting documents such as protocols, guidelines or other documents that would provide a more detailed account of the legal and other provisions in this area are rare. It is concerning that only one of the regulations (UL Regulations, 2022) and only one accompanying document (FA UL Guidelines, 2021) are also aimed at students.

This situation underscores a critical need for robust, binding guidelines to address the deficiencies within the Slovenian academic landscape. Systemic solutions represent a crucial first step towards acknowledging and actively combating the issue. Without such frameworks, individuals within these institutions remain vulnerable and reliant on ad hoc solutions, which is unacceptable.

To this end, the results and recommendations of the project are summarised in the handbook “No entry for sexual violence and harassment!” (Antić Gaber et al., 2023). Based on these recommendations, the Ministry of Education prepared a comprehensive national regulation that require all private and public universities and faculties to either revise or introduce necessary regulations.

Finally, it is critical to emphasize that while implementing solutions is paramount, simply changing regulations and laws is insufficient. The pivotal challenge lies in transforming the institutional culture to become more receptive to the more subtle forms of harassment and violence. This transformation should empower individuals, particularly younger people such as students, young researchers and those in precarious or vulnerable positions, to confidently report incidents of violence. The prevailing fear among members of academia to speak out and report such incidents necessitates a strategic approach to changing these circumstances.

Therefore, raising awareness is essential, enabling individuals to promptly identify and address inappropriate behaviour. This initiative should be coupled with the cultivation of an institutional culture that explicitly defines what behaviour is acceptable and what is not, what is ethical and what is not, and what belongs in a work-study environment and what does not. Acknowledging that amending laws and regulations constitutes merely the initial step towards resolution is crucial. Addressing this issue demands ongoing and relentless effort to foster a safe and supportive academic environment.

ZAKAJ TAKO POČASI? ANALIZA SISTEMSKÉ UREDITVE SPOLNEGA NADLEGOVANJA IN NASILJA V SLOVENSKEM AKADEMSKEM SEKTORJU

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POVZETEK

Spolno nasilje in nadlegovanje v akademskem okolju predstavljata široko razširjen, a še vedno skrit družbeni problem, ki je pomanjkljivo naslovljen v večini akademskih institucij po Evropi. Slovenija pri tem ni izjema, saj analiza internih aktov akademskih institucij v Sloveniji kaže, da je vprašanje spolnega nasilja in nadlegovanja v akademskem okolju sistemsko slabo in pomanjkljivo urejeno. Šele v zadnjem času je mogoče opaziti nekatere premike na tem področju, vendar zgolj pri nekaterih institucijah. Analiza obstoječe dokumentacije pokaže, da splošna slika prikazuje pomanjkanje internih aktov in pravilnikov v akademskem okolju v Sloveniji pri obravnavi spolnega ter drugega nadlegovanja in nasilja. Obenem pa pokaže, da so nekatere institucije naredile vidnejše korake od drugih, nekatere si to še prizadevajo, pri veliki večini pa na tem področju še vedno zija velika sistemska praznina. Največ premikov na tem področju je možno zaslediti na javnih univerzah in njihovih članicah. Zelo šibka ureditev področja pa se kaže pri javnih in zasebnih visokih strokovnih šolah ter javnih raziskovalnih inštitutih. Kot posebej zaskrbljujoča se kaže ugotovitev, da samo dva dokumenta zajeta v analizo, poleg zaposlenih zajemata tudi študentsko populacijo. Sistemske rešitve se na tem področju v slovenskem akademskem prostoru torej kažejo kot nujne, saj so prvi korak k prepoznavanju problema in aktivnemu spopadanju z njimi. Brez njih so osebe, ki so del takšnih institucij, v celoti nezaščitene in prepuščene stihiskemu reševanju problemov, kar je nedopustno.

Ključne besede: spolno nadlegovanje, spolno nasilje, spolni režim, akademsko področje, pravni dokumenti, vsebinska analiza, Slovenija

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