

# **Debates**

Gender violence at university

# Construction of guidelines for institutional actions in cases of gender violence at university

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This article presents the process of elaboration and construction of the "General guidelines for institutional actions of intervention in situations of violence and discrimination against gender and sexual orientation", which proposes institutional forms and normative-dogmatic parameters for coping with violence against women in the university context, emphasizing the legal responsibility of higher education institutions (HEIs). In the research used to prepare the document, we rely on a bibliographical review of studies already made on the subject; analysis of legal and administrative documents aimed at tackling violence against women, in general and specifically at the university; and we report on our participation in some university groups and commissions. The result of the research was the preparation of the document, which is now available to every university community.

Keywords: Gender violence. Gender violence at the university. Coping with violence against women.



# Introduction

Violence against women while at University is a topic that generates interest in different areas of knowledge. In Brazil, it is still little explored due to the scarcity of published experiences about the confrontation of the phenomenon by Universities.

Faced with this reality, this study discusses some issues about violence against women in the University. It presents proposals for an institutional approach to this phenomenon, which are based on the experience of a Commission to investigate allegations of discrimination, harassment and violence against women and gender on the University of São Paulo Campus in Ribeirão Preto, Brazil (CAV-Mulheres USP-RP) and other movements within the University of São Paulo (USP).

The research came from dialogues with groups, formed at USP, which looked for answers to the different forms of violence against women in a university environment. This issue gained national visibility in 2014, when the report of the Parliamentary Commission of Inquiry (CPI) was completed "to investigate violations of human rights and other illegalities occurring in the settings of the Universities of the State of São Paulo in what is known as "hazing", parties and the academic everyday, the "CPI of hazing"1.

The final report of this CPI highlighted the violence committed in the context of university relations that took place in the universities of São Paulo, including the largest public university in the country, USP. It also allowed us to identify that violence against women in universities manifests itself in a variety of ways: sexual violence at parties; some practices considered as torture by the report; the reproduction of song lyrics from the *baterias* (organized faculty musical/drumming group of supporters) with discriminatory content against women and afro-Brazilians at parties and sporting events. The report also revealed situations of violence and discrimination against women according to race / color, between male and female teachers, and male and female employees<sup>1</sup>.

The CPI identified the omission by the University to investigate complaints, as well as the indirect promotion of violence through academic centers, athletic associations and baterias, which, despite not forming part of its administrative structure, are part of daily life<sup>1</sup>. In this way, the report recognized the responsibility of universities for human rights violations, especially the right of women to live a life free of violence.

Under the terms of the Convention of Belém do Pará<sup>2</sup>, Brazilian universities may be held responsible for the violence against women that occurs in their contexts, since, in signing the convention, Brazil has undertaken to provide women with a life free of violence, and the obligation to prevent, punish and eradicate violence against women.

The right to live a life free of violence, protected by the UN, includes the right not to suffer institutional violence, which occurs when there is an absence of the institution in the confrontation or provocation of violence<sup>3</sup>.

Being aware of the responsibility of universities for the violations of rights that occur on the premises, people in the university community began to demand that, instead of non-action, the universities respond effectively and formally to violence against women.

Research conducted by the Avon and Popular Data Institutes involving students from Higher Education Institutions (HEIs) across the country points out that 67% of the interviewees have already faced some type of violence in the university



environment. The results also identify the academic community's desire to see the problem confronted by the institution, since 88% of men and 95% of women interviewed "believe that the college should create a means to punish those responsible for committing violence against women in the institution" (p. 11).

In this context, the mobilization was intensified in search of formal responses from Brazilian HEIs to violence against women in the university. At USP, teachers and researchers, recognizing university violence as structural and thinking about ways to act institutionally in coping with violence, formed the "Rede Não Cala!" (not be silent network), to find a way to stop cases of sexual and gender violence, to help the students, to listen to them, to help them with the care they need and to protect their rights5.

In June 2015, USP signed up for the HeforShe Program, an initiative by UN Women<sup>6</sup> that seeks to promote equality between men and women, involving women in the pursuit of gender equity. One of the actions that resulted from the adhesion of USP to HeforShe was the creation in February 2016 of the USP Women's Office, whose function is to carry out actions to promote gender equality in the university context, with priority being given to addressing violence against women in this context.

During this period, groups of students were created aiming at giving visibility to situations of gender violence on the USP campus in Ribeirão Preto / SP. In response to the demands of women - employees, teachers and students, the Board of Directors created, in August 2016, CAV-Mulheres USP-RP. Other faculties of this campus also created commissions with similar objectives, such as the Ribeirão Preto Law School (FDRP), which created the Gender Violence Commission of FDRP and the Ribeirão Preto Medical School, which created the Human Rights Commission<sup>7-9</sup>.

We found ourselves to be close to the process of building these last three commissions and the responses offered to face violence against women on the USP campus in Ribeirão Preto.

Throughout this research, we have identified that the problem has been investigated in other universities in Brazil<sup>4,10</sup> and in other countries<sup>11-15</sup>. In these universities there are commissions, guidelines, coping protocols, codes of conduct and other initiatives to address violations of human rights against women.

In the United States, for example, the issue has been at the forefront since the 1990s, when research on the subject emerged, accompanied by mobilizations of the student community, calling for university policies to address violence against women<sup>12</sup>.

These efforts gave rise to national legislation which created obligations for universities in that country. However, the creation of norms is insufficient, since it is necessary for the problems to be effectively faced by legally responsible institutions<sup>13</sup>.

Regarding institutional responses in addressing gender violence, Brazil has a system of protection of the human rights for women. This protection is based on the Maria da Penha law<sup>16</sup>, achieved by the feminist movement and the women's movement in Brazil, who are still in constant dialogue with international organizations to protect the human rights of women.

The achievement of the Maria da Penha Law, the basis of the National Policy of confronting Violence Against Women, was possible because Brazil was already a signatory of the Convention of Belém do Pará<sup>2</sup> and the Convention for the Elimination of All Forms of Discrimination Against Women<sup>17</sup>.



The fight against violence against women is still under construction and in dispute in this country. Although we have a system of protection of women's human rights, bodies responsible for monitoring compliance with international treaties, have verified that the obligations agreed upon are not being effectively fulfilled. In Brazil, research also points out that the institutional response to violence against women may result in the practice of institutional violence and re-victimization<sup>18</sup>.

This institutional violence occurs because the legal practices of confronting violence against women are impregnated by a sexist culture that has not yet incorporated the system of protection of women's human rights, as recommended by the international conventions to which Brazil is a signatory.

In view of the violations of the human rights of women in a university context, the main objective of this research was to propose institutional forms and normativedogmatic parameters for confronting violence in this context, emphasizing the legal responsibility of HEIs. This proposal is a contribution to the University to address the issue in other ways, building new ways to address violence against women, critically understanding the institutional paths that already exist and seeking to create new ones.

# Methodology

#### Narrative review of literature

Initially, we conducted a narrative bibliographical review<sup>18</sup>, covering specific studies on violence against women, carried out in North American, European and Latin American universities. We used the term "gender violence at university", with or without quotation marks in the CAPES journal portal. With this in mind, we found that there are initiatives in Europe and Latin America in this area and also that experiences in good dialogical practices for the prevention of violence against women<sup>11</sup> are present in the Autonomous University of Mexico (UNAM) and in universities in the United Kingdom.

The institutional responses outlined in other countries should be analyzed considering the specificities of those societies, be it their social configuration or their legal system.

We carried out a bibliographical review of American and European studies, with an analysis of legislation on the subject, taking care not to suggest legal transplants<sup>19</sup>, which can occur when norms are brought from one legal system to another without a reflection on the implications that can bring to the legal social reality of the receiving end.

We also searched for studies that analyzed the effectiveness of policies to combat violence against women in Brazil<sup>20-22</sup>.

#### **Document analysis**

Next, we looked for documents on human rights and women's human rights, to understand the construction of these rights and the obligations that were pledged by the States in the signing of these international treaties. The documents were selected



in accordance with the production of organs such as the Inter-American Court of Human Rights, the United Nations and the Organization of American States<sup>23-25</sup>.

In regard to the international approach to women's human rights and treatysigning obligations, we have collected data from the following international documents: Convention for the Elimination of All Forms of Discrimination Against Women<sup>17</sup>; Convention on All Forms of Racial Discrimination<sup>26</sup>; UN Declaration on the Elimination of Violence against Women<sup>3</sup>; Inter-American Convention on the Prevention, Punishment, and Eradication of Violence against Women<sup>2</sup>; International Convention on the Rights of Persons with Disabilities<sup>27</sup>; General Recommendation no. 19 of the CEDAW Committee<sup>28</sup>; and General Recommendation no. 33 of the CEDAW Committee<sup>29</sup>.

In addition, we reviewed US public documents, such as federal laws, government reports, and institutional websites on violence against women in universities, to extract information on the configuration of public policies to address violence against women in universities in that country. In the same way, we analyzed Spanish and Latin American legislation along with legislation on violence against women, cited or referenced in the literature review<sup>14</sup>.

We also conducted document analysis of national administrative and educational laws, as well as the report produced by the CPI on hazing<sup>1</sup> and some conclusive committee documents on the subject at USP.

For the study of the national legislative production on women's human rights, we analyzed the protective laws and those identified as discriminatory by feminists. In addition to the Maria da Penha Law<sup>16</sup>, which deals with the confrontation of violence against women in Brazil, we analyzed the documents of the then Special Secretary for Policy for Women<sup>30-33</sup> relative to the National Policy to Combat Violence Against Women.

#### **Participant Observation**

We used participant observation as a complementary approach, concomitant with the narrative literature review and document analysis, to accompany social mobilization and the construction of policies to address violence against women within USP. The participant observation allowed the researchers to place themselves in the position of the people that make up the phenomenon to be observed, allowing for the understanding of habits, attitudes, interests, personal relations and characteristics of the daily life of a group<sup>34</sup> and to describe, explain and understand events and behaviors in an interpretive form<sup>35</sup>.

Participant observation allowed us to understand the scenario where we were and the knowledge we produced. The field diary was the instrument used for the collection of data: the written report of the lived experiences. This instrument allows for simultaneous events to be recorded with their spontaneous occurrence, enabling the phenomenon to be known without intermediaries, avoiding the occurrence of distortion by the informants<sup>36</sup>.

In the follow-up to the social process that took place at USP, in the construction of actions to combat violence against women, we sought to record and understand the



whole process, while making allowances based on the local reality, since most of the documents on violence against women at university comes from other countries.

The researchers' participation in groups and commissions occurred in the period from 10/15/2015 to 06/20/2017. In all, there were 12 sessions of the Gender Violence Commission of the FDRP-USP, one in-person meeting of the Rede Não Cala!, four meetings of the CAV-Mulheres USP-RP and four meetings of the Violence and Gender group, created after the course of Reception of Gender Violence at the University, with teachers, students, social workers and psychologists from the USP campus in Ribeirão Preto.

As a way of guaranteeing an ethical commitment, the guidelines contained in National Health Council Resolution No. 510 of April 7th, 201637 were strictly observed during the research.

# Procedures for organizing and analyzing data

Data analysis consisted of a description of the events and observed social and organizational phenomena. In this way, we classified the organization of data as typical of descriptive and exploratory studies<sup>38</sup>.

The data were organized in such a way as to result in rules for coping with violence against women in Brazilian universities, particularly at USP.

#### Results

The document entitled "General Guidelines for institutional actions of intervention in situations of violence and discrimination of gender and sexual orientation" had its final version approved by the CAV-Mulheres USP-RP at a meeting on 06/29/2018 and is fully available on the commission's website<sup>39</sup>. It is a 13 page document that contains an introduction, objectives, scope, subjects and situations, guiding principles and lastly deals with the competence of the commissions on gender and human rights in universities.

The introduction presents the legal foundations that guide the need to investigate cases of gender-based violence in the University. It introduces the concept of the right to live a life free of violence as one of the Human Rights of Women, according to the concept enshrined in International Conventions on Human Rights<sup>2,3</sup> and adopted by the Maria da Penha Law<sup>16</sup>. Definitions of gender violence are also presented, with the recommendation of adopting a gender perspective in prevention, investigation, punishment and reparation actions, in order to avoid stereotypes and prejudices in the approach to cases, reinforcing the responsibility of the University in effectively coping with violence.

The primary purpose<sup>39</sup> of the document is to provide the necessary tools to eliminate prejudices and stereotypes in the analysis, treatment and verification of cases to avoid discriminatory behavior or barriers in the access to a fair and effective formal procedure. In addition, it seeks to promote equity by promoting the construction of a university environment free of violence based on sex, gender, class, race, ethnicity, nationality or religion.



Regarding the "Scope of its application", the document reaffirms that the "university environment" is not restricted to the physical dependencies of the campuses, but refers to any space where people linked to the University such as students, employees, and teachers meet<sup>40</sup>.

The "subjects and situations" that may be targeted by the application of the guidelines are all individuals or groups that are university linked and involved in situations of gender-based violence and discrimination and other social markers.

The "guiding principles" <sup>39</sup> contain the assumptions to be observed in the approach to cases by the university. These principles involve the integral care of people in situations of violence; the duty to investigate, act and respond promptly to reported cases of human rights violations; respect for human dignity, privacy, protection and difference; the prevention of institutional re-victimization; the prevention of situations of violence and discrimination; the protection of victims and complainants; and the guarantee of information, assistance and reparation.

Finally, the item<sup>39</sup> "competence of the commissions on gender violence" defines the limits and possibilities of the action of these commissions. In the event of any infraction that may lead to the investigation and exercise of the punitive power of the university, this investigation will be carried out by a unionized commission, so that these commissions on gender violence can only participate in the verification of their work. The commissions can propose specific policies and actions on the subject, as well as receiving reports on violence and refer them to the competent bodies responsible for their investigation.

#### Discussion

The document and bibliographical analyzes allowed us to discover different institutional forms of coping with sexual violence and violence against women in the university. This analysis was done from documents that described experiences from the United States<sup>12,13,15</sup>, Spain<sup>11,14</sup>, United Kingdom<sup>11,14</sup> and from some Latin American universities11.

The documents analyzed showed differences in denomination of violence. The documents<sup>13</sup> from the North American universities analyze the confrontation of sexual violence, and studies<sup>12,15</sup> show that the majority of victims of sexual violence are women. The Spanish studies<sup>11,14</sup> and Latin American studies<sup>11</sup> use the terminology "gender violence" and focus on sexual harassment. These particularities are important since there are few studies and little knowledge about the subject in Brazil.

Despite the responsibility of the universities, our schools in general, and the one where we are studying in particular, have no experience in coping with such situations.

The document of Guidelines can provide parameters for effective coping with situations where there is the violation of women's rights, involving fundamental attention to victims and proper investigation of the chaotic situation, as well as providing support for the implementation of a broader education and prevention policy for violence in the university environment.

One of the first countries to conduct systematic studies on violence against women at the university and to envisage specific mechanisms to address the problem was the



United States. The existence of many initiatives in US universities is mainly due to the legal obligation<sup>41</sup> of universities who receive federal funding to prepare and distribute manuals to the whole community, which outlines campus security policies and reports on crime statistics in the institution.

In the national scenario, there is no law that obliges the universities to adopt such a procedure, but we adopt as a parameter the National Policy to Combat Violence Against Women<sup>33</sup> which establishes effective policies to confront violence.

The U.S. law also required<sup>41</sup> universities to develop and publish, as part of their annual safety report, their policies of awareness and prevention of sexual assault. This same law established principles for reporting and the procedures to be followed at the University for cases of sexual violence, prioritizing the will and the intimacy of the people involved, whether victims or complainants.

In 2002, research commissioned by the Department of Justice with national reach<sup>42</sup> addressed 2,438 institutions of higher education in the United States and Puerto Rico, of which 41% responded to the survey. The authors identified that few universities had implemented the best practices described in the literature for coping with sexual violence against women, although 60% of the institutions had developed some kind of policy. The research sought to find parameters for universities to respond to sexual violence on their campuses effectively, taking into account the specificities of this type of phenomenon.

One of the problems identified by the study<sup>42</sup> was the lack of formal definition by universities for sexual violence or rape. This lack of definition results in the difficulty that the victim has in recognizing the situation as violence, making it difficult to confront the university.

As good practice, the study<sup>42</sup> identified the need for a separation of procedures for victims and offenders. In regard to victims, it is necessary to ensure diligent response, guarantee of immediate collection of evidence and health care in cases of sexual violence. All of this should be widely disseminated to students.

For the protection of victims, as good practice<sup>42</sup>, most institutions have formal measures to immediately remove the alleged perpetrator from the community and apply appropriate measures.

In this sense, the guidelines<sup>39</sup> stipulate that the units of USP can apply administrative measures of protection to the people affected by the violence, thus avoiding that they suffer any academic damage.

The same study<sup>42</sup> presents some recommendations for the elaboration of legislation and establishment of administrative procedures: the development of materials containing the enforced legislation on sexual violence in the university; the development of a policy model to address sexual violence; the development of educational actions, such as booklets and lectures; the creation of services for victims of sexual aggression, prioritizing their needs; the investigation of ethnic and cultural factors in the sexual violence on the campus and the implantation of policies that facilitate the procedures for the notifications and reports.

The guidelines<sup>39</sup> proposed by the CAV-Mulheres USP-RP constitute material that explains how procedures can be developed to address violence against women in the University. The presentation of the Guidelines and their adoption at the University of



São Paulo can create an effective channel for notifications / reports of these situations, favoring the adherence to effective procedures.

In the United States, the Annual Climate Surveys<sup>43</sup> were also developed, examining sexual violence on campuses and the perception of the university community on how educational institutions face the issue. These perceptions are measured considering the type of actions promoted by the universities and the sense of security of the students.

In order to assess how colleges report and investigate sexual violence against women, the US Senate conducted a research based on the Climate Surveys. Addressing 440 HEIs and over three million students. The research showed how many institutions failed to respond to sexual violence and to adopt best practices<sup>44</sup> despite existing legislation. The best practices were the integration of services external to the campuses as well as the provision of nursing care within them<sup>44</sup>. Despite legislative changes at the federal level and some improvement in indicators between 2002 and 2014, the problem of violence against women in the university environment persists in US universities.

Research on the North American reality highlights the importance of mobilizing the university community for effective compliance with legislation, and for the adoption of provided measures and best practices in response to violence against women.

Since 2001, the UK government has focused its efforts on compliance with the university's specific obligations in response to gender discrimination, with each HEI being responsible for its anti-discriminatory gender policy<sup>11</sup>. However, there is the fear that the procedures that are legally required by the University do not materialize in cases where the alleged aggressor is in a hierarchical position superior to the victim<sup>11</sup>. One of the functions of the Guidelines is to avoid the realization of this fear, taking care that the hierarchy does not prevail.

Another relevant practice identified in UK universities was the division of procedures between formal and informal. Both are guided by principles such as fairness, impartiality, confidentiality and finding an effective solution on an efficient time scale. The formal procedure entails more serious sanctions, involving disciplinary processes that function as judicial processes, while the informal procedure applies when there is not enough materiality<sup>11</sup>. The informal procedure uses techniques and concepts common to mediation and conciliation, among other tools that propose dialogue, with external mediation aimed at resolving the conflict. It is an understanding-oriented communication, and is not recommended when the victim is at risk. In order to initiate the formal procedure, in addition to the victim's request, there must be informed consent and it only moves forward if there is evidence that the violence occurred11.

The proposed Guidelines do not yet consist of a formal procedure to be adopted by USP, but they are a guide to the measures to be taken in relation to the person attacked, in order to protect them, and can be compared to what are known as the informal procedures<sup>11</sup>.

In Spain public and private institutions are legally responsible for creating mechanisms to address inequalities between men and women<sup>45</sup>, and companies must take measures to prevent sexual harassment, accept and follow up on complaints, and develop good practices with educational and information campaigns. In the public administration, managers need to negotiate with workers a protocol for sexual



harassment, aiming at equality between men and women, and point the way to deal with these denunciations, and the identification of the persons responsible in dealing with the complainant.

In Latin America, the National Autonomous University of Mexico (UNAM) has a policy of coping with violence against women, with sanctioning rules for cases of harassment or sexual harassment in the workplace, a situation that can also lead to dismissal of university employees<sup>11</sup>. With regard to students, in the absence of similar regulations, the HEI established a position against gender violence through the creation of reception and support services and research on gender violence at the university, among other measures<sup>11</sup>.

In the UNAM there is a nucleus of research on women's rights, the University Program of Gender Studies (PUEG). The dimensions of the work of this group include the production of knowledge tools about the situation of the university community, differentiating between men and women. The program also conducts courses on gender for teachers<sup>11</sup>.

In its Institutional Development Plan 2015-2019, the UNAM defined principles to prevent violence against women in the university, such as the training of university surveillance workers in security issues, law, university legislation, gender violence and human rights, to help preserve the safety of university students and their spaces; the development of social service programs about gender equality and the elaboration of a protocol of attention and sanction for gender violence<sup>46</sup>.

The protocol, the result of demands from student movements at the university, provides the procedures to be followed in case of violence against women. Procedures had previously been created with the existing university bodies, such as the university rights advocate and the general law firm. The purpose here was to create specific procedures in the face of gender violence<sup>46</sup>.

This protocol is similar to what the Guidelines proposed by the CAV-Mulheres USP-RP seek, that is, to establish parameters of action with the existing organs, when there is a situation of violence against women in the university. In this way, USP shows itself to be in dialogue with the universities of the world to confront the issue.

# Final considerations

Numerous situations made public in recent years point to the fact that violence against women is present in the daily lives of Brazilian universities.

The CPI report from the Paulista Universities and the visibility given to the events involving violence against women, especially at USP, promoted institutional initiatives that indicate a commitment to face the phenomenon.

However, because the evidence and emergence of the problem is recent, the Brazilian universities do not have experience in the adoption and execution of coping policies that allow for due diligence in the investigation of reported situations, in the reception and integral care of the victims, in the adoption of disciplinary administrative measures, and especially in the promotion of actions that sensitize, educate and prevent violence occurring in a university context.

Despite the measures adopted in the last three years, such as the creation of the USP Women's Office, membership of the UN Women's HeForShe Program, and



the creation of special commissions in some units, it is necessary for the institution to develop efficient mechanisms to implement effective coping policies in the confrontation of violence.

In this sense, the document "General Guidelines for institutional actions of intervention in situations of violence and discrimination against gender and sexual orientation"39 by CAV-Mulheres USP-RP, can serve as a basis for the articulation of answers to this chaos, considering that the document is a result of extensive research work involving the experience of other countries that have already organized themselves to respond to the problem, the international treaties to which Brazil is a signatory, and the coexistence of two years with the reality of the CAV-Mulheres USP-RP and Women of the USP-RP communities.

#### Authors' contributions

Desse Camargo Maito: participation in the discussion of the results; writing of the manuscript; approval of the final version of the manuscript; Fabiana Cristina Severi: participation in the discussion of the results; critical review of content; approval of the final version of the manuscript. Maria Paula Panúncio-Pinto: participation in the discussion of the results; writing of the manuscript; approval of the final version of the manuscript; Elisabeth Meloni Vieira: design and work design; writing of the manuscript; approval of the final version of the manuscript.

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