Deliverable D2.1

Report on zero-tolerance approaches to gender-based violence in higher education and research

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LIST OF ABBREVIATIONS AND ACRONYMS

Abbreviation	Meaning
CoC	Code of Conduct
EC	European Commission
EU	European Union
ERA	European Research Area
GEP	Gender Equality Plan
HEA	Higher Education Authority
HEI	Higher Education Institutions
IE	Ireland
R&I	Research & Innovation
SE	Sweden
ZTA	Zero-Tolerance Approach
WP	Work Package

THE GENDERSAFE PROJECT

The EU-funded GenderSAFE project promotes zero-tolerance for gender-based violence in the European Research Area and supports research and higher education institutions in establishing safe, inclusive and respectful environments by setting up comprehensive policies.

Gender-based violence is a persistent problem in higher education and research institutions across the European Research Area, with severe consequences at the individual, institutional and societal levels. Research from Horizon 2020 project UniSAFE shows that gender-based violence in this context is widespread but remains underreported, suggesting the permissiveness of violence in organisational cultures[3].

In recent years, policy attention to gender-based violence in higher education and research has grown at the EU level, as well as at the level of responsible national authorities and research performing organisations. Despite advances in policy adoption, institutions are however failing in implementation, and very little is in place to monitor and evaluate existing policies. There is also a lack of understanding of what constitutes gender-based violence and how to proceed when something happens.

Building on the insights and operational tools developed within UniSAFE, from 2024 to 2027, the GenderSAFE project aims to:

Strengthen zero-tolerance policies: creating a unified policy approach in the EU by incorporating the latest theoretical insights, focusing on power dynamics, intersectionality, mobility, and precarity.
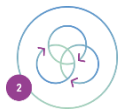
Support higher education and research institutions in improving and implementing existing policies: gathering stakeholders from various contexts to co-design and share zero-tolerance policies on gender-based violence, in line with the EU baseline code of conduct, fostering mutual learning and support.

Build institutional capacities: training dedicated staff and a pool of trainers to help organisations develop and implement effective policies against gender-based violence.

Monitor policies at national and institutional levels: developing tools to gather and monitor comprehensive data on how zero-tolerance policies are adopted and implemented across the EU, creating a valuable resource for future efforts.

Raise awareness and advocate: advocating for decision and policy-makers to adopt a zero-tolerance approach to gender-based violence and engaging stakeholders to take up our outputs.

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[3] UniSAFE consortium. (2024). UniSAFE Policy Brief 2: Addressing gender-based violence in higher education and research through institutional change. Zenodo. https://doi.org/10.5281/zenodo.10605043

SUMMARY

This deliverable aims at establishing an EU baseline on zero-tolerance (ZT) to gender-based violence, including sexual harassment. A central part of this deliverable is an analysis of the current state of play in two national contexts: case studies of the Swedish (SE) and Irish (IE) Higher Education Institution (HEI) policies and policy implementation processes of a zero-tolerance approach (ZTA) to gender-based violence. These two EU member states have been identified as having a ZTA in their national gender-based violence policy framework, based on the results of the ERA Forum Subgroup on Inclusive Gender Equality Taskforce on Gender-based Violence review of EU member state policy.Further, a brief background and description of the current scholarly debates related to the ZTA is included, as well as key conclusions and recommendations.

The concept of zero-tolerance refers to policies that require action for any form of violations of set boundaries, regardless of the severity of the violation. Originating from criminological theories like broken windows and deterrence theory (Kelling & Wilson 1982), the ZTA is adapted to deter misconduct through assuring that all violations of any severity are attended to or addressed. In the context of gender-based violence, zero-tolerance policies have been discussed since the early 1990s, with varying implementations and criticisms. Two main types of ZTA are identified by previous research: absolutist and symbolic (Fikejzová & Linková 2024). Typical of the former is a conceptualisation of zero-tolerance policies as either the broad prohibition of all forms of gender-based violence in the workplace, or the ultimate punishment for perpetrators if an investigation into inappropriate behaviour concludes that gender-based violence has occurred. In contrast, the symbolic approach is characterised using the phrase zero-tolerance as a rhetorical device through which the management of a given organisation declares that it will not tolerate gender-based violence. These two approaches form the two polar ends of a scale where policies can be located, and there are different pitfalls that a policy will face at each step along this scale.

In the context of zero-tolerance policies, Young (1999) describes two fallacies: (i) the cosmetic fallacy and (ii) the 'social as simple' fallacy. The first fallacy conceives 'crime as a superficial problem of society, skin deep, which can be dealt with using the appropriate ointment' and largely ignores the widespread and structural nature of a given phenomenon and the consequent need for a more comprehensive solution (Young 1999). The second fallacy involves 'the widely accepted idea that the social world is a relatively simple structure in which rates of different social events (e.g. marriage, suicides, strikes, crimes) can be related to narrowly delineated changes in other parts of the structure' (Young 1999).

The methodology for the analysis included desk research on the presence of a ZTA to gender-based violence in IE (21) and SE (28) HEI policies. In SE, a workshop on a ZTA to gender-based violence was conducted with participation of six HEI gender equality experts with long-term experience of both implementing strategies for ending gender-based violence and organising gender mainstreaming more broadly. A questionnaire targeting IE HEIs was distributed via the Higher Education Authority, the Irish statutory body for higher education. Additionally, a focus group was conducted with four HEI staff members responsible for implementing institutional policy to address gender-based violence to explore the understanding and operationalisation of ZTA in the participating institutions.

Data collection faced some limitations due to:

- Lack of responses to a call to submit policies on gender-based violence including sexual harassment from some of the SE HEIs,

- Lack of information publicly available about zero-tolerance policies in IE HEIs, and

- A limited number of responses to the questionnaire from Irish HEIs.

The desk research revealed that two-thirds of SE HEIs and half of the IE HEIs mention zero-tolerance in their policies, though none of these provided any explicit definitions or comprehensive frameworks on the topic. Only one IE HEI institution explicitly reported using a ZTA framework in the questionnaire, employing a systematic and intersectional approach to address gender-based violence.

Both challenges and benefits have been identified:

- Definitions: The analysis reveals the lack of clear definitions of ZTA in both SE and IE institutions. This can be both a challenge and as well as an opportunity.

- Benefits: In IE emphasis was placed on the role of senior management in combating gender-based violence and ensuring institution-wide implementation of ZTA, suggesting strictness and taking the issue seriously by the senior management. In SE an important argument stated the ZTA as a push for policy development on gender-based violence as the core concept, replacing the more delineated concept of sexual harassment. Further, in SE the ZTA has clarified the need for establishing common guidelines on how to sanction perpetrators for their violations, as this has varied within specific HEIs beforehand.

- Challenges: The challenges identified are linked to the symbolic use of ZTA without clear definitions and operationalisation; the potential risks of deploying ZTA due to its potential punitive nature that may lead to non-reporting; the difficulty of linking ZTA with the victim-centred approach in the hierarchical settings of HEIs. In IE there was also a clash between the national level policy of the Department of Justice and the consent framework of the Higher Education Authority.

The analysis underscores the mixed commitment to zero-tolerance policies across IE HEIs, whereas among SE HEIs there is a strong consensus on the inclusion of a symbolic ZTA, albeit in both cases the need for more explicit definitions and comprehensive frameworks are obvious. The analysis aligns with scholarly critiques of ZTA, emphasising the importance of avoiding purely symbolic adoptions. The report concludes that while there is some recognition of ZTAs in IE and SE HEIs, significant gaps remain in their explicit implementation and comprehensive understanding. Based on the analyses, recommendations include the need for clear definitions, embedment within the institutional change approach (e.g., through Gender Equality Plans) to gender equality, continuous monitoring and evaluation, as well as an understanding of the unexpected and often positive effects of policy implementation when introducing new concepts such as ZTA.

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1 INTRODUCTION

Gender-based violence, including sexual harassment, are endemic in European Research Area (ERA) institutions. As demonstrated by the recent UniSAFE survey results, two of three of the 42 000 respondents have experienced some form of gender-based violence since they entered their institutions; and about one out of three respondents have experienced sexual harassment (Lipinsky et al. 2022). The high numbers for prevalence are not surprising, as national surveys (MacNeela et al. 2022ab; Rudolfsson et al. 2022) and research reviews (Bondestam & Lundqvist 2020a) display much the same situation.

A targeted policy response to this critical situation is underway through the upcoming EU baseline on a strategy for a zero-tolerance Code of Conduct (CoC) to counteract gender-based violence, including sexual harassment, in the ERA (EC 2024). The urgent need for a shift in ambition on ending gender-based violence encompassing all relevant stakeholders in ERA, has been put forward in recent years. The current EU policy framework for ending gender-based violence includes important strategic measures (Council of Europe 2014; EC 2020). This framework is further strengthened by targeted specific declarations and calls focusing on the ERA under the Slovenian and Czech presidencies of the Council of the European Union. Several past and ongoing EU-projects (UniSAFE, GENDERACTIONplus, GenderSAFE) support relevant policy implementation in the ERA. The recently published GENDERACTIONplus benchmark report (Bondestam et al. 2023) and the UniSAFE policy analysis (Fajmonová et al. 2021), give a full view on the current state of play in national contexts and describe the ERA policy framework regarding gender-based violence in more detail.

At the same time, the background and development of a potential zero-tolerance approach (ZTA) for gender-based violence, including sexual harassment, has, as yet, not been discussed more thoroughly. Research on zero-tolerance for gender-based violence in R&I is scarce (Fikejzová & Linková 2024), and the common ground for adopting such an approach in any type of policy cycle in the context of ERA is not clearly defined or discussed in depth. A zero-tolerance framework runs the risk of not enhancing awareness, engagement, or the urgent need for active, ongoing, work towards ending gender-based violence including sexual harassment, etc. The risk is that protocols, policies and training sessions will be set up, but without a common agreement on what to address, and no real sense of understanding nor urgency. This is exactly the experience from more than 30 years of policy development on sexual harassment in the SE R&I-system (Bondestam & Lundqvist 2020b), where the concept of zero-tolerance has created a paradoxical situation in which *agreement is commonplace on the importance of addressing gender-based violence*, but *no agreement is achieved on the urgent need to end gender-based violence.*

The term "zero-tolerance" in policy generally refers to a policy characterised by attending to (and possibly) punishing transgressions of defined boundaries, regardless of their significance or severity of consequences (Fikejzová & Linková 2024). This concept is grounded in the criminological theory of broken windows and deterrence theory (Kelling & Wilson 1982), which suggests that visible petty offenses, which they exemplify as vandalism and begging, lead to an environment where more serious crime seems acceptable. This theory focuses on urban spaces and minor street crimes, positing that such visible signs of

disorder discourage "respectable" residents from living in or moving to affected neighbourhoods (Kelling & Wilson 1982).

Deterrence theory, the second component of zero-tolerance policies, holds that the certainty of apprehension deters individuals from committing offences or violations, regardless of the type of punishment (Pratt 2009) or the severity of the consequences (Nagin 2013). Others, however, argue that for deterrence to be effective, punishment must be swift, certain, and proportionate to the offense (Tomlinson 2016). Zero-tolerance policies may interpret this latter theory to mean that harsher and more certain punishments enhance the deterrent effect (Curran 2016).

In the context of gender-based violence, the ZTA has been discussed since the early 1990s, rooted in campaigns demanding strict responses to such incidents. Two types of ZTAs are identified: (i) the absolutist approach, which seeks to prohibit all acts with sexual overtones and impose severe punishment on perpetrators, and (ii) the symbolic approach, which rhetorically declares no tolerance of gender-based violence. These policies face pitfalls such as the cosmetic fallacy, which oversimplifies the issue, and the "social as simple" fallacy, which reduces complex structural problems to individual deficiencies (Young 1999). These fallacies often oversimplify complex issues (Henault 2001; Cassidy & Jackson 2005; American Psychological Association Zero Tolerance Task Force 2008).

Stockdale et al. (2004) warn that a simplistic approach may lead organisations to focus on eradicating gender-based violence without creating a safe and less precarious working environment. Further pitfalls include unfairness in imposing severe punishment regardless of the violation's severity, a chilling effect on reporting, enforcement challenges, and conflicts with "just cause" protections (Roehling 2020). Figurative zero-tolerance policies are criticised for their perceived unfairness due to inconsistent application (Roehling 2020). The concept lacks stable elements across different uses, necessitating clarification of conditions for its effectiveness while avoiding these pitfalls.

Task 2.1 builds on a previous review of existing policy and academic texts on ZTA in the context of gender-based violence, including those focusing only on sexual harassment, and in other areas, in EU member states conducted in the frame of the Taskforce on Gender-based Violence of the ERA Forum Subgroup on Inclusive Gender Equality(Fikejzová & Linková 2024). This analysis found that only two EU member states (Ireland and Sweden) explicitly refer to a ZTA. Further, the results show that it is considered essential in the implementation of the ZTA that it does not just entail a symbolic adoption of the approach, which is more of a proclamation than a policy framework. Ongoing monitoring and evaluation, including the designation of specific persons in management who are responsible for monitoring and evaluation, play a significant role in its full, constructive and comprehensive implementation. Furthermore, setting up the whole structure of zero-tolerance policy implementation in such a way that it is geared towards an institutional and culture change is considered essential. Based on these results, this deliverable aims at establishing a baseline on ZT to gender-based violence, including sexual harassment, through two case studies of the identified ZTA policy contexts.

The next section describes the methods deployed to identify existing definitions of ZTA in the context of HEIs and their implementation, including benefits of and challenges to implementation in Irish and Swedish HEIs, including desk research, a questionnaire, a focus

group and a workshop. Then follows the results of the analysis. The deliverable ends with key conclusions and recommendations for the future development of the ERA policy discourse as well as concrete tools and measures on the institutional level.

2 METHODS

This section reviews the methods used to conduct the analysis of the ZTA in institutional policies in SE and IE. The focus on these two countries was chosen based on the analysis of the Taskforce on Gender-based Violence of the ERA Forum Subgroup on Inclusive Gender Equality of zero-tolerance in EU policy. The analysis, conducted to enable the taskforce's delivery of the planned outcome deliverable (EU baseline strategy for a zero-tolerance code of conduct to counteract gender-based violence, including sexual harassment, in the EU Research and Innovation system), consisted of a literature review on ZTA and an analysis of policies to identify the countries using ZTA. In this analysis, a search of texts dealing with the North American and European settings was conducted, including an analysis of existing policy proposals, existing policies, as well as statements of commitment and calls for the adoption of a zero-tolerance approach. Two countries were identified as referring to ZTA: Ireland and Sweden (see Fikejzova & Linková 2024).

Two different methodological approaches were chosen. For Sweden an analysis of existing HEI policies on ZTA were collected and analysed, including a workshop with participation of GE practitioners discussing the importance of a ZTA in different dimensions. For Ireland, desk research on existing policies were conducted, as well as a literature review on ZTA in academic texts. In both cases, a set of identical, guiding questions were used for the analyses of policies. Combined, these case studies contribute to an in depth understanding of the implementation of ZTA in HEIs in two different contexts, and result in core recommendations for future policy development.

2.1 AIM OF STUDIES

Sweden

The SE study had a twofold aim:

1. To identify the number of HEIs using a ZTA to gender-based violence in their institutional policies and analyse to what extent a ZTA has made an impact on concepts and perspectives, strategies, measures, and other activities. A majority of existing SE HEI policies on gender-based violence were collected and analysed in detail for this purpose.

2. To gain in-depth knowledge on the challenges and possibilities emanating from using a ZTA in practice within HEIs. A workshop with SE HEI gender equality experts and practitioners was performed with a detailed focus on the specific aspects of ZTA in different respects.

A ZTA to gender-based violence in SE HEI was set out as a recommendation by the SE Government in 2019 through a public announcement. This was also strongly recommended by the organisers of #Metoo in SE R&I in the fall of 2017, as well as by leading researchers and practitioners in the field.

The desk research set out to analyse all existing SE HEI policies on gender-based violence and a call was sent out to the HEIs to share their current and former policies on the issue. A total of 28 out of 38 HEIs responded to the call, sent out in May 2024, and shared their policies in full text including other adjacent policies (such as GEPs, protocols for reporting and handling formal complaints, etc.). All major HEIs in SE (that is, institutions with more than 5,000 students on a yearly basis) sent their policies, except for two HEIs for which policies were collected using personal networks. The ten HEIs which did not send their policies replied to the call claiming to be either in the process of developing such a policy or not to be able to send their policies due to other reasons (e.g. unclear of having a policy or not, existing policies not being updated since long, or ZTA not being part of the policy itself).

Ireland

The desk research aimed to examine whether Irish higher education institutions explicitly implement the zero-tolerance approach in their policies to address any form of gender-based violence (such as sexual violence and harassment policies, domestic violence policies and broader dignity and respect policies). This part of the research was guided by the fact that a ZTA is part of the Third National Strategy on Domestic Sexual and Gender Based Violence (Department of Justice 2022). The desk research involved scanning the websites of 21 higher education institutions in Ireland to identify the presence of "zero-tolerance" or "no tolerance" keywords and their conceptual interpretation within their publicly available anti- gender-based violence policies or publicly available summaries of those policies, such as simplified guidelines, press releases etc.

A complementary part of this desk research was to search for academic texts using the keywords "zero-tolerance approach", "Ireland" and "higher education" to determine whether the effects of implementing a national strategy on higher education is already evaluated in the academic literature. In addition, selected policy documents dealing with gender-based violence and sexual assault in general were scanned unsystematically at the recommendation of gender equality experts in IE HEI to assess whether they contained a ZTA. Those were:

- Code of Practice on Sexual Harassment and Harassment at Work (Irish Human Rights and Equality Commission),
- National Guidelines on Referral and Forensic Clinical Examination Following Rape and Sexual Assault (Sexual Assault Response Team) and
- Policy Template: Workplace Supports for Employees Affected by Domestic Violence and Abuse (Department of Children, Equality, Disability, Integration and Youth).

2.2 SELECTION CRITERIA

Sweden

The HEIs included in the SE sample were selected through their membership in the Swedish Higher Education Association (SUHF),

members of the SUHF (16 universities, 18 university colleges and four university art colleges).

Ireland

The institutions included in the desk research were selected based on their status as recognised higher education institutions within the remit of the Higher Education Authority in IE. This comprises 21 Higher Education Institutions of which seven are universities, four are institutes of technology, five are technological universities, three are specialist colleges and the rest are other HEIs. This selection criterion ensured that only institutions officially categorised as higher education providers were considered. Foreign institutions with branches in IE and other entities not classified as higher education institutions were excluded from the analysis to maintain focus and relevance.

2.3 DATA COLLECTION PROCESSES

Sweden

In April 2024 an email was sent out to all SE HEIs being members in the SUHF, asking for their complete policies on gender-based violence and sexual harassment. Almost all HEIs responded within 48 hours and about two-thirds (28) of them sent their policies, in some cases with comments and clarifications concerning the structure of the policy, lack of updates of concepts and/or legal requirements, and also adding other strategic documents. Most of the policies are only available in Swedish, albeit there are several policies with translated summaries. The most common form of policies sent for analysis are GEPs or the like and protocols for the handling of individual cases of discrimination and harassment.

A workshop was organised with experienced higher education gender equality officers to gain a deeper understanding of, and knowledge on, how a ZTA to gender-based violence is implemented. This is a slight change of the original plan to do a short questionnaire to be sent out to the SE HEIs. Decades of gender equality work and policy implementation in SE HEIs, including active strategies and activities on ending sexual harassment especially, has rendered a lot of thorough experience and knowledge among gender equality practitioners. Therefore, instead of collecting short responses to a survey, it was decided to invest time in setting up a dialogue with experienced practitioners to gain more nuanced insights into the day-to-day challenges facing policy implementation.

Six experienced gender equality and gender-based violence policy officers with thorough knowledge on gender equality and gender-based violence were invited to participate in a three-hour workshop conducted at the Swedish Secretariat for Gender Research, University of Gothenburg, on the 23rd of May 2024. These represented two universities and two university colleges. The focus of the workshop was to deal with a set of core questions (these were identical to the survey questions used for the IE sample):

- How is zero-tolerance defined in HEI policies – specific emphases, aspects, tendencies?

- What are the pros and cons of using zero-tolerance specifically?

- Has/how has zero-tolerance affected any revision or implementation of policies, compared to earlier versions and implementation processes?

- Does zero-tolerance imply any changes in how preventive measures and activities are planned and performed?

The dialogue was facilitated by Fredrik Bondestam and all participants actively contributed to the documentation of the workshop using pre-defined templates and scripts in relation to the core questions.

Ireland

The primary data collection method involved scanning the official websites of 21 Irish universities and colleges. To gather the necessary information, the following steps were taken:

1. Each institution's official website was systematically scanned for relevant policy information.

2. The search was conducted using specific keywords, namely "zero-tolerance" and "no tolerance," to identify any mentions of zero-tolerance approach within their policies to address gender-based violence.

3. Only publicly accessible information was considered in this analysis. No attempts were made to access restricted or non-public data.

Additional analysis of the existing academic literature on the evaluation of the implementation of the ZTA was conducted through a Google Scholar search using the keywords "zero-tolerance approach", "Ireland" and "higher education" with their variations (e.g. only "zero-tolerance" and "no tolerance", instead of "higher education" "universities" and "colleges", etc.).

In the next step, a questionnaire regarding the implementation of ZTA in the policies to address gender-based violence in Irish HEIs were distributed via the HEA (Higher Education Authority) to their "practitioner network". The structure of the questions was to focus on the current explicit implementation of ZTA or lack thereof, as well as the implementation of an intersectional approach and consideration of at-risk groups in the policies, mirroring the focus of WP2. Data collection took place between 17 May and 7 June 2024, with responses received from a total of five institutions out of twenty-one institutions scanned during the desk research.

In the questionnaire, institutions were asked if they would be interested in participating in a focus group on the concept of zero-tolerance in Irish HEI institutional policies. The invitation to attend the focus group was only disseminated in this way and was conditional on completion of the questionnaire. Initially, the intention was to conduct two focus groups, one with institutions working with the concept of ZTA and the other with those that do not use this approach. In view of the number responses received, only one was implemented. The focus group took place online via the Zoom platform on 17 June 2024 and lasted 90 minutes. The discussion was facilitated by Marcela Linková, the observational notes were written down by Michaela Fikejzová. In terms of respondents, four of the five people who completed the questionnaire participated in the focus group. These represented one university, one institute of technology, one technological university, and one specialist college.

2.4 LIMITATIONS

Sweden

Most key SE HEIs policies on gender-based violence and sexual harassment are included in the analysis, however policies from some smaller institutions are missing. This is due to the limited timeframe for data collection and the time given for collecting all responses, but also to the fact of several institutions not responding to the call in the first place. Further, in some cases, it is still unclear to what extent there are existing, or at least updated, policies on gender-based violence and/or sexual harassment in place.

In SE HEIs, as well as in the broad landscape of the SE R&I system, sexual harassment is the main topic and focus of interest since the early 1990s. Gender-based violence as a concept is still not used more than by a handful of HEIs, and only as part of specific sections of their policies. Therefore, the analysis of the situation in SE HEIs on the use of ZTA to gender-based violence mainly concerns a narrow, delimited part of different forms of existing violence in terms of sexual harassment.

In other words, what follows from these specific limitations is a restricted scope for analysing and reaching conclusions on the current state of policy relevance of a ZTA to gender-based violence in SE HEIs.

Ireland

The IE desk research is limited primarily by the following four aspects: (i) availability of the information analysed, (ii) keyword sensitivity, (iii) conceptual misalignment and (iv) scope of institutions. The restriction of the research to publicly available information means that it may not fully capture all policy details or recent updates that are not yet publicly published. This restriction may be partly resolved through the survey and follow-up focus group, even though only regarding institutions that will take part in the focus groups. Secondly, the research is restricted by keyword sensitivity meaning that keyword search may not yield all relevant information. Thirdly, there is a possibility that the HEIs use the principles of the ZTA in their policies but do not necessarily use the concept under that name. That is the reason the "no tolerance" keyword was also used, but the limit is still not fully eliminated. Finally, the desk research is limited by the exclusion of foreign institutions with branches in Ireland, therefore it does not map the whole higher-education system in Ireland.

The use of the questionnaire within the context of this task is limited primarily by the number of responses, of which there were five in total, with only one institution explicitly using a zero-tolerance approach in its policies. Another limitation is the overall novelty of the national policy, which has so far been only partially written into existing policies within the sample.

The focus group and its analysis are limited primarily by the fact that five people participated and only one was from an institution that explicitly implements a zero-tolerance approach. Another limitation is that it was conducted in an online format, which affects the interactions between participants who do not share a physical space, the focus group and the overall dynamics of the group interview process, which are harder to observe and subsequently analyse in an online environment. As in the case of the questionnaire, the focus group

results are limited by the fact that the national policy incorporating the zero-tolerance approach is quite new and also by the fact that all participants have only been in their position dealing with gender-based violence and hence ZTA for a short period of time (most of them less than one year). This limits their knowledge and experience with existing or planned policies, including the national one.

3 RESULTS

3.1 DESK RESEARCH OF POLICIES OF SE HEIS

From the sample of 28 SE HEI policies on gender-based violence including sexual harassment, it is evident that all but two include some form of ZTA to gender-based violence. There are three overarching clusters in the sample:

1. Policies mentioning zero-tolerance once (or using similar concepts such as "no tolerance of", "do not tolerate any", etc) in portal paragraphs and/or the introduction to the policy, but without any visible consequences for the content of the policy itself (N=18).

2. Policies mentioning zero-tolerance in one or several parts, beyond the introductory statement, for the purpose of clarifying certain elements of policy content (N=4)

3. Policies that do not mention zero-tolerance and in other ways do not adhere to the content of the concept (N=6)

The most common way of implementing a ZTA to gender-based violence in SE HEIs is thus to briefly mention the concept in the introductory parts of the policy, without any definitions or setting it in any further framework, or in other ways adapting the policy to any possible content associated with zero-tolerance. This is displayed in the analysed policies in two different forms, here in the form of generic quotes from the sample of 18 policies from the first category above:

- "At […] university, zero-tolerance applies to discrimination, harassment, sexual harassment and retaliation" or "Within the university, there must be zero-tolerance towards offensive discrimination, harassment and sexual harassment".

The insertion of the concept of zero-tolerance in SE HEI policies is uniform in these cases. Also, there is a lack of any concrete definitions, beyond the above generic quotes. Thus, zero-tolerance is foremost used as an empty signifier, or as an add-on to already existing principles and statutes, without any discernible effect.

In some cases, though, there are more elaborated examples of a ZTA in the SE HEI policies (N=4). This is often the case when a policy on SH refer to other policies on for example work and study environment or specific targeted policies on student health:

- "There is zero-tolerance of discrimination and victimisation, as well as of reprisals which is further described in the university's policy for a good work and study environment".

In these rare cases, it is obvious how zero-tolerance is still not used consistently throughout a specific policy. For instance, the intention of a specific part of a policy can be to *proclaim* zero-tolerance as *an aim* to reach for the institution, whereas in other instances of the policy the key element is rather to claim the need to set up *statutes to guarantee* the existence of zero-tolerance. No concrete measures are to be found on for whom, when, by what specific measures, or through whose responsibility this is eventually to be the case.

3.2 WORKSHOP ON ZTA TO GENDER-BASED VIOLENCE IN SE HEIS

Reading policies is not enough to find out the current state of policy implementation on ZTA to gender-based violence in SE HEIs. Instead, by fostering dialogues with practitioners in the fields of gender equality, gender-based violence and other related issues within SE HEIs, it is possible to get a more nuanced understanding of the situation at stake, including identifying possible obstacles, challenges and solutions to future policy implementation. Thus, the workshop gathered gender equality practitioners from SE HEIs with in-depth experience and thorough knowledge on the issue at stake. A set of core reflections and comments on possible conclusions and recommendations by the participants on ZTAs are:

- Zero-tolerance statements in a policy will (at least if clearly defined in relation to strategies, resources and processes) give these measures an important revitalisation, making them more acute and important to address as such by staff and managers. It was also noted a ZTA made it possible to discuss to what extent, and how, different measures will lead to zero-tolerance in reality, as a way to sharpen and correct existing measures rather than formulating new ones.

- Zero-tolerance can function as a sharp organisational statement which does not accept any exceptions. This turned out to be relevant as several examples were brought forward on the tendency within HEIs to use different yardsticks for different forms of violations, usually by not holding certain perpetrators (e.g. full professors) accountable the same way as other perpetrators (e.g. international PhD-students). This way, the problem of violence as such, rather than the extent to which someone has a certain position in an academic hierarchy, was put to the centre more often through the lens of a ZTA to gender-based violence if used persistently by for example gender equality practitioners in dialogues with lead management.

- Zero-tolerance as a concept has an important advantage by bringing in a drastic "component" in an otherwise formal policy discourse, claiming a no-more-violence-understanding as an absolute criterion. At the same time, this criterion is not realistic if seen in relation to the knowledge from research on the ongoing violations and abuses in SE HEI. Thus, a paradox resides between an absolute principle and the day-to-day life of staff and students. Nevertheless, the absolute claim can fulfil an important function of empowerment for marginalised groups, giving them a voice and legitimacy, but also push for acceptance of other less "radical" agendas on ending gender-based violence and sexual harassment. The latter occurs simply because moving far beyond what is considered acceptable by the majority culture, the same culture will be more willing to adhere to principles beforehand seen as not relevant, such as claiming repatriation for victims and survivors as a responsibility for the institution, etc.

- Zero-tolerance also gives a new boost in the sense of establishing a window of opportunity to broaden what is meant by, for example, unacceptable or grey-zone behaviours, how these instances of abuse also must be dealt with, pushing for new understandings of where accountability is to reside, and other core aspects of a

much longed for institutionalisation of feminist research perspectives on gender-based violence including sexual harassment in the current policy discourses in SE HEIs.

In summary, the workshop largely confirmed the overall analyses of SE HEIs policies as yet only symbolic integration of ZTA to gender-based violence, but it also brought forward several important insights which are important to address in the future development of tools and resources aiming at supporting gender equality practitioners in their work.

3.3 DESK RESEARCH OF POLICIES OF IE HEIS

An analysis of policies was conducted by scanning the official websites of Higher Education Institutions in Ireland. This analysis found that half of the institutions surveyed explicitly mention the zero-tolerance approach in some form, but none of them explicitly explain what exactly this principle entails in their use. For example, Dublin City University states the following: "DCU has a zero-tolerance stance on sexual misconduct." When HEIs describe the Speak Out campaign and online platform and the It Stops Now campaign, they reference the zero-tolerance policy and/or culture, such as "The national approach in the Speak Out campaign echoes the ongoing work at the University of Galway and will help achieve the much needed zero-tolerance culture." (University of Galway 2024) or "In February 2019, UL Student Life together with UL unveiled a mural on campus to mark launching our part of the EU-wide It Stops Now campaign, which demands a zero-tolerance policy to sexual violence and harassment on university campuses" (University of Limerick 2024).

3.4 QUESTIONNAIRE AMONG IE HEIS

In total, five Irish HEIs responded to the questionnaire, and of those four do not employ the zero-tolerance approach in the respective institutional policies.

Only one institution explicitly reported using ZTA in its policy in the questionnaire distributed to Irish HEIs. The institution that uses the zero-tolerance approach is based on the premise of the "widespread prevalence of gender-based violence in Irish society" and as such recognises it as unacceptable in all its forms. As part of the implementation of this approach, it considers an intersectional approach in response to and prevention of gender-based violence. According to the respondent, it takes a systematic approach to the zero-tolerance approach, including dedicated officers and regular evaluation of policies. The zero-tolerance approach was implemented at the institution in April 2022, partly in response to the Third National Strategy on Domestic, Sexual and Gender-Based Violence (Department of Justice 2022).

All five respondents answered questions about the intersectional approach to gender-based violence in existing policies and those related to specific at-risk groups including those with precarious contracts.

As for the intersectional approach, two institutions do not work with it at all. Two other institutions do not explicitly work with the concept of intersectionality, but they do reflect the content of the different axes marginalising members of certain groups. The policies of the

first one explicitly mention unacceptable behaviour related to the axes of gender, family status, civil status, sexual orientation, age, disability, ethnicity, membership of the Traveller community. The policies of the latter explicitly reflect that certain groups (women, members of the LGBT+ community and individuals with disabilities) are disproportionately affected by experiences of sexual harassment and violence. Only one institution explicitly works with an intersectional approach and emphasises that: "An intersectional approach to gender-based violence requires consideration of a person's individual identity to ensure equality of outcome for all."

Regarding the consideration of at-risk groups, two institutions do not take these groups into account in their policies, one takes unspecified account of "lecturers on temporary positions" and another is currently working on taking "students from various groups, including those with disabilities, Travellers, individuals from low economic backgrounds, and migrants" into account in their policies.

The latter institution also mentions the need to expand policies in this regard, but explicitly subscribes to the principles of "race equality" and sees the need for expansion "particularly in relation to people with intellectual disabilities".

3.5 FOCUS GROUP IN IE

Definitions

The primary goal of the focus group was the respondents' understanding of the concept of zero-tolerance in the context of HEIs policies to address gender-based violence. This included both what they perceive the concept to mean and where they see its strengths and weaknesses in terms of implementation. In their responses, respondents strongly reflected the general climate of their home institutions and their openness to adhering to the concept of zero-tolerance. They themselves pointed primarily to the lengthy processes of dealing with cases of gender-based violence, which does not reflect an outcome close to their understanding of a zero-tolerance approach. In their responses, respondents defined the zero-tolerance approach primarily in terms of the challenges it brings without characterising exactly what the zero-tolerance approach means to them.

Benefits

The benefits were most clearly identifiable in the statements of focus group participants, where the role of leadership and senior management was emphasised, especially in terms of their commitment to combating gender-based violence, implementing preventive measures and following due process. ZTA was mentioned especially in relation to its symbolic value for the senior management, with respondents stating that it may be an appropriate PR stance for senior management while also stressing the need to accompany this stance with full implementation of zero-tolerance policies. In this respect, the leadership and senior management should ensure that its implementation is structured and institution-wide, including the appointment of responsible persons for this implementation, was emphatically mentioned in relation to the implementation of the ZTA. In other words, the ZTA should not just be a symbolic PR stance but a distinct line of institutional change. As desk research shows, ZTA appears on university websites as a PR figure of speech, so it

is important to link it to a consistent infusion of this figure of speech within institutional policies.

Challenges

A significant challenge in the Irish HEIs context is the novelty of an overarching national policy using ZTA as its main approach. A related challenge is the limited time for individuals in positions who deal with the problem of gender-based violence in HEIs as these positions are constantly under scrutiny, reorganised and replaced with other competencies. Further, a challenge emerging from both the questionnaire and the focus group is how to link the ZTA to the concept of intersectionality and to the concept of a victim-centred approach.

The respondents discussed the difficulty of implementing a victim-centred approach in the HEI environment, which is characterised by its hierarchical nature and the need to protect the alleged perpetrator to some extent to preserve the community. Another challenge to adopting the victim-centred approach that was discussed is the difficulty of separating the alleged perpetrator from the victim, given the system of education and cooperation.

The challenge related to linking the concept of intersectionality and the zero-tolerance approach stems primarily from the absence of an explicitly intersectional approach in the institutional policies. Related to this is attention and recognition of the needs of precarious and at-risk groups, who are not considered in the institutional policies. The practitioners participating in the focus groups also noted that they are aware of the hierarchical nature of some cases, but information about the exact position of the reporting person is not readily available.

The last challenge is related to the duality in national policies and the misalignment between the ZTA approach promoted by the Department of Justice and the safe and respectful environment approach promoted by the HEA. In this context, respondents expressed concern about how policies would be drafted, approved, and implemented once DOJ began requiring HEIs to take an approach that conflicted in some respects with that of the HEA.

4 DISCUSSION

Task 2.1 set out to examine the implementation and effectiveness of zero-tolerance policies toward gender-based violence in Irish and Swedish HEIs. The study is framed within the **broader** scholarly debate on zero-tolerance approaches, drawing from criminological theories such as broken windows and deterrence theory, and critiques highlighting potential pitfalls of the ZTA. To this end, we conducted desk research, a questionnaire, a focus group and a workshop to identify existing definitions of ZTA in the context of HEIs and their implementation, including benefits of and challenges to implementation.

4.1 ZTA IN GENDER-BASED VIOLENCE POLICIES IN SE

A core interpretation of the current situation in SE HEIs, in sum, is that ZTA is only a rhetorical figure used in policies without further effects on policy content and implementation, at least as far is possible to discern through analysing the existing policy

documents collected from a majority of the institutions. This seems foremost to be due to the lack of definitions and relevant frameworks, but also of a true commitment to the concept as such, without which zero-tolerance will never be relevant for the content of structures, measures and activities proposed in the policies.

Overall, the policy analysis as well as the workshop dialogues resulted in a strong agreement that ZTA to gender-based violence is not yet in place within SE HEIs. Instead, the policy discourses have clearly adapted to external influences and narratives and gradually included concepts such as zero-tolerance, but without any discernible consequences for HEI policy cycles or any real effects on policy development or implementation. Further, none of the participants in the workshop were able to give concrete examples of strategies, measures or other activities directly linked to a ZTA. This was also clearly in line with the analysis of the existing policies as well.

At the same time, the dialogues on the more general importance and influence of ZTAs to gender-based violence turned out to be relevant to deepen in other ways. As the workshop turned to learnings from everyday organisational life, it became evident how a ZTA had paved the way for other developments. Some of the core conclusions noted by the participants in the workshop in this respect pinpointed several aspects concerning the need to take advantage of the unforeseen and sometimes unexpected possibilities ZTA to gender-based violence can give.

4.2 ZTA IN GENDER-BASED VIOLENCE POLICIES IN IE

In the context of Ireland, the research and analysis took place within an environment where ZTA is promoted as an overarching approach within a national policy on gender-based violence. The policy is recently adopted, which brings with it specific challenges in the analysis of its implementation, such as respondents' familiarity with the policy, as well as the length of time they have been in their position implementing the policy at each HEI.

The desk research revealed a mixed level of commitment to zero-tolerance approach across Irish HEIs. While approximately half of the institutions surveyed mention ZTA in their policies, there is a lack of explicit definitions and comprehensive frameworks to support its implementation. This finding aligns with the broader scholarly discourse that emphasises the importance of not treating ZTA as purely symbolic.

The questionnaire responses provided a more granular view of ZTA implementation. Out of the five institutions that participated, only one actively employs a ZTA framework. This institution´s approach includes a systematic strategy, reflecting a comprehensive commitment to addressing gender-based violence. Other institutions either do not use ZTA or incorporate its principles without explicitly labelling them as such.

The main benefits of ZTA at the discursive and symbolic level include strong deterrence, which can also be a motivation for top management to implement this approach, as it coveys taking a strong stance. While senior management may publicly endorse ZTA for its PR value, there is a critical need for these declarations to be backed by concrete actions and policies. Therefore, the symbolic use of ZTA is also a significant challenge, as it is not in itself a sufficient step for a functional ZTA if it remains only at the symbolic level. This, once

again, reflects what was found in the analysis of scholarly debates regarding ZTA and its symbolic value.

Substantial challenges in the context of strong deterrence include in particular the (un)willingness of victims to report gender-based violence cases, as strong deterrence can be connoted with disproportionate consequences for alleged perpetrators, including for example termination of the contract, which according to the focus group participants is often not what victims are looking for. Rather, there is often a tendency to draw the alleged perpetrator's attention to the inappropriateness of their behaviour, without the expectation of radically severe punishment.

Another challenge lies in reconciling the ZTA with the victim-centred approach in the context of the hierarchical nature of HEIs. Respondents mentioned that it is complicated to fully separate the victim from the alleged perpetrator, given the day-to-day functioning of HEIs. At the same time, the person responsible for handling gender-based violence cases must attend to both the victim and the alleged perpetrator when both are directly working at the institutions. Thus, it is not possible to attend purely to the interests of the victim. A final challenge is the temporal aspect since addressing gender-based violence cases is a lengthy process. The important thing in overcoming this obstacle is to set policies that are technically feasible to implement.

The responses also highlighted varying degrees of consideration for intersectionality and at-risk groups. Some institutions acknowledge marginalised groups in their policies, while others fail to address these aspects adequately.

Another challenge specifically in the Irish context is the potential conflict in the implementation of the requirements of the different umbrella institutions - the Department of Justice uses ZTA as its umbrella concept, while the HEA uses the concept of safe and respectful environment. This difference in approaches is regarded as a challenge for the HEIs. One challenge lies in reconciling the different approaches and focal areas. The second lies in the number of reported cases and the percentage of actual convictions, which does not suggest zero tolerance as perpetrators are not being punished and if a case is brought to a court, it takes years to go through.

The findings underscore the need for a more explicit and structured implementation of ZTA in HEIs, including (i) clear articulation of what ZTA entails and provision of comprehensive guidelines for its implementation, (ii) reinsurance of institutional commitment with actionable steps and resources for enforcement, (iii) incorporation of intersectionality in policies with the recognition of the varied impacts of gender-based violence on different marginalised groups, and (iv) alignment of the objectives of national strategies with institutional policies to avoid conflicting approaches.

5 CONCLUSIONS AND RECOMMENDATIONS

The analyses done in this report, focusing on two different national contexts and their possible implementation of ZTAs to gender-based violence in HEIs, have resulted in a set of recommendations for the future development of the ERA policy discourse as well as concrete tools and measures on the institutional level. The most relevant recommendations, as formulated by the team of researchers responsible for the analyses done, are to:

- Embed the zero-tolerance approach to gender-based violence including sexual harassment within a framework of institutional change, preferably using an overarching GEP or gender mainstreaming framework as a point of entrance.

- Provide a clear and explicit definition of ZTA in current gender-based violence policies. This definition should include institution-wide implementation along with the designation of those responsible for implementation itself, as well as monitoring and evaluation of the effectiveness of these policies. Furthermore, active involvement of leadership and senior management should be ensured.

- Translate the conceptual framework into an operational code of conduct that clearly delineates what constitutes unacceptable behaviour and determines the repercussions of any violation of the established limits, embedded in a broader policy framework. The operationalisation of the ZTA should include, above all, the involvement of senior management. This should not be merely symbolic in the sense of ZTA being deployed as a PR stance by the top management but as an active implementation within the framework of institutional change for which senior management accepts responsibility. For an effective implementation of ZTA, there is a need to appoint a responsible person to handle gender-based violence cases, but also responsible persons for the overall implementation, monitoring and evaluation.

- Make sure to take advantage of the often unexpected and desirable indirect effects of implementing a new, "absolutist" concept such as zero-tolerance in an otherwise formal and not so demanding policy discourse on gender equality in ERA HEIs. Identify possible ways to "use" the claim of zero-tolerance to address the relevance of already existing measures and also make use of this window of opportunity to strengthen marginalised groups as well as undermine tendencies to set different standards on accountability depending on the hierarchical status of the identified perpetrators.

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APPENDIX

Guiding questions for the SE policy analysis and workshop on ZTA

Policies

Analysis targeting existing policies will have the following guiding questions:

- When was the zero-tolerance policy adopted by the institution?
- Is a zero-tolerance approach further defined in the policy? If so, how?
- Is a zero-tolerance approach operationalized into concrete aims, goals, measures, actions, protocols, and/or systems for monitoring and evaluation? If so, how?
- Are there any concrete examples in the policy of how a zero-tolerance approach further any of the 7Ps, or the like?
- Any other aspects on the importance of zero-tolerance in the policy?

Workshop

Questions guiding dialogue with representatives for institutions:

- How do you define a zero-tolerance approach in your institution?
- Which are the key advantages and challenges of using a zero-tolerance approach?
- Does a zero-tolerance approach imply any significant change in *developing* and *implementing* the policy, compared to previous polices?
- Does a zero-tolerance approach imply any significant change in suggested *measures* and *activities* (preferably cover all 7Ps), compared to previous policies?
- Any other aspects on the importance of a zero-tolerance policy?

Questionnaire to IE HEIs

Zero-tolerance approach to gender-based violence in higher education institutions

1. Does/Do your institutional policy/policies to address any form of gender-based violence (including sexual violence and harassment policies, domestic violence policies, dignity and respect policies, consent policies) use the term zero-tolerance (including the phrasing zero-tolerance, zero-tolerance, and no tolerance)?

a) Yes, it does.
b) No, it does not. (*if the response was No, it does not., the section Operationalisation of the term zero-tolerance was skipped*)

Operationalisation of the term zero-tolerance

2. Is the zero-tolerance approach defined in the policy/policies?

a) Yes, it is.
b) No, it is not.

3. If yes, how is the zero-tolerance approach defined

Text box

4. When was the zero-tolerance approach adopted by your HEI?

Text box

5. Was the zero-tolerance approach adopted to fulfil the Third National Strategy on Domestic, Sexual and Gender Based Violence or was there other motivation to adopt this approach?

Text box

6. Does your institution specifically monitor and evaluate the effectiveness of its zero-tolerance approach to any form of gender-based violence? If yes, how?

Text box

7. Is robust monitoring and evaluation plan in place to monitor policy implementation?

Text box

Intersectionality and vulnerable and at-risk groups

8. Does your institutional policy address intersectionality in its approach to gender-based violence? If yes, how?

Text box

9. Are any specific vulnerable or at-risk groups, such as those with precarious contracts or facing structural power imbalances, considered in your institutional policy? If yes, please state which ones these are and the reasons for identifying these particular groups if this information is readily available

Text box

Participation in follow-up focus groups

We are intending to organise two follow-up online exchanges to address in greater detail the zero-tolerance approach. The first of these is intended for those HEIs that employ the concept of zero-tolerance, the second for any institution. The objective of the first will be to gain a deeper insight into the origins and operationalisation of the zero-tolerance approach in the HEI´s policy mix. The objective of the second is to discuss the concept of zero-tolerance, the potential risks and opportunities it affords in addressing any form of gender-based violence.

10. My HEI has adopted the zero-tolerance approach and I volunteer to participate in the focus group on one of the following dates (please, tick all dates you are available to participate):

Checkbox with date options

- I volunteer to participate in a focus group to discuss the concept of zero-tolerance, its risks and opportunities on one of the following dates (please, tick all dates you are available to participate):

Checkbox with date options

Information about your institution

For the purposes of analysing your responses and further communication in the event you are available to participate in follow-up focus groups, we are asking for some information regarding your institution and your position at your institution. Your name, e-mail and position will be kept strictly confidential and will not be used for purposes other than communication regarding the focus groups.

11. We will continue to handle your answers either completely anonymously, or by giving the name of your institution. Please tick the option which you prefer. Your name, e-mail and position will be kept strictly confidential and will not be used for purposes other than communication regarding the focus groups.

a) I request that responses regarding my institution´s policies be anonymised.
b) My answers regarding my institution´s policies can be analysed and mentioned in a report under my institution.

12. What is the name of your institution?

Text box

13. What is the position you hold at your institution?

Text box

14. What is your preferred e-mail address?

Text box

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