Dnr: FS 1.6.2-2710-21

What is zero tolerance in practice?

A study of sexual harassment within academia

Britt-Inger Keisu, docent and associate professor in sociology, head of department of the Umeå Centre for Gender Studies at Umeå University.

Klara Regnö, PhD and senior lecturer in organisation, Mälardalen University, Equal Opportunities Strategist, Karolinska Institutet.

A study commissioned by the Vice-Chancellor of Umeå University and part of work at Karolinska Institutet with gender mainstreaming.

Report, December 2021

Contents

Introduction

In November 2017, the Swedish newspaper Svenska Dagbladet (SvD121124) published an open letter signed by academics in Sweden. Under the hashtag #akademikerupproret, 2,400 female academics recounted their experiences of sexual harassment and assault. Many gave evidence that no action was taken after they reported the perpetrator and informed their managers. This open letter was one of 77, where 42 had been initiated by professional organisations and 35 from other sectors. The media published 61 open letters (Ganetz et al., 2020).

In the wake of the #metoo movement, universities intensified their efforts to combat sexual harassment. The Government issued a statement that Swedish higher education institutions must have zero-tolerance of sexual harassment (Swedish Government 2019). Following these events, many higher education institutions expressed zero-tolerance attitude towards sexual harassment. They updated their policies and action plans and implemented information drives for students and staff (Luleå University of Technology, 2017; Salomonsson, 2019; Stockholm University, 2021; Swedish Council for Higher Education (UHR), 2019). However, several studies show major discrepancies between the universities' zero-tolerance statements and victim experiences of sexual harassment (Andersson, 2007; Carstensen, 2004; Eliasson, 1998; Hensing & Larsson, 2000; Larsson & Tyden, 2006; Muhonen, 2016; Pernrud, 2004).

A national research study on sexual harassment and gender-based vulnerability in academia showed that 5.2% of academics reported experiencing sexual harassment in the past 12 months, 14% said that they had been bystanders, and 0.5% perpetrators (Forsknings- och samverkansprogrammet mot sexuella trakasserier och genusbaserad utsatthet, 2021). Other studies have shown that the majority of those who believe they are victims of sexual harassment do not file formal complaints (McDonald, 2012; Bondestam & Lundqvist, 2018). Instead, sexual harassment is addressed by the individual together with close colleagues or other trusted people (Carstensen, 2004; McDonald, 2012; Bondestam & Lundqvist, 2018). Furthermore, the women who have reported sexual harassment do not feel that they have received the support they had expected, and their faith in management decreases when the problem is not properly addressed. This ties in with the findings of this study. Few sexual harassment cases are known, and few people come forward and talk about their experiences. When cases are investigated, few if any find that sexual harassment has taken place. This report intends to deepen the understanding of this issue. One of the study's informants raises this issue:

> IP: I want to say that there are hardly any complaints filed. I know that, I think that there have been two cases this year that I am aware of.
> I: In the past ten years, have there been any incidents at Umeå University that have constituted sexual harassment?
> IP: No.

Aim and research questions

This report was commissioned by Karolinska Institutet (KI) and Umeå University. It intends to explore what takes place when the university becomes aware of suspected sexual harassment. The Vice-Chancellor of Umeå University has allocated funding for this study from strategic resources for 2020 (Reg. no.: FS 2020/203). This study is also part of KI's work with the Swedish Government's gender mainstreaming directive and the gender mainstreaming plan for Karolinska Institutet 2021–2022 (reg. No.:1-971/2020) approved by the university's President. The authors of this report are Associate Professor Britt-Inger Keisu from Umeå University, Head of Department for the Umeå Centre for Gender Studies, and Klara Regnö, PhD in Business and Economics and Gender Equality Strategist at Karolinska Institutet and Mälardalen University.

The study analyses how Karolinska Institutet and Umeå University work with sexual harassment cases. It looks at the experiences and consequences faced by people with first-hand experience, as the case is passed through the universities. It shows the organisational conditions that create the discrepancy between the university's zero tolerance policy and employee experience of sexual harassment, as noted in previous studies. In this way, this study contributes further knowledge about how universities can be more successful with their work to fight sexual harassment, and how all those involved in the process can receive support.

This work and the analysis were guided by the following questions:

- What is zero tolerance in practice? What does and does not take place when sexual harassment is suspected?
- Who is involved, how considerations are taken, what measures are taken, and what are the consequences?
- What are the experiences of those involved, how are events depicted depending on who presents them, and what are the consequences?
- What are the norms and values held by those involved regarding sexual harassment, and what are the consequences of this way of thinking?
- What possible sanctions that the organisation can take are defined in regulations?

Data and delimitations

Sixteen semi-structured interviews were conducted between autumn 2020 and spring 2021 with people who had encountered cases of suspected sexual harassment in some form, either in their workplace or related to their position at the university. Some of the informants had encountered singular cases, whereas others had encountered several over many years. Five men and 11 women participated in the interviews, which lasted approximately 90 minutes.

Due to time constraints, the study looks at staff and not students. The study focuses on the organisational process, i.e., how the organisation addresses the matter, and not the events, the type of sexual harassment or the issue of guilt. We have chosen the terms: The person

who feels they have *experienced sexual harassment (victim)* and the *person suspected of the sexual harassment (perpetrator)*.

Principles of research ethics for the humanities and social sciences have been applied to this study (Swedish Research Council). Participation in the interviews was voluntary and participants have been guaranteed confidentiality. The data were processed in confidentiality. The data were processed using Maxqda2020 and Nvivo for qualitative analysis. The research questions guided the thematic content analysis (see e.g., Graneheim & Lundman, 2004). The results for the universities have been combined and are overall in nature. As such, the analysis does not compare the universities. Nevertheless, it became clear during the analyses that there were more similarities than differences when it came to the challenges and experiences with case management at both universities. The authors worked together on all elements of the project, from design and data collection to analysis and writing.

Theoretical framework

About sexual harassment – a brief history and definition

The widespread nature of sexual harassment and sexual violence both within and outside the labour market poses serious consequences to public health and well-being. This has been established in several studies (EU, 2014; Lundgren, 2001; MacKinnon, 1979; NCK, 2014; WHO, 2014, 2018). The term "sexual harassment" is closely linked to legislation on the phenomenon. The term was first coined during the 1970s by the American women's movement. It soon entered political discourse and resulted in legislation and political positioning (McDonald, 2012; Zippel, 2006). A direct translation of the English term sexual harassment [sexuella trakasserier] became part of the Swedish language in 1987 in conjunction with a project by the then Equal Opportunities Ombudsman's project, "Kvinnofrid i arbetslivet" [*Women's Integrity in the Workplace*] FRID-A that was conducted by Ninni Hagman (Carstensen, 2014). Shortly thereafter, sexual harassment became regulated in the 1991 Equality Opportunities Act (SFS 1991:433), which repealed the first Equal Opportunities Act from 1979 (SFS 1979:1118).

Today, sexual harassment is regulated in the Swedish Discrimination Act (SFS 2008:567), which defines sexual harassment as "conduct of a sexual nature that violates someone's dignity." The Equality Ombudsman (DO) gives examples of sexual harassment, such as words or comments, groping or suggestive gazes. Sexual harassment can also include unwelcome complements, invitations, and allusions. To be defined as sexual harassment in accordance with the law, the perpetrator must understand that their behaviour is unwelcome and unwanted. The person being harassed must make it clear that they find the other person's behaviour unwelcome and unwanted. In certain circumstances the offensive nature of the behaviour may be so obvious that no comment is required from the victim (Equality

Ombudsman, 2021). Several actions are a criminal offence and are regulated in chapters four and six of the Swedish Criminal Code, meaning they can be reported to the police. These are molestation, sexual molestation, rape, and sexual assault (SFS 1962:700).

In 1988, Ninni Hagman presented the experiences from the FRID-A study in the book "Sextrakasserier myter, fakta och råd" [*Sexual harassment myths, facts, and advice*] (Hagman 1988), in which she describes sexual harassment in terms of the sexual harassment ladder. The ladder is not a hierarchy in terms of what actions the victims find to be the most serious. A person can be the victim of one or more actions at the same time, however, the ladder shows how sexual harassment can be a gradual process; initially it may be difficult for the victim to recognise the act of sexual harassment and instead feel responsible and guilty for the event.

- "Complements" – instead of professional behaviour.
- Verbal and visual groping – for example, staring at a person's genitals or being sexually suggestive.
- Friendly physical contact – direct and unwelcome touching, seemingly innocent but can be harassment.
- Borderline groping – "accidentally" moving against someone by the photocopier or brushing off a strand of hair from a person's chest.
- Groping and other assault – sexual words and actions that are obviously inappropriate. The ultimate threat – threatening a person that if they do not meet sexual demands then they will not receive a salary increase or promotion.

When an employer becomes aware of a member of staff having been the victim of sexual harassment in the workplace, they must investigate the circumstances around the accusation and, where appropriate, take the necessary action to prevent such an incident from happening again. The situation will determine which actions are reasonable for preventing the harassment from continuing. The Equality Ombudsman and Swedish Work Environment Authority state that in certain circumstances, a reprimand or order to stop the harassment will suffice. In other cases, a warning or reassignment may be necessary. If nothing else helps, the perpetrator may need to be dismissed or employment terminated (Equality Ombudsman and Work Environment Authority, 2019). Once the measures are in place, the employer must follow up on the situation and establish whether the sexual harassment has ceased. If the sexual harassment continues, the employer's measures have been insufficient and the employer must take further action (ibid). If the employer has conducted an exhaustive investigation but has determined that there has been no sexual harassment, the Swedish Agency for Government Employers states that the employer is not obliged to take any action. Nevertheless, they must inform the victim and the accused about their conclusions, and that the employer will not take any further action (Swedish Agency for Government Employers 2021). However, the Equality Ombudsman (2021) points out that

when a person states they have been the victim of sexual harassment, this can indicate other problems in the workplace – regardless of the statutory measures that must be taken. Consequently, there are reasons for the employer to focus on preventive measures, such as providing information and training for staff and managers (Equality Ombudsman, 2021).

The Discrimination Act also prohibits reprisals (SFS, 2008:567). This means that an employer must not punish a person who has reported or made an accusation of sexual harassment, or complained that their employer has not investigated and taken action against the alleged sexual harassment in the workplace. This also applies to people who participate in an investigation, either by defending themself or providing information for an investigation. The prohibition against reprisals protects an employee from sanctions or acts of revenge that can lead to negative working conditions or terms. Reprisals include being given an unreasonable workload, having duties taken away, being given tasks that do not correspond to a person's level of expertise, and being treated in a threatening or in an offensive manner (Equality Ombudsman, 2021).

Sexual harassment in the workplace and in academia: The current state of knowledge and identified knowledge gaps

Research into sexual harassment has grown exponentially since sexual harassment was observed as being a social phenomenon and began to be defined in legislation approximately 40 years ago (MacKinnon, 1979; McDonald, 2012). Several overviews of the current situation in Sweden and the Nordic countries have been published following the #metoo movement. These overviews focus on both a working life context and academia both in Sweden and internationally (Bondestam & Lundkvist, 2018, 2019; Svensson, 2020). The overviews show that Nordic studies of sexual harassment have mainly focused on different industries and specific professions. However, the results have several common characteristics. For example, all the industries studied appear to under-report incidents and employ a culture of silence. Few victims of sexual harassment ever file a complaint, meaning a large number of cases go unreported (Svensson, 2020). Few formal accusations are made, an estimated five to thirty per cent of all sexual harassment cases are reported, and fewer than one per cent of those who file a complaint participate in a legal process (Bondestam & Lundkvist, 2018). The under-reporting of sexual harassment is linked to a fear of being doubted, subject to reprisals, and negative consequences to a person's career (Salomonsson, 2019; Swedish Council for Higher Education (UHR), 2019).

Cross-sectional studies dominate research into sexual harassment within academia, i.e., studies that measure the occurrence of the phenomenon. These studies often fail to contextualise the phenomenon because of a lack of knowledge on how sexual harassment is linked to the organisational and workplace culture. There is also insufficient knowledge of the organisational processes in which sexual harassment takes place, and how organisational and workplace culture can create both opportunities and obstacles to the prevalence of

sexual harassment (Bondestam & Lundqvist, 2018; Svensson, 2020). On the whole, research into sexual harassment is oriented towards the individual, to the extent that the individual's vulnerability is included, described, and analysed. Generally, the physical and psychological consequences for the victims are analysed, and to a great extent there is little knowledge about the consequences for work groups, the work environment, study environment, and organisational culture. This focus on the individual is also apparent in the identified need for knowledge by several research overviews; we need to learn more about the bystanders and perpetrators – in addition to what we know about the victims.

Studies of academia have also shown that the legal definitions of sexual harassment are increasingly becoming guiding principles for research on the matter. The studies based on these legal definitions have predefined the way victimhood in academia is understood. Consequently, the power perspective becomes less important as does the link to research into sexual violence, power, and organisational research based on gender theory (Bondestam & Lundqvist, 2018). In this context, the term "juridification" is used to describe a process in which societal activities and problems are becoming increasingly regulated by laws and a legal understanding, to the detriment of understanding the social field itself (Cane & Conaghan 2008). In the context of sexual harassment, this means that societal problems are becoming increasingly described in legal terms, and the solutions are being looked for in changed legislation and legal practice (Bondestam & Lundgren, 2018).

Carstensen (2004) reflects upon MacKinnon's 1979 analysis of the consequences legal authorities' stance on rape, which draws parallels with the stance on sexual harassment. MacKinnon believes that the legal system has been formed based on the premise that gender lacks significance. This is problematic, as this overlooks the associated underlying power relationship and attitudes. The underlying power relationship can be seen in how men's interpretation of what constitutes sexuality takes precedence. As such, the man's interpretation of the woman's consent becomes decisive. Consequently, the focus does not lie on what has taken place in the individual situation. Instead, it becomes a question of whose interpretation of the situation will apply. As Carstensen put it, the woman's task is to prove that she did not 'consent' (Carstensen, p. 43). Carstensen emphasises how MacKinnon's analysis makes it clear that a woman's right lies in saying "yes" or "no", i.e., giving or refusing consent to a man's advances, while men are expected to be the ones to take the initiative. The law views consent as a free choice based on the assumption that the power relationship is equal between the genders, and men's desires or requests are assumed to be handed over to the women for either consent or rejection (Carstensen, p. 43). MacKinnon's analysis places the power relationship between women and men at the centre. This reasoning can be translated and applied to other power relationships within

academia, such as those linked to position and seniority, and the other grounds of discrimination.

An organisational theory model

The study was guided by an organisational theory approach, and a model was developed (see Figure 1). The focus lies on case management and how the handling of incidents of sexual harassment are processed within an organisation. Cases are processed in an organisational context comprising the organisation's structure and culture. The organisation is also related to society at large, which has laws that regulate how to address sexual harassment. The various components of the model below provide an overall illustration of the organisational dimensions activated during the case management process.

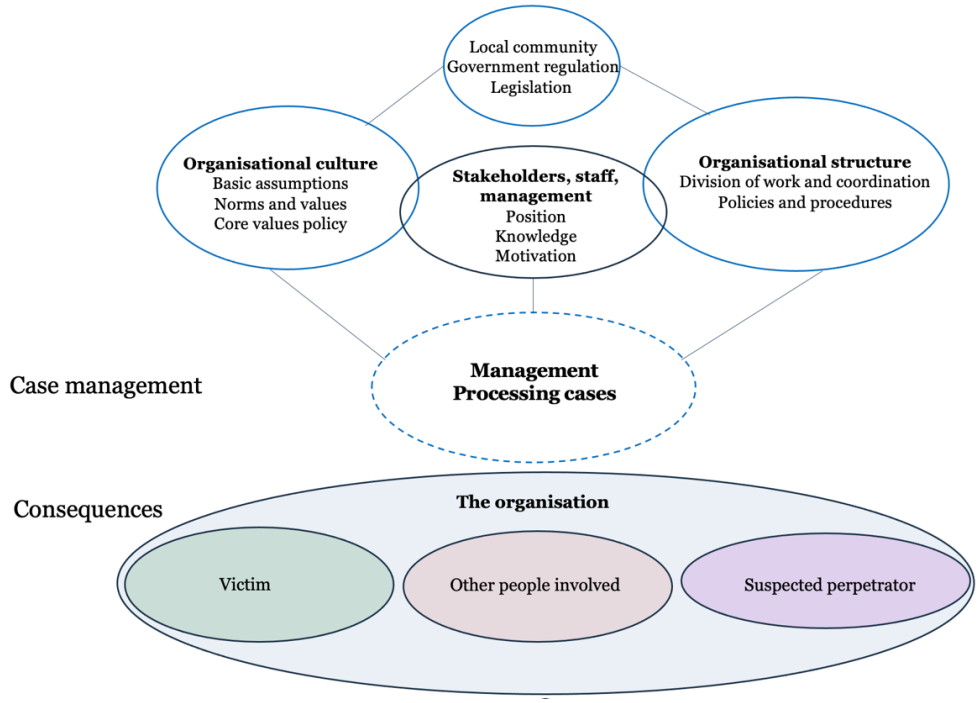

Figure 1. Organisational theory model (own).

In summary, in addition to following how a case moves through the organisation, this study explores the consequences of case management on the victim, others involved, the person suspected, the organisation as a whole. The empirical results in this report will highlight the components of the model.

Organisational structure

An *organisational* structure aims to determine how work is distributed and coordinated, in addition to the distribution of power (e.g., Mintzberg, 1993). The formal structure of a university allocates the responsibility for sexual harassment cases to managers, HR department at various levels and legal teams. Several governing documents are available as support, including the universities' policies and core values and vision documents. Furthermore, the work is regulated by the Discrimination Act and the Work Environment Act. Knowledge of academia as an organisation and its organisational form may be a

valuable tool for creating a deeper understanding of the results of this study. Mintzberg (see 1979 or 1993) identified five components in an organisation's structure (see Figure 2). These are: strategic management at the top, middle managers, and then below this organisational hierarchy with the operative core. There is an additional supporting technostructure or staff and various forms of support in the service structure.

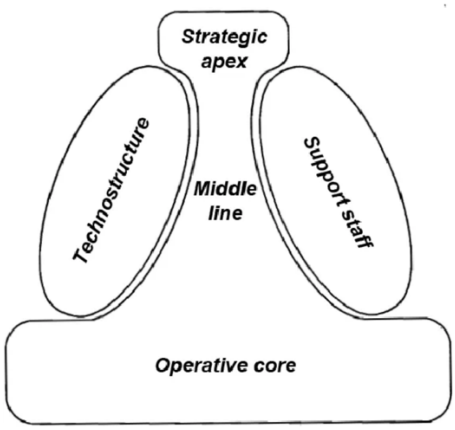

Figure 2. Five components of the organisation (Mintzberg, 1993, p. 11).

The size and implementation of each of the five components may vary, depending on the organisation, thus creating different *organisational structures*. These organisational structures provide different conditions for leading and governing an organisation. Following Mintzberg's (2009, p. 23) theory, academia is defined as a *professional bureaucracy*. This organisational structure is characterised by those belonging to the operative core having formal education and often being specialists within one area. It is also marked by decentralised decision-making taking place based on the professional backgrounds, rules, and norms of the members. The operative core is central to this organisational structure that strives for a coordination and standardisation of skills (see Figure 3). A relatively large support function belongs to the operative core (support staff in Figure 2), with the central task of supporting and helping the professionals.

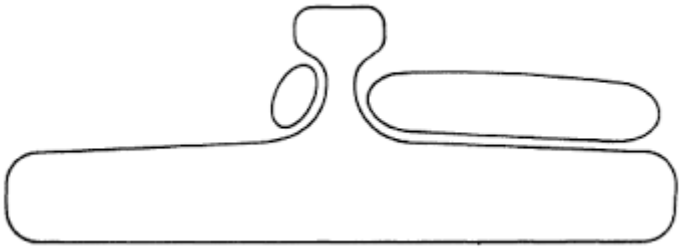

Figure 3. Professional bureaucracy (Mintzberg, 1993, p. 194).

The operative core is characterised by high levels of autonomy and control over the work for constituent individuals. This means that the professionals are not particularly dependent on their closest colleagues to be able to do their work. However, they are more dependent on other groups (which in an academic context can be students, research councils, scientific journals, society). Despite this work being standardised, any given task is never conducted in

the same way by the professionals, as they are all specialists. Despite this autonomy, the professionals benefit from each other by sharing resources, costs, and knowledge.

Organisational culture

The model includes organisational culture which comprises the basic premises, norms, and values that permeate an organisation. These are significant for how sexual harassment is regarded and managed (Acker, 1990; Schein & Schein, 2017). A variety of people are involved in handling these cases, such as staff, managers, HR officers, and lawyers (external parties, such as occupational health services or research funding bodies can also be involved). These individuals have various positions in the organisational hierarchy; their knowledge and understanding of sexual harassment differs, which impacts the way a case is processed. Cultures can also be homosocial. Homosociality is a concept used to understand how male dominance in leading positions is secured through men's relationships with each other. Homosociality describes how similar people build relationships with each other, by seeking like-minded people out and identifying with and orienting towards each other. (Lindgren, 1996; Lipman-Blumen, 1976). Lipman-Blumen (1976) used the term to describe how men relate to each other and are attracted to and stimulated by each other's company. Homosocial relationships are usually long-lasting and consist of favours and return favours for one another over time.

Empirical results

This section presents the empirical results of the following sections: *1) Formal and informal organisational structure, 2) Organisational culture, 3) Case management, 4) The legal process, and 5) Consequences.* It became clear from the people interviewed that the perpetrators in sexual harassment were men of high academic rank and status who subjected many women to sexual harassment. These women were in subordinate positions with lower status.

Formal and informal organisational structure

Sexual harassment cases are coordinated and formalised following set management procedures at the universities. However, it becomes clear that an informal organisational structure has a profound influence on this process. This goes hand in hand with the researcher's contacts and collaboration partners in relation to both the national and international research communities as a whole. The contacts establish long-term relationships over time, where friendships often develop through the professional relationship. Furthermore, it was clear that an employee's formal and informal power and status influenced the way a case was processed, as did research funding and contact with funding organisations. Power relationships and positions of dependency are a result of both the formal and informal organisational structure that creates power and subordinance.

Organisational culture

This study follows how sexual harassment cases pass through an organisation from the moment an employer becomes aware of suspected incidents. To gain an understanding of

the context surrounding administration and case management, we begin the empirical descriptions by exploring what categorises organisational culture.

It became clear during the interviews that informants found sexual harassment to be a particularly sensitive issue. They continually describe how the victims did not want to file a formal complaint as this would prevent anonymity. One central explanation for this reluctance is the fear that it will negatively affect a person's career. This is evident in the following quote:

> If you told someone, you immediately added 'I don't want you to pursue this,' that's the next message. It's almost a, not a cautious request but more like a 'I forbid you from taking this further because this will get me in trouble,' I'll probably get the worst of it, and why am I having to suffer for this? Well, because it will throw a spanner in the works for my career or next job, I'll be the subject of something.

The informants unanimously state that the fear of negative consequences is often the reason why they do not file a formal complaint. The fear of not being believed is also a repeated theme. This fear can be understood in light of the fact that this material shows that the person suspected of sexual harassment is often someone in a position of power, with strong networks and important contacts, and is often regarded as a prominent researcher. Often, in contrast to the perpetrator, the person who comes forward has not reached the same stage in their career. They have a lower position and academic status and lack the same wide-reaching research network.

> You could see that she didn't want to report him for this, she was afraid of the consequences, mainly the consequence if not being believed. The fact you knew this person is a friend of the vice-chancellor and those who are also involved with [university name] that could be a potential career opportunity for me.

> We had seen what happened to the other women who spoke out. We just wanted to make management aware that things are going on, we did not want to mention any names or file a complaint.

Shame is another recurring theme behind why informants are unwilling to raise awareness of or report incidents. To not be taken seriously or not believed, which is illustrated in the quote below:

> I: Why did you choose not to do it? [file a complaint]
> IP: I was too ashamed, actually. I was very afraid that nobody would believe me. And I felt ashamed. I still do. /.../ The problem was, when it came down to it, neither I nor the other women who had something to say wanted to name any names. A lot of shame, it felt like a lot of our academic capital was tied to this person.

Even those who aren't the victim themselves but come into contact with victims in one way or another as part of their work, understand the victims' doubt, fear, and they share their uncertainty about how the matter will be addressed and received by the organisation.

> There was nothing to suggest it would be particularly well received. I don't know why it wasn't reported, but I would also have hesitated if I were in the same position. Classic me too, a balance of power involved, you don't want to lose your job and you don't want to be made out as someone who's difficult.

The informants go on to explain that there is an uncertainty, a discomfort, and a fear of doing something wrong with the cases, even with those who become aware and especially those whose task it is to react. The informant in the quote below answers the question about what happens in an organisation when someone is made aware that a person has experienced sexual harassment:

> Yes, what happens... it depends on the issue, difficult to give any clear and concise account of exactly what happens. My experience – and now I'm going to try and be brutally honest – I think there is uncertainty and fear about the cases. Partly from the heads of department, they're afraid of what this means and don't really know what they should do as heads of department. There's a great deal of fear at HR, that we mustn't say the wrong thing. And there's a great deal of fear from the legal team, that we won't deal with this correctly. That, if we think about the feeling created, there's a fear.

The fear is described as being related to past experience of involvement in and responsibility for this type of case being linked to risk and vulnerability within the organisation. The informant in the following quote explains how the cases can generate great interest, which draws attention to those involved with case management, meaning their actions and non-actions are noted. At the same time, there is a feeling of being left shouldering the responsibility should something go wrong. The person processing the case also risks being accused or attacked.

> I need to know that I'm doing the right thing, and that's a feeling you get... the risk of taking the wrong step is enormous. Everybody has their eyes on you, nobody says anything, everyone just keeps waiting for you to do something wrong – that's the feeling you get. That's what I always had in the back of my mind, or rather, as someone close said: 'be careful now' about what can happen in these situations, I didn't think it was possible but then I got a letter. It accused me of one thing after another.

Alongside the fear and the shame, our data shows that there is a tolerance towards those who are viewed as prominent researchers. They are portrayed as being *above* the formal

system and not reined in. It becomes clear from the participants' accounts that it seems natural or normal for academic success to be accompanied with power and privilege. Two quotes highlight this belief, as both the vice-chancellor/president and funding organisations were seen as supporting the person who had sexually harassed others.

> He was something of a golden boy, with support from the vice-chancellor/president, funding organisations, and the like.

> Yes, Name Name and the research funding bodies had a great deal of respect for the researcher, and in the beginning, they did not believe what had been said about him, and I would say that this was something that negatively affected the entire process.

During the interviews, participants describe how a person's status and rank in the organisational hierarchy would affect the approach to the suspected sexual harassment. Higher status creates greater caution in the way a case is handled, as described in the quote below.

> He [the manager] said the memorable words that if it had been the caretaker, he would've been let go, but this is Name Name, yeah, so that was the level we were on at the start of this bloody mess.

In one investigation into sexual harassment, the suspect mobilises support from their contacts and network. The quote below describes how a suspected researcher contacted colleagues who act as a character witness on his behalf.

> He actively enlisted many people who were at the conference to act as some form of character witnesses. I think he included twelve people as character witnesses during the investigation. [...] I didn't know whether to laugh or cry; we stopped using character witnesses in Sweden a long time ago.

The description of how the victims were treated differs to the support and care that suspects appear to receive. The recurring theme for the treatment of victims is that of mistrust and doubt. The mistrust may emerge as a notion that those who submit the complaint are the ones who actually have problems. The quote below explains how the management of the case is described as unprofessional and "gossipy" as more focus is on finding out more about the people who feel they are victims, rather than managing the situation objectively.

> I spoke to a manager about this, and at one point the manager said to me, 'it's just one of those...' The manager was everything but professional, wanted to gossip with me about who it was or wasn't, the victims. You could see this wasn't being dealt with respectfully... Yeah, what can I say, I'd call it "the boy's network" – the manager hinted that the girls were the ones who

> struggled with collaboration, there was this real vibe of 'yes, this person is not on the women's side'.

Mistrust of the victims' accounts is a recurring theme. The quote below shows how those who speak out have their credibility questioned, and their statements are re-interpreted as the issue being something else rather than sexual harassment.

> There were people who raised doubt to suggest that the accounts of sexual harassment were just something I made up and started and that really it was just a conflict between me and Name.
>
> There is a lot of this 'so what, those women still had relationships with Name'.

The informant in the quote below describes how the colleagues of the suspected man were mistrustful towards her. These men were powerful, and their careers also benefited from contact and collaborations with the alleged perpetrator. They were mainly the ones who believed that the accusation was built on lies or was actually due to something else. However, there were men who believed her, and it is clear that they suffered as a result as they withdrew from their own collaborations and did things that did not benefit them.

> I: Who do you feel had this attitude? As in, that it was a lie and was actually about something else?
> IP: Professors, powerful men, men whose careers had benefited from Name's work and his ability to entice funding organisations and such. At the same time there were men who fought really hard, who were [my] allies, even though it was much too late. He reached out to me to ask if it was true. He did what he could. Distanced himself from Name, informed funding organisations, did things that hurt, in a word. It was amazing. He believed me, even though I didn't report it to the police.

Summary organisational culture

The material shows that the organisational culture within academia related to sexual harassment is characterised by:

- The victims being reluctant, ashamed, and fearful of reporting and drawing attention to incidents out of concern for negative consequences.
- Doubting the accounts of victimhood, credibility being questioned, 'really all about something else'.
- The person who becomes aware of the incident becomes uncertain, uncomfortable, and afraid to do the wrong thing.
- Tolerance towards prominent researchers. They 'govern' the formal system. They must not be reined in.

Case management

The above chapter demonstrates how organisational culture affects the willingness and ability to draw attention to incidents and to come forward. This chapter continues developing the empirical description as we explore what happens when a member of an organisation becomes aware of suspected sexual harassment and how a case is processed. The two universities have set procedures in place that are intended to guide the way sexual harassment incidents are processed. However, this report does not focus on the contents of these procedures, rather on how they are implemented and to what extent informants refer to them as guidance in their work.

The Discrimination Act stipulates that an employee has a duty to investigate when an employee is made aware of sexual harassment. The informants describe the situation as an incident becoming a case that must be dealt with within the organisation in some way. They differentiate between the case and the complaint. When an incident is reported, the person filing the complaint needs to give their name to enable an investigation in which both parties can give their account of events. As was apparent in the previous section, there is a reluctance and fear of coming forward in the way required by a formal complaint and investigation. For this reason, many cases never become formal complaints or investigations. To file a complaint, the person who feels they were the victim cannot remain anonymous. In most – but not all – cases, a complaint means the incident will be entered into official records.

It has been noted that it is difficult to gain an overview of how these cases are managed. Informants also point out it is also difficult to gain an overview of the registered complaints, as there are no specific key words for registration – they can be assigned different titles from case to case. Being able to access a comprehensive picture of the number of cases at the universities has proven difficult. None of those interviewed had an overall idea of the number of cases. Nor were they aware of where and who receives complaints. Furthermore, they were unable to explain how to access this information. The informants say that knowledge about cases is only available through people remembering them, and it is also difficult to obtain an overall picture. This is exemplified in the following quote:

> I think most of it is informal, but if it goes over to a formal investigation, then it's documented, but I don't know if we keep any comprehensive statistics in a system somewhere, so you need to contact the unit doing the investigation. They know what's going on, I think. Our investigations are assigned a registration number, which can be used in searches. But of course, it's not always the case that the documents are marked as being a discrimination investigation. I think that it's really difficult to get a good overview by asking the registrar. You need to try to find people who can provide answers, sort of people like me. I would say that the people who work with the investigations are the only ones who have an overview of everything.

The lack of overview and statistics makes it difficult to follow up the effects of any actions taken. It also became clear that there are no follow ups of cases or evaluations of the way cases are handled and processed. Furthermore, the informants explain how document

management is unclear and fragmented. The quote below shows that procedures for handling case documentation are unclear, as is how documentation needs to be taken managed.

> The whole confidentiality thing made things difficult, what could I do, what must I do with the information I receive, based on the requirement for an employer to act when they find out about harassment [...]. I collected everything. I had my filing cabinet with the lockable drawer at the bottom, where I stored all my notes from telephone calls, hard copies of several emails, I was given a compilation from the woman who wanted support.

One central observation is how many people are affected in different ways and become involved in the case management and complaints. One informant mentioned a case involving a total of 38 different people, from both within and outside of the organisation. Those interviewed describe how discussions take place in various arenas with different people, painting differing pictures of the events. There is a lack of faith and poor communication between those involved in the case management process. Different people have different pictures of what has and has not taken place. This creates the sense of "gossip spreading" rather than a professional investigation process. It is also clear that case management generated actions and involved prestige as renowned people were affected by the incident in numerous ways, such as through collaborations with the suspected perpetrator.

> It was really messy, a lot of prestige and energy with this.

> I heard a lot of gossip about it since I knew many of the people involved, on a personal level too. But you just get the feeling that this was anything but a proper record of events; rules were made up.

Those involved in case management describe how there are deviations from the set management procedures, and there are instances of the case management not following the set procedures at all. When case management procedures change along the way, this creates a sense of uncertainty around the authority and responsibilities. Occasionally, informants mention how cases are taken away from the person responsible without warning. Additional described deviations include the suspected perpetrator going over their manager's head and contacting people higher up in the organisation for support, without the issue being returned to the lower level of the chain as per the established management procedures. The people in the quotes below provide accounts of such situations.

> And once this case had been surveyed [...], then I felt like everything was moved higher up the chain; there were meetings between manager X and manager Y and this person. I also remember being at a meeting, because we were going to establish an action plan, like it says in the procedures – if there is problematic or incorrect behaviour, an action plan must be created. I never saw this action plan, it was over my head, you could say.

> We wanted to include this in what is already in place, but there was a problem. I understood this very early on, he bypassed faculty management and went straight to the vice-chancellor.

The victims find there is a lack of clarity with this process. There is uncertainty as to who is responsible for what and what will be done. There is little feedback to the person who feels they have been the victim. The quote below provides one example of how a person was unsure whether an investigation had been conducted at all. It is clear that the person who felt they were the victim of sexual harassment fared badly from the process.

> I: Was there an investigation?
> IP: Yes, maybe, I don't think there's anything about it anywhere, actually. I think it was an informal thing. I went in, then others went in and talked. Once, one single meeting. Then I got a phone call from the woman who said, 'we don't feel this is such a serious matter, and the best thing you can do is put it behind you if you don't want to report the incident to the police.' I had no choice but to say, 'I beg your pardon, say that again' and put the phone on speaker so my then boyfriend could hear.

Another recurring theme is the lack of support, both for those who feel they were a victim of sexual harassment, and those who in one way or another become involved in the case management process. The support described is more informal, "friendly" in passing or "under the table". The manager in the quote below explains how she needed both emotional and professional support, but this was something she was expected to sort out herself.

> I kept asking for support, but they said, 'just go and talk to someone from the occupational health service,' and I thought that in this context, I can't provide emotional support for these women, be the intermediary in this entire process and lead the organisation on top of that.

> I: What type of support would have been good for you?
> IP: With hindsight I think that somebody should have stepped in as soon as this was uncovered, someone who knows how to deal with these processes. That I should have been given some form of consultative support, how to move forward, me and Name, Name, was given support about what to do when this sort of thing is discovered in an organisation. The other, obviously is that the victims should have been contacted and asked, 'what do you need?' and I think I should've been asked the same thing, based on my personal experience.

> I think that XX manager eventually became a support for me during the process, although a bit under the table, a little bit more informally, but still something.

Summary of case management

The material shows that case management is characterised by:

- Insufficient transparency and it is difficult to obtain an overview of the process, and documentation and follow up are inadequate or non-existent.
- Many people involved and there are deviations or a disconnect from the formal set procedures.
- Unclear roles, lack of confidence and not enough communication between the parties.
- Too little support for the victims and others involved in handling the case.

The legal process

The interviews made it clear that the legal process is at the centre of handling sexual harassment cases while it is nearly impossible to get through the process. Few people file a complaint that enables the case to progress into a formal investigation, and few investigations result in confirmation of sexual harassment. In this section we will look more closely at the various stages of the process and their consequences.

The informants' accounts show how case management revolves around legal aspects, to the extent that the case management focuses on establishing whether a person is guilty of sexual harassment in the eyes of the law. Terms such as "police-like, legal case", "victim and perpetrator", "the accused", "guilt" and "judgment" make people think of legal processes. They are common in the informants' descriptions of the language used in the case management. Occasionally, the informants mention how this creates expectations as the university is afforded the role of the courts. This becomes clear in the following quote:

> Sometimes I feel, since we're a public authority, that we are drawn towards a police-like case that must be investigated. We have to establish who is guilty, we must establish whether or not there has been sexual harassment. This becomes a, I don't know, I feel that the function doesn't generate many results when we're on an investigatory level.

A formal complaint including people's names must be filed before an investigation may start. The informants make it clear that the focus of the case management is getting the person who believes they have been sexually harassed to come forward and file a complaint. At the same time, the informants say that they are afraid of reprisals and fear they will not be believed. This creates a catch-22, as the university determines they cannot pursue the case:

> But we have had cases where it did happen, there were several witnesses, but nobody wanted to come forward because they were afraid of what would happen later, because this is some major researcher or something, so they were afraid of how this would affect their futures. So that's it, we just can't take the matter any further.

The people who are expected to act in cases of sexual harassment describe being unable to pursue a case as frustrating and dissatisfying. During the interviews, we try to find out about

the alternative course of action if the *norm* is that people do not want to report sexual harassment. It becomes clear that everything included in the case management is linked to the legal process, leading to most cases of victimhood falling outside of the case management process. The informant in the quote below explains how they have seen how witness statements from people who do not want to continue with the reporting process are not taken seriously by the organisation and do not lead to actions being taken.

> IP: No, anonymous complaints aren't possible. Well, I suppose it is possible but that would be based on the organisation having a system in place to process anonymous complaints, and a system to take action. Most often, it is a case of 'this is an anonymous complaint so we cannot do anything about it.' That's it really, but the fact we have received an anonymous complaint means there is a problem we need to address.
> I: Do you think people take it seriously then?
> IP: Absolutely not, not at all.

Several informants state that they do not believe the university has demonstrated a genuine interest in supporting or backing those who file a complaint, despite the focus on getting a person who feels they have been the victim of sexual harassment to come forward, and the individual responsibility on the victim to do so. There may be a sense of relief within the organisation when victims do not take the matter further, meaning it becomes a matter that managers cannot or need not process as part of their pressured workload. As one of the informants explains below, there may be tensions between HR and management, as HR must pursue and be persistent with so something is done, even though the manager has the formal responsibility and HR is merely a support function.

> There are obvious incidents of sexual harassment, but there is no complaint filed. This is a recurring theme; there is no filed complaint, so we cannot do anything. At the same time, there is no interest in a complaint being filed, no example of that if you are a victim and you file a complaint, we've got your back, there's nothing like that.

> Yes, well, this sounds bad, but the majority of managers are really happy that, that staff drop the matter, they don't have the time or energy to work with these things. It's really difficult to get to grips with the issue, and it's really easy to just pretend it never happened. In my experience, it's usually HR that are the difficult ones and say, 'this is what we'll do,' not because it happened, it's because we try to get the ball rolling, because we need to do this because we know that then it will get done where something it took place.

In situations where cases become a formal process, it becomes clear that investigations encounter several difficulties when trying to determine whether sexual harassment has occurred. The first stage of determining what has happened is initially described as a challenge, as it is "word against word". It then becomes evident that there is difficulty establishing what happened. The informants explain how the difficulty lies in assessing

whether the action crossed the line for what is acceptable, something illustrated in the quote below:

> I should probably clarify, when I say, 'word against word', I mean it's more a question of, it's more like we are unable to find out what happened, this is often the case. This happened, this person was responsible, and this person said this. We can usually work that out. We seldom find ourselves in a situation where one person says 'you did this' and the other one says 'no, absolutely not' – it's often a case of boundaries. Was this an appropriate way to show gratitude, or did it cross the line into something that is not ok? – that's where the problem lies.

The Discrimination Act states that the person who experiences inappropriate behaviour must make it clear that the actions are unwelcome. The focus of the investigation then lies on determining whether the perpetrator understood that their behaviour was unwelcome. The quote below highlights this dilemma. The informants find it difficult to prove whether the perpetrator had intended for the behaviour to be unwelcome or understood that this was the case. If there is no way to prove intention, where there is "no intention", it is difficult to determine that sexual harassment or molestation has taken place.

> After all, you can accidentally molest someone every day by getting too close to them and touching intimate body parts is typically molestation but if this was unintentional then it is not molestation.

From a legal perspective, the only way to achieve vindication is through "conviction", i.e., establishing that sexual harassment has taken place. If the investigation cannot establish an incident of sexual harassment, there is no way to justify disciplinary measures, as we see in the following quote:

> I: What usually happens then, when you reach this conclusion [that no sexual harassment can be established]?
> IP: I'd often say "case closed" so then it's up to anyone to take the matter further to the Equality Ombudsman if they want.

> You can't throw yourself into these cases either, which sometimes, what can I say, staff expect us to do so. Now when I report these dreadful circumstances, I'm talking about discrimination and victimisation in general, university HR is supposed to handle this issue. And I think this is what disappoints so many people, this isn't the case. Obviously as an employer we have a duty to address the problem and take action to put an end to the discrimination, but that is basically our main task, and if we cannot see a clear case of discrimination, nothing else happens, sadly.

This section shows how in practice, case management is an impossible task, where most – if not all – experiences of sexual harassment are sifted out or removed through definition

along the way. The process has several fixed points, or thresholds, which mean the organisation can no longer pursue the case. The first is that formal investigations and handling require people to come forward and identify themselves and the person who has harassed them. In addition to the fear of being disbelieved and the fear of reprisals and what was mentioned in the section on organisational culture, there is a distrust and doubt that an organisation has the desire and interest to support them and do anything more than is stipulated in the case management process. The second hurdle is proving that a person suspected of sexual harassment has understood that their action was unwelcome, that there was intent.

This creates a situation where "conviction" as per the formal case management process is the only possible way to provide vindication for the person who feels they are the victim and for the organisation to take action. At the same time, it appears difficult (if not impossible) to meet all the requirements for this. Case management appears to be an incredibly difficult way for a person who has experienced sexual harassment to gain vindication and support.

When sexual harassment cannot be proven, the case can become the subject of a general work environment case and work environment management, where the manager of the particular unit, e.g., the head of a department, must pursue the matter. We learn from the informants' accounts that it is unclear that such work takes place, and they feel there is a lack of support and guidance.

Summarising the legal process

The material shows that the legal process is characterised by:

- Focus on the individual, with responsibility on the person who believes they are the victim, a sense of a lack of support through the process, and a lack of organisational focus.
- If a person wishes to remain anonymous, the formal criteria for starting an investigation are not met.
- Though the events can often be investigated, when it is not possible to establish that the suspect has realised that their behaviour was unwelcome/harassment, no disciplinary measures can be taken. It cannot be defined as sexual harassment in terms of the law.
- The legal element takes precedence, which prevents other professionals from applying their skills, since they must wait for the legal process.

Consequences

This section looks at the consequences faced by those involved. Not only the work-related consequences, but also those related to well-being, happiness, and health.

The victim

We learn from the interviews that those who feel they are the victims of sexual harassment believe that the incidents have a significant impact on their career. The informants describe

how the victims almost always leave the workplace and many even leave research. The first quote below explains the consequences after an employee reported her manager. In the second quote, a researcher describes how she has seen many skilled colleagues leave their jobs.

> I: If nothing can be established [that can be defined as sexual harassment], does that mean not much more happens?
> IP: No, not much happens after that. It is difficult to stay in your role and go back to work as normal after having reported your line manager. It's a hopeless situation, and this is where these "buy-outs" come in, you have to find a solution. The trade union is clear that there is only one way, and that is to get as much money as possible.

> So, we see talent leaving academia, Name left academia, Name left academia. How do we guarantee that the department is safe, that we know the structures are in place? We're completely unprotected.

The events often continue to impact a person's career for many years. One example is how a person's opportunity to apply for research funding was hampered when it transpired that the suspected perpetrator was a representative on the research council the victim was going to apply to for funding. Even though the victim had changed their workplace, they remain in the same field of research, where there are several contact channels, such as review processes, examining committees, conferences, and research networks. The quote below highlights this.

> Many of my colleagues have told me, in various contexts, that you're alone in this. Name is a good friend of mine, she's a wonderful researcher, incredibly intelligent. When she was at [Name of university] she was sexually harassed by her supervisor. The only thing she could do was change where she was doing her doctoral studies. It's a good thing we live in Sweden and can change supervisor, but what happens when our supervisors and their powers go beyond their role as supervisor and our little departmental bubble? When we have and deal with researchers, people act as references for each other, who decides on who will get funding.

> There was a case involving a law professor who asked his students for blow jobs, did you know about that? It was all over the news. This guy was one case, then there's Name, then there's one person who there hasn't been a case against, but women warned me when I had to work on a project with him, he's Name's best friend. He didn't get a position he'd applied for because he harassed people, then he came to our university and had to behave himself, because he saw what happened to his best friend, Name, but they're still on all the bloody boards, we can't make progress when things are like this. It's time for new people.

It becomes clear that those who felt they were the victim of sexual harassment often lacked support during the process. They felt they had been named and shamed, questioned, and violated. Furthermore, they describe the situation as exhausting, meaning it is difficult to maintain consistent quality and quantity as the case is being investigated, especially when it is a drawn-out process. They lose working hours, which also affects their careers. The quote below illustrates how a situation became worse after the woman pointed out the problem. The suspect intensified his contact with her, contacted her and tried to explain himself, at the same time as she tried to maintain a distance, and the entire work situation became impossible.

> IP: There was no difference, save the fact my work situation became completely impossible, I had nothing to do with him, I didn't answer emails or the phone.
>
> I: How did he act towards you after the conversation?
>
> IP: He wrote an incredibly long email, in which he declared his undying love for me and that I was a fantastic person, and he was sorry there was a misunderstanding, that he respected me and we just had such good chemistry. Yes, I kept the email. It was absurd, I didn't even reply.

As the following quote makes clear, being the victim creates feelings of insecurity, anxiety, fear, stress, and ill health that results in sick leave. The victim describes how it is like experiencing a trauma not just caused by the harassment itself, but also the subsequent case management. The following quote is from a person describing how the focus was primarily on her credibility – rather than the incidents themselves. No changes to the work environment were made after she pointed out the problem, rather the situation became unsustainable for her. She felt questioned and suspected. It was not until she left the workplace that the events caught up with her and she ended up on long-term sick leave.

> I: So, what happened with the work environment, how did people talk about what happened? Was it still the men that didn't believe it?
>
> IP: I found it was enough to just leave that environment, and not need to go to meetings with colleagues who viewed me as a liar, even someone who had destroyed their careers and career opportunities, this was a sigh of relief. Then I just broke down and ended up on sick leave for a long time – good start to a new job. Then it was over for me. I don't know anything more about what happened.

As the section on the legal process discusses, case management appears to be the only chance of vindication for the victims, at the same time as a negligible number of cases establish sexual harassment. We see in the quote below that the consequences for the victim come as an enormous disappointment. They went through the process, then nothing happened.

> I: I'm thinking about the process as a whole, what consequences does this have for the person who has submitted the complaint?
>
> IP: In my experience of those who've been through the process over the years, I've found that

> the victims are often incredibly disappointed, they feel violated again, many times over, since they are not believed. That's really what it is, and that, perhaps when something is brought to our attention and, we somehow need to encourage them to file a complaint, and they have some sort of expectation that something will happen, but then nothing happens, they just get a letter saying we cannot determine whether sexual harassment has taken place, well it's obviously incredibly difficult for the person filing the complaint.

Others involved

The interviews also demonstrate that others involved in the process also fare badly. Working with a case of sexual harassment takes a lot of strength and energy, which impacts the people's work, well-being, happiness, and health. They explain how they feel afraid, tarnished, tired, and uncertain following their observations. People have also left their job and their workplace after having been involved in processing a sexual harassment case. The person below describes how she feels unsure of whether management thought it was a wise idea that she was involved in the case, even though it was her duty. The case affected her in many ways. She was exhausted but also felt resigned and afraid that it would have legal consequences for her. She felt she developed a reputation of being a difficult person and struggled to obtain good references after she left her job.

> I: What would you say have been the personal and professional effects of this, how has it affected you?
> IP: It was incredibly exhausting; I was really affected for a period there. I was afraid for a while. What legal consequences would this have for me? I understood that I had, I still felt unsure if those involved in management thought it was a good thing that this had been brought up or not, so I don't know what the consequences will be for me. I'm pretty sure I was seen as being difficult to work with. Hard to get references after that.

Several people describe how they have been punished and named and shamed. There were suspicious requests for public release of documents from the case they were involved in, which created a sense of insecurity for them. The person suspected of sexual harassment had contacted others involved and questioned their actions, accused them of prejudging them. The following quote illustrates how those involved can feel in relation to the person who is believed to have sexually harassed others.

> I: Have you needed it [support] and got it?
> IP: No, I haven't. Well, I needed support, it was a really difficult period. In part because I'm quite afraid of conflict, I struggle at the first sign of friction with someone, and this ended up extremely charged and Name wrote a long letter which he sent to a lot of people, telling them how disappointed he was with me and my behaviour, and how I had already judged him, so I

> ended up being dragged in to some pretty difficult things. And it was tough because talking to everyone took a lot of time and strength, all of this went on for at least one semester. It turns into a mixture of gossip and heavier and deeper things, and that affects you.

Many informants experience a large sense of sorrow as they are unable to help the victim in an effective way. This becomes clear during the interviews, which in many instances became emotional. The following quote discusses how the events still trigger strong feelings.

> No, I'm mainly surprised that it [talking about my experiences] was so emotional, that it's still a huge issue for me, this feeling of, how important doing the right thing was and how wrong I thought the outcome was, it's clearly something I still find distressing.

Informants talk about frustration, anger, and a feeling of being let down by the victims' lack of support from management, as well as for those who came into contact with and worked with the case. They also mention having developed a cynical attitude towards university management and the organisation, which they believe did not act sufficiently or ethically.

> I think the group has a cynical attitude towards management, I think so. We never really saw that management was on our side. Both as regards our organisation as a unit, and our colleagues who were the victims.

The suspected perpetrator

This study has not interviewed any of the people suspected of sexual harassment. Information about how these people were affected has come from other people and their understanding of the situation. They explain that they feel that not much happens. The people suspected of sexual harassment often remain in the workplace, perhaps following a brief "time out". In one case, the person was described as being persona non grata, however, they continued to have power and influence over their research area. As evident in the section on organisational culture, there are cases of colleagues in the research community demonstrating their support and acting as character witnesses for the suspect. The quote highlights an example of how a case of a person suspected of sexually harassing several people was handled informally and did not lead to any legal action or documented disciplinary measures, making it possible for him to retain his position at the university and in the research community.

> He wasn't found guilty of anything in any way, or he would have been in court or brought before the disciplinary board, but everything was a bit 'now, behave yourself, stay out of the way'. But there was nothing serious done, that's what was so frustrating.

Summary of consequences

The material shows that the consequences for those involved are characterised by:

- The careers of the victims being affected long after an incident. The victims delay and postpone their studies, or leave research, leave their workplace.
- The victims feel questioned, violated, named and shamed, often lack support, however, where support is offered it is often hidden or from someone without formal responsibility.
- Victims experience trauma, insecurity, fear, anxiety, disappointment, poor well-being and satisfaction, stress, ill-health, and go on sick leave.
- Others involved feel they are questioned, punished, met with resistance, named, and shamed. They are sometimes contacted by the person suspected of sexual harassment. They sometimes leave their workplace and can struggle to obtain references.
- Others involved experience fear, exhaustion, being tarnished, are afraid of personal consequences, sadness for not being able to help; they become cynical and lose faith in management.
- Others involved experience poor well-being, less satisfaction, anxiety, stress, and go on sick leave.
- The suspect remains in the workplace, takes a "time out", and becomes a person non grata for a brief period; most of all they are protected, solutions found, they are believed and validated.

Analysis

This report highlights the discrepancy between the clear zero tolerance policies towards sexual harassment at Umeå University and Karolinska Institutet and the experiences of their employees. The study explores the way sexual harassment cases are processed, and we follow how the matter passes through the organisation by highlighting various experiences and the various consequences. The theoretical framework is summarised in the organisational theory model (Figure 1). The study's empirical focus lies on case management of suspected sexual harassment. This is used to highlight the organisation's culture and formal and informal structures, plus the consequences for individuals and the organisation as a whole. Empirical results for each area are presented in the sections *Formal and informal organisational structure, Organisational culture, Case management, The legal process and Consequences for those involved*. The final analysis summarises and discusses the results. It concludes with an analysis of the organisational consequences of case management.

Sexual harassment – a particularly sensitive matter characterised by shame, fear, discomfort, and insecurity

A central finding of this study is how sexual harassment is seen as a particularly sensitive matter. The organisational culture of academia is characterised by feelings of shame, fear, discomfort, and insecurity. Those who talk about their experience of sexual harassment describe how they are met with doubt and a lack of respect and are afraid of the negative impact on their career. As such, the organisational culture affects both the will and

opportunity to point out instances of sexual harassment. It also creates a sense of vulnerability and fear among those who learn about cases of sexual harassment.

Tolerance towards prominent researchers and homosocial support

The study also shows how the person suspected is protected and tolerated. One key factor for understanding this is the contact network and interdependency between researchers on various levels. Many people may be dependent upon or have a debt of gratitude to the person who has been suspected. Support from colleagues and managers appears to be greater for the suspects than for those who feel they were the victim of sexual harassment. The suspect is often believed, and their accounts validated. The study has also found that those who are suspected often mobilise support from their contacts and networks who get in touch and act as character witnesses, or otherwise vouch for the suspected researcher. The study also shows how colleagues who choose to show support for the victim rather than the person accused can also experience reprisal-like reactions from the perpetrator. The men who raise awareness of sexual harassment and show their support for the victims, for example, by leaving funded research collaborations, also encounter negative reactions from colleagues. They also risk paying both the professional and personal price for this. One way to understand these actions and reactions is that researchers maintain or go against the code of homosocial relationships, by either supporting or not supporting the suspected researcher. One way to break this code is by not returning previous favours with loyalty (Lindgren, 1996; Lipman-Blumen, 1976).

Culture of silence created through active and passive resistance, culture, and structures in interaction

Notions and assumptions around sexuality and sexual harassment strongly influence the way different people react. This can explain the mistrust and resistance targeted towards the people who speak out. It is clear that those who state they have experienced sexual harassment are met with both passivity and active resistance. Passive resistance is when victims do not receive the support and guidance they need or have requested. Active resistance involves victims being questioned and their accounts being disbelieved or deemed insufficiently credible. Even those who are involved in the situation through their role in case management are met with resistance in the form of being questioned and lack of support. Mistrust and questioning create an insecure environment that does not provide confidence for pursuing the case by submitting a complaint and in the case management process. The culture of silence that develops in this academic context can be explained by the mistrust of those who speak out and fear in combination with the assertion of power that the victims and other people involved encounter.

The gap between formal and informal organisational structure – deviations from the set administrative procedures

Another core finding is that there are both deviations and complete disconnects from set administrative procedures. This highlights a gap between the formal and informal organisational structures. Case management involves many people. Obtaining an overview of the procedure appears difficult, tasks are reassigned, and there is a lack of

communication. Consequently, confidence in those involved is low. Furthermore, there is no follow-up and evaluation.

Relationships within organisations can also be understood in relation to the organisational forms. Academia can be seen as a form of *professional bureaucracy* (Mintzberg, 2009). In the professional bureaucracy, the operative core has a key role, and the professionals have high levels of autonomy and power. Decision making is decentralised and is based on the members' professions, rules and norms. As a result, upper and middle management have less influence. The power of support functions is dependent on the extent to which professionals request their support. This creates status differences between those employed in the key organisation and support organisation, thus affecting their relationships. When power is mainly found in the operational core, on the one hand, conditions are created in practice for a solid power base for those who are suspected of having subjected others to sexual harassment. When combined with the unequal norms around sexual harassment and power and dependency relationships, this limits the power and influence for the people who believe they have been the victim. Instead, they are exposed. HR support functions and administrative managers tend to provide greater continuity in an organisation, as they often stay in their professional roles for longer than the academically appointed managers. They also have greater professional knowledge of how sexual harassment cases are to be processed. However, these professionals only have advisory or subordinate roles to the managers at the operative core of academia. This is one of the reasons why the established case management procedures are either ignored or not followed entirely. This then leads to the sense there is a lack of clarity surrounding the power and division of responsibilities, which subsequently creates uncertainty and negatively affects a person's confidence in the process. The quality of the process is believed to be poor, meaning there are insufficient resources (e.g., motivation, willingness, strength) to support the victims, conduct follow ups and assess the case management. When combined, these create an insecure work environment where sexual harassment can continue.

"Juridification" of sexual harassment – focus on the individual and few confirmed cases

If a university's organisational structure and forms can explain why set case management procedures are not followed correctly or ignored, we have found that the law can be an explanation as to why work environment issues are side-lined when a sexual harassment case is administered. Another important finding in this study is how the law becomes and is seen as the central goal as well as the means in cases of sexual harassment (see Cane & Conaghan 2008). We use the term "*juridification*" as regards the focus on the law that is linked to the Discrimination Act during case management. This creates a triptych of relationships, the employer, the person who believes they have been the victim and the suspected perpetrator. The process has an individual focus, where the onus is on the victim to speak out and file a complaint. If an individual who has experienced sexual harassment does not wish to be identified, the formal criteria necessary for an investigation are not fulfilled. If a person does file a complaint and an investigation is initiated, it becomes clear that it is difficult to determine whether the person responsible for the sexual harassment has realised their behaviour was unwelcome or violated a person. The investigation can establish the events of an individual situation, but the focus then lies on establishing whose interpretation of the situation is to apply. The underlying power relationship, that women

are expected to consent to a man's requests or wishes if they do not explicitly decline, is not raised. It becomes the task of the victim to show she did not consent (Carstensen, 2004; MacKinnon, 1979). This means that despite the events having been established during an investigation, no disciplinary measures is taken as the incident cannot be defined as sexual harassment in the legal sense. Disciplinary measures include reprimands or order to stop the harassment, warning, reassignment, termination, or dismissal (Swedish Work Environment Authority and the Equality Ombudsman, 2019). This creates the sense that the organisation has not taken a stance on the issue, reinforcing that these matters are rarely raised before the staff disciplinary committees.

Juridification of sexual harassment – management appears passive

When no disciplinary measure is taken, the university management and universities as employers appear passive and do not live up to the core values they proclaim. However, with two people in the centre – the victim and the perpetrator – the employer is expected to take action. The informants' accounts and experiences are clear – the strict legal focus of the case management procedures creates expectations that an organisation cannot live up to. Consequently, both the victim and others involved in the case experience a profound sense of disappointment. The law views consent as a free choice on the assumption that there is an equal power relationship between the genders (see MacKinnon, 1979). Naming both the victim and perpetrator becomes more important in what appears to be a neutral approach, compared with focusing on work environment measures or procedures aiming to support the victim or other people involved.

Juridification – limited room for professionals other than lawyers to practice their expertise

The study has also found that juridification limits the ability of professionals other than lawyers from applying their expertise. This causes frustration and distress. The informants' stories highlight how they are held back and, when combined with the fear, uncertainty, and deviating from/ignoring the case management process, it becomes difficult to act professionally. This could include conducting an assessment and implementing measures from a work environment perspective or having more flexibility to work to prevent sexual harassment as a phenomenon (promotional and preventive measures). Juridification appears to put others on hold. None of the efforts made by the people involved – other than those aimed at legal aspects – can be expected to vindicate a victim when the idea of what is expected is so closely linked to the Discrimination Act. This allows the phenomenon of sexual harassment to continue, without sanctions or consequences.

Vulnerable approach

The study shows that sexual harassment cases are characterised by a vulnerable approach. Many feel exposed, and the study shows that the idea of those who are hurt needs to be expanded. There needs to be more focus on what happens outside of the legal process. The empirical analysis of this study shows that most of what happens is in fact outside of the legal process. In addition to support for the people involved, there are no procedures in place for determining which work environment measures are relevant.

Summary of organisational consequences

In summary, the material shows that case management is characterised by:

- An organisational culture and case management that do not match the set case management procedures or legal requirements.
- No or few disciplinary measures are taken, as they cannot be legally motivated.
- Work environment management is neglected, there is not enough focus.
- Support for the victims and other people involved is not prioritised.
- There is a de-professionalisation of the people involved, which prevents the organisation from learning.
- Management appears passive, both internally and externally.
- The phenomenon of sexual harassment is given fertile ground to exist.

Reflections on the analytical and empirical contributions of the report

In this section, we discuss the empirical and analytical contributions of the study, in relation to previous research and legislation.

The study shows that:

- **The roles of victim, suspected perpetrator, and bystander – commonly occurring categories in research and discourse surrounding sexual harassment – are a simplification of the complex organisational processes that constitute sexual harassment and its consequences.** The focus on two individuals can be seen as part of the juridification (the accused–the accuser), where there may be a bystander. The study shows that the concept of bystander needs to be problematised. Several people are involved or participate in a case of sexual harassment, and as a result they contribute to either the vindication or further victimisation of the person who has experienced sexual harassment. These bystanders also risk being treated badly.

- **The concept of reprisals needs to be expanded and understood in an organisational context.** The Discrimination Act states that an employer must not subject an employee to reprisals if they have reported or pointed out that the employer has acted in contradiction of the law, participated in a statutory investigation, or rejected or joined in with an employer's harassment or sexual harassment. The study shows that the notion of reprisals only coming from an employer does not capture the complexity of the resistance and consequences of those who are the victim or encounter sexual harassment in some other way. The study shows that people who process and come into contact with these matters are often met with counter-complaints, scoldings, or gaining the reputation of being "difficult to work with." They encounter the attitude that this is not about sexual harassment, rather something else, and feel that members of the organisation are 'against them,' and encounter the mobilisation of a network of researcher acting as character witnesses.

- **Sexual harassment becomes the problem of the women (or the victim) when it is time to speak out or file a complaint** To conclude, we would like to reflect upon

whose problem sexual harassment is seen as being. The study shows that it becomes the problem of the individual women (or the victims). They are the ones expected to speak out or report the incident. One question we have following this study is: Why is it acceptable to assume that women appreciate compliments, touches, gazes of a sexual nature in a professional setting without having given their explicit consent?

Measures proposed by the informants

At the end of the interviews, we gave the informants the chance to talk about the type of measures they would like to see to improve case management and administration of sexual harassment cases at their university. Their suggestions were as follows:

- Create a robust organisation, where the cases are managed in a group, even those working with the case find themselves in a vulnerable position.
- Move the weight from the investigation to putting an end to the actions that are viewed as harassment.
- Conduct an independent investigation with external stakeholders; working with the case internally can be difficult given the positions of power and dependency relationships.
- Look after and support the person who believes they have been the victim of sexual harassment, so they do not need to feel afraid, feel singled out, and exposed.
- Create a safe environment so the victims are not afraid to report the incident.
- Break the culture of silence by making sure that individuals feel brave enough to come forward, and those who dare to speak out are listened to.
- Break the culture of silence by being thorough with case management, as rumours that there is no point in filing a complaint spread quickly.
- Reach an agreement that is suitable for everyone, i.e., not just the person suspected of sexually harassing others.
- Live up to core values.

The authors' reflections on needs and measures

Based on the empirical and analytical findings of this study, we believe there is a need for an organisational focus on the way cases of sexual harassment are managed. The perspectives of power and the work environment should be used in a bid to break the culture of silence and "live up to core values". This means expanding work with sexual harassment beyond legal terms to address the issues that currently fall outside of the existing case management

procedures and process. This will enable us to live up to the core values and *put zero tolerance into practice*.

Below is a list of some reflections and suggested measures that can be taken:

- To promote credibility and neutrality, management should consider whether it is suitable for sexual harassment incidents to be investigated internally.

- Management also needs to determine whether it is suitable for the head of department to be partly responsible for investigating sexual harassment. This should be considered in light of how academia is organised, where the professional core organisation has a high level of autonomy, influence, and power. The head of department, the person suspected of sexually harassment, and the person who believes they were sexually harassed are part of a complicated power relationship (personally, financially, professionally). This makes it difficult for a head of department to take a stance on a sexual harassment investigation.

- With the results of this study in mind, it is important that no person has sole responsibility for sexual harassment cases, given their sensitive nature and the fact that so many people involved feel afraid, unease, and anxiety. Competence and support should be available. This will reduce vulnerability of the organisation and the individual. One possibility is to centralise the necessary expertise at the universities, by having several experts on sexual harassment. Such a task should involve creating a greater organisational focus on the question of sexual harassment from a power and work environment perspective. Furthermore, the study shows that it is important to integrate knowledge and expertise among managers while also providing support centrally if something happens. In addition, heads of department and other managers require support with the work to develop promotional and preventive measures, to make sure they stay a step ahead.

- Processing cases of sexual harassment also needs to focus on the cases where a person does *not* want to file a complaint or for cases that *cannot* be defined as sexual harassment. It involves creating procedures for a safe and clear processes that is followed up. Make sure support is available for the victim and that guidance and support are available for others involved. Additionally, there should be organisational conditions so that people can make their own assessments and act based on their professional role. Disciplinary and work environment measures must be examined and clarified, so they can be used when a formal investigation is *not* conducted, if a person who feels they are the victim does not want to file a complaint. Or, for the cases where an investigation was conducted but no sexual harassment could be determined as per its legal definition.

To conclude – the power of being believed and heard.

> So, I locked the door and sat with my back against the door, and thought what the hell was that, what would've happened if I'd been a little more drunk? It was so strange, because he

was such a timid person really, this is nothing you think about, this is where society comes in [its norms and values], this isn't a man you think of as a perpetrator. It was obvious who had the power in the situation, I phoned my then boyfriend and cried, this is so fucked up. But he said that it was no big deal, don't get involved in these situations. Yeah, ok. But it ate away at me, so I told Name [a manager in the workplace] at some point, I explained he was after me. That Name was after me. And she was absolutely furious. That was a relief, the first person I told that actually got angry. She took my side. 'It's not your fault' you know?

References

Acker, J. (1990). Hierarchies, Jobs, Bodies: A Theory of Gendered Organizations. *Gender & Society*. Vol. 4, nr 2, p. 139–158.

Andersson, A. (2007). *"Vi blev antagligen för många": könskränkande behandling i akademisk miljö*. Uppsala: Department of Business Studies, Uppsala University

Swedish Agency for Government Employers (2021). *Arbetsgivarguiden. Diskriminering och trakasserier. Frågor och svar om sexuella trakasserier*. Accessible: https://www.arbetsgivarverket.se/ledare-i-staten/arbetsgivarguiden/fragor-och-svar/sexuella-trakasserier/ (in Swedish)

Swedish Work Environment Authority and the Equality Ombudsman (2019). *Motverka och förebygg sexuella trakasserier på din arbetsplats.* Accessible: https://www.do.se/download/18.277ff225178022473141e44/1618941288080/stod-mellan-utsatt-utsatter-star-du-skrift.pdf (in Swedish)

Bondestam, F. & Lundqvist, M. (2018). *Sexuella trakasserier i akademin: en internationell forskningsöversikt.* Stockholm: Swedish Research Council

Cane, P. & Conaghan, J (eds.) (2008). *The new Oxford companion to law*. Oxford: Oxford University Press.

Carstensen, G. (2004). *Sexuella trakasserier finns nog i en annan värld: konstruktioner av ett (o)giltigt problem i akademin*. Eslöv: Gondolin Förlags AB.

Equality Ombudsman (2021) *Stoppa trakasserier och sexuella trakasserier på arbetsplatsen*. Accessible: https://www.do.se/diskriminering/diskriminering-olika-delar-samhallet/diskriminering-pa-jobbet/sexuella-trakasserier-och-trakasserier-jobbet (in Swedish)

Eliasson, M. (1998). *"Man mår sämre än man tillåter sig": trakasserier som kan härledas till kön: en enkätstudie till studerande vid Göteborgs universitet*. Gothenburg: Student Committee at the University of Gothenburg.

EU (2014). *European Union Agency for Fundamental Rights, 2014 Violence against women: An EU-wide survey*.

Forsknings- och samverkansprogrammet mot sexuella trakasserier och genusbaserad utsatthet (2021). Webinar about the cross-sectional study 23–24 March. KI, KTH, Malmö University and the Swedish Secretariat for Gender Research.

Ganetz, H., Karin H., & Sveningsson M. (2020) #metoo, byggbranschen och de gröna näringarna. Report published by the Department of Ethnology, History of Religions and Gender Studies. Stockholm: Stockholm University. Accessible: http://su.diva-portal.org/smash/get/diva2:1519408/FULLTEXT02.pdf (in Swedish)

Graneheim, U.H., & Lundman, B. (2004). Qualitative, content analysis in nursing research: concepts, procedures and measures to achieve trustworthiness. *Nurse Education Today*, 24(2), 105–112.

Hagman, Ninni (1988). *Sextrakasserier på jobbet: myter, fakta, råd*. Stockholm: Wahlström & Widstrand.

Hensing, G. & Larsson, C. (2000). *Studiemiljö och kön: en kartläggning av förekomsten av sexuella och könsrelaterade trakasserier bland studenter och doktorander vid Göteborgs universitet.* Gothenburg: Gender Equality committee's publication series. Gothenburg University.

Larsson, M. & Tyden, T. (2006). Increased sexual risk taking behavior among Swedish female university students: repeated cross-sectional surveys. *Acta Obstetrica et Gynecologica Scandinavia,* 85: 966–970.

Luleå Technical University (2017) *Vi har nolltolerans mot alla former av trakasserier*. Available at: https://www.ltu.se/ltu/media/Vi-har-nolltolerans-mot-alla-former-av-trakasserier-1.171167

Lipman-Blumen, J. (1976) Toward a homosocial theory of sex roles: an explanation of the sex segregation of social institutions. *Signs*, 1 (3), pp. 15-31.

Lundgren, E., Heimer, G., Westerstrand, J., & Kalliokoski, A-M. (2001). *Slagen dam: mäns våld mot kvinnor i jämställda Sverige - en omfångsundersökning. Swedish Crime Victim Authority.*

MacKinnon, C. (1979). *The Sexual Harassment of Working Women.* New Haven, CT: Yale University Press.

McDonald, P. (2012). Workplace Sexual Harassment 30 Years on: A Review of the Literature. *International Journal of Management Review*, 14: 1–17.

Muhonen, T. (2016). Exploring gender harassment among university teachers and researchers. *Journal of Applied Research in Higher Education*, 8: 131–142.

Mintzberg, H. (1979). *The Structuring of Organizations*. Prentice-Hall, Inc., Englewood Cliffs.

NCK (2014) *Våld och hälsa: en befolkningsundersökning om kvinnors och mäns våldsutsatthet samt kopplingen till hälsa*. Uppsala: National Centre for Knowledge on Men's Violence Against Women (NCK), Uppsala University

Pernrud, B. (2004). *Genus i akademi. Rapport från en undersökning av sexuella trakasserier vid Karlstads universitet*. Karlstad: Karlstad University.

Swedish Council for Higher Education (UHR) (2019) *Universitets och högskolors arbete mot sexuella trakasserier. En undersökning på regeringens uppdrag*. Report 2019:2

Swedish Government (2019) Press release: *Nolltolerans ska råda mot sexuella trakasserier inom svensk skola, utbildning och forskning.* Published 18 June 2019. Accessible: https://www.regeringen.se/pressmeddelanden/2019/06/nolltolerans-ska-rada-mot-sexuella-trakasserier-inom-svensk-skola-utbildning-och-forskning/ (in Swedish)

Salomonsson, L. (2019) *"Hans liv fortsätter som vanligt Om upplevelser av genusbaserad utsatthet och sexuella trakasserier vid svenska högskolor och universitet, från utsatta kvinnors perspektiv*. Stockholm: Swedish Council for Higher Education (UHR). Accessible: https://www.uhr.se/globalassets/_uhr.se/publikationer/2019/uhr-universitets-och-hogskolors-arbete-mot-sexuella-trakasserier.pdf (in Swedish)

Schein, E. H. & Schein, P. A. (2017). *Organizational culture and leadership*. Fifth edition. john Wiley Sons Inc.: San Francisco.

SFS, (1962). *Swedish Code of Statutes, Swedish Criminal Code, 1962:700.*

SFS, (1979). *Swedish Code of Statutes, Om jämställdhet mellan kvinnor och män i arbetslivet, 1979:1118.*

SFS (1991) *Swedish Code of Statutes, Gender Equality Opportunities Act*, 1991:433.

SFS (2008) *Swedish Code of Statutes, Discrimination Act*, 2008:567.

Stockholm University (2021). Trakasserier, sexuella trakasserier och kränkande särbehandling. Accessible: https://www.su.se/medarbetare/anst%C3%A4lld/arbetsmilj%C3%B6-lika-villkor/trakasserier-sexuella-trakasserier-och-kr%C3%A4nkande-s%C3%A4rbehandling-1.565648 (in Swedish)

SVD121124 Akademikerupproret. *"Visste inte om jag skulle dö – sen våldtog han mig.* Accessible: https://www.svd.se/visste-inte-om-jag-skulle-do--sen-valdtog-han-mig

Svensson, M. (2020). *Sexuellt trakasserad på jobbet: en nordisk forskningsöversikt.* Copenhagen: Nordic Council of Ministers. Accessible: https://pub.norden.org/temanord2020-511/# (in Swedish)

Swedish Council for Higher Education (UHR) (2019) *Universitets och högskolors arbete mot sexuella trakasserier En undersökning på regeringens uppdrag*. Report 2019:2. Stockholm: Swedish Council for Higher Education (UHR). Accessible: Https://www.uhr.se/globalassets/_uhr.se/publikationer/2019/uhr-universitets-och-hogskolors-arbete-mot-sexuella-trakasserier.pdf (in Swedish)

WHO (2014). *Global status report on violence prevention*, 2014.

WHO (2018). *Violence Against Women Prevalence Estimates*, 2018.

Zippel, C. (2006). *The Politics of Sexual Harassment. A Comparative Study of the US, the European Union and Germany*. New York: Cambridge University Press.