

**L-Università
ta' Malta**

**Analysis of Qualitative Data
Sexual Harassment Study
JosAnn Cutajar for the
Gender Equality and Sexual Diversity Committee**

The research questionnaire for the qualitative part of the study was designed by Prof JosAnn Cutajar with the input of Prof Maureen Cole.

Eleven Students' Associations or groups took part. These consisted of:

- Insite Malta,
- ASCS (FEMA),
- BetaPsi,
- Studenti Harsien Soċjali,
- UM Futsal,
- Junior College Pulse,
- Junior College SDM,
- SDMU,
- Students for Choice,
- Moviment Graffiti,
- KSU

The student organisations were recruited thanks to repeated email shots sent by KSU to all student organisations in May-June 2021. Some student organisations were contacted by the interviewers themselves. Eleven student entities agreed to take part in the one to one interviews or focus groups. Fifteen participants took part in the research. In some instances, more than one representative per organisation took part. The interviews and focus groups were conducted by students attending the MA in Gender, Culture and Society as part of their course work for GDS5007 Gender and Social Justice. The interviews/focus groups were conducted in the language the participants were conversant with and later were transcribed. Their duration was from 45 to one and a half hours, depending on the participants' interest and knowledge in the topic. On the basis of the results elicited from this exercise, the students in question produced posters which were later used to raise awareness about what constitutes sexual harassment.

The interviewers were:

Josette Azzopardi,
Sylvia Bonnici,
Erika Borg,
Francesca Fenech Conti,
Emily Galea,
Aaron Lee Giardina,

Yvette Grixti,
Natalino Mallia,
Gillian Mallia,
Erica Scerri.

Interviews/Focus groups followed the following format (see appendix):

Part A – short history of students’ association/group

Part B – short video on sexual harassment followed by questions on what is sexual harassment. The following videos were shown to participants to help start the discussion on sexual harassment:

<https://www.youtube.com/watch?v=Ue3BTGW3uRQ>

<https://www.youtube.com/watch?v=HKk-pbeW3ic>

Part C – how prevalent sexual harassment is at UM and in which spaces

Part D – training received student organisation/individual received on sexual harassment, training they would like to receive.

The interviews took place in the period of May-June 2021.

Introduction

This section will analyse the qualitative data which emerged from a research study that the Gender Equality and Sexual Diversity Committee of the University of Malta conducted together with the Kunsill Studenti Universitarji (Students’ Council) on the University of Malta Sexual Harassment Policy in 2021, just before a new policy was introduced. This study involved an online survey conducted among 588 students and staff, and interviews or focus groups conducted with students representatives of diverse student organisations. The qualitative and quantitative research study was used to ascertain whether the respondents were aware of what constitutes sexual harassment, types of sexual harassment experienced or witnessed by individuals, the prevalence of this behaviour on campus, what were the responses to their experiences in general and from administration, the impact of sexual harassment on work and study, what can be done to prevent or respond to sexual harassment. .

What is sexual harassment?

According to the National Academies of Sciences, Engineering, and Medicine (2018, p. 6), sexual harassment as a form of discrimination which

“is composed of three categories of behavior: (1) gender harassment (verbal and nonverbal behaviors that convey hostility, objectification, exclusion, or second-class status about members of one gender), (2) unwanted sexual attention (verbal or physical unwelcome sexual advances, which can include assault), and (3) sexual coercion (when favorable professional or educational treatment is conditioned on sexual activity). Harassing behavior can be either direct (targeted at an individual) or ambient (a general level of sexual harassment in an environment).”

Both direct and ambient sexual harassment need to be taken into consideration when studying sexual harassment. Policies and legislation tend to focus on harassing behaviour directed at a particular individual, and rarely takes into consideration the cultural climate that tends to legitimate this type of behaviour.

In fact, Maltese legislation does not take this into account. For example, Article 29 of the Employment and Industrial Relations Act (EIRA, CAP 542) states that

(1) It shall not be lawful for an employer or an employee to harass another employee or to harass the employer by subjecting such person to any unwelcome act, request or conduct, including spoken words, gestures or the production, display or circulation of written words, pictures or other material, which in respect of that person is based on sexual discrimination and which could reasonably be regarded as offensive, humiliating or intimidating to such person. (2) It shall not be lawful for an employer or an employee to sexually harass another employee or the employer (hereinafter in this article referred to as "the victim") by: (a) subjecting the victim to an act of physical intimacy; or (b) requesting sexual favours from the victim; or (c) subjecting the victim to any act or conduct with sexual connotations, including spoken words, gestures or the production, display or circulation of written words, pictures or other material where - (i) the act, request or conduct is unwelcome to the victim and could reasonably be regarded as offensive, humiliating or intimidating to the victim; (ii) the victim is treated differently, or it could reasonably be anticipated that the victim could be so treated, by reason of the victim's rejection of or submission to the act, request or conduct. (Government of Malta, 2020, pp. 16-17).

Article 9 of the Equality for Men and Women Act (CAP. 456) does not limit sexual harassment to the context of work places. At the same time, it puts the onus of preventing or dealing with sexual harassment on:

(2) (a) Persons responsible for any work place, educational establishment or entity providing vocational training or guidance or for any establishment at which goods, services or accommodation facilities are offered to the public, shall not permit other persons who have a right to be present in, or to avail themselves of any facility, goods or service provided at that place, to suffer sexual harassment at that place. (b) It shall be a defence for persons responsible as aforesaid to prove that they took such steps as are reasonably practicable to prevent such sexual harassment.

(3) Persons who sexually harass other persons shall be guilty of an offence against this article and shall, without prejudice to any greater liability under any other law, be liable on conviction to a fine (multa) of not more than two thousand and three hundred and twenty-nine euro and thirty-seven cents (2,329.37) or to imprisonment of not more than six months or to both such fine and imprisonment. (Government of Malta, 2003, pp. 4-5)

This legal article puts the onus on top decision makers in higher educational institutions in Malta to take "reasonably practicable" measures to prevent and deal with sexual harassment behaviour when this arises. For this purpose, the University of Malta has created a harassment policy covering "all persons who work or study at the University of Malta ("UM") including G. F. Abela Junior College, whether on a full-time, part-time, casual or incidental basis, regardless of their role, as well as to all persons who are present on any UM premises or otherwise collaborate with UM staff or students" (UM, 2021, p. 1). The UM Sexual Harassment policy recommends that a minimum of six Sexual Harassment Advisors ("Advisory persons who are duly qualified in any caring profession that is regulated at law (e.g. social workers, counsellors, psychologists, nurses, doctors, and youth workers") from different genders. (UM, 2021, p. 5). Their role is to "provide information, advice and assistance" (UM, 2021, p. 6) to the target and the alleged perpetrator/s once a report is lodged. Separate Advisors will help the target and the alleged perpetrator/s. With regards to the targets, the Advisors will help them "(a) in determining the basis, if any, for a Complaint; (b) in formulating the written Complaint; (c) by explaining the options available under this Policy; and (d) by providing information on Maltese legislation concerning Sexual Harassment" (UM, 2021, p. 8). The alleged perpetrator, according to this policy, will be assisted by another set of Advisors who will explain the options available and provide general information on Maltese legislation concerning sexual harassment.

Feminist Institutional approach

The Feminist Institutionalism was adopted for this research because it contends that “institutions are not a-temporal, static, monolithic ‘things’ but dynamic entities that constrain or enable the behaviour of social actors working inside and outside of them” (Holmes, 2020, p. 216). This approach takes into consideration the societal context in which institutions are embedded (O’Mullane 2021) which have an impact on the policies that are created and the way they are implemented, which in turn has an effect on their efficacy. Policies and measures function by drawing on particular norms and values found within particular social contexts, while striving to bring about change. The latter might be difficult to enact when processes and the practices adopted in higher educational institutions mirror pervasive elements found in social life in general (O’Mullane, 2021).

Feminist Institutionalism provides researchers with an approach which enables them to analyse how informal institutional norms and practices interact with normal, codified rules and processes found in institutions (O’Mullane, 2021). It also helps researchers study the interaction between the formal and informal produces gendered outcomes. In this paper, the focus will be on the impact of the University of Malta’s Sexual Harassment policy, in bringing about change. The efficacy of this tool can be determined by conducting climate surveys to find out whether students and staff feel ‘safe’ from this type of behaviour, and whether they feel ‘safe’ to report abuses. At the same time, this feeling of safety can be a sham if people are not aware of what sexual harassment is, or there is the expectation that they need to be the ones to accommodate to it, rather than use the policies at hand to stamp it out.

Higher education institutions, like all institutions, create and promote formal and informal rules, norms and practices which tend to ‘prescribe’ and ‘proscribe “acceptable” forms of behaviour which ‘produce outcomes which help to...re/produce broader social and political gender expectations” (Chappell, 2006, p. 225). O’Mullane (2021) maintains that informal conventions, norms and practices together with formal structures embodied in written and codified rules, help determine and legitimate certain forms of behaviour over others, while shaping interaction and institutional outcomes. In this paper, we will see which of these conventions, norms and practices pervades within the University of Malta, with what impact on the behavioural, interactional and institutional outcomes. People working or studying in particular institutions learn which or which not behaviour is acceptable and when. They might learn informally rather than formally - from what they witness in their everyday experiences, rather from the policies produced and disseminated by institutions and society at large. As O’Mullane (2021) points out, processes and rules are learned on the ground, from experience. These informal rules can determine and undermine interactions and behaviour, even when formal rules exist (Lowndes 2020) to suppress or prevent certain behaviour, as in the case of sexual harassment policies.

Institutional rules - both the formal and informal - are prescriptions that define what actions are required, which are prohibited and which are permitted, and which sanctions are meted out when rules are not abided with (O’Mullane, 2021). Chappell (2006: 225) maintains that studying formal (codified) rules, norms and practices as well as bureaucratic apparatus will help establish the institution’s ‘gendered logic of appropriateness’ which dictates what is and what is not acceptable. This is not enough. The feminist approach to institutional theory focuses on reviewing systematic and operational power relations, formal and informal.

Exponents who promote Feminist Institutionalism underline that Institutional rules in higher educational settings - both formal and informal - tend to be gendered. Gender plays a significant role

in organisational practices (Acker 1990). This is because those who have the power to make decisions tend to be embodied, which impacts on which formal and informal rules are promoted and acceded to, leading to particular gendered outcomes.

Context

Sexual harassment prevails in Malta. Looking at some of the studies or incidents reported by the media shows that this behaviour is quite prevalent. In a research study carried out by Men against Violence and Women's Rights Foundation, 75% of the female respondents said that they had experienced violence directly or saw it happen to colleagues; only one third of the male participants did so (TVM News, 2021).

A cursory look at newspaper articles demonstrate that sexual harassment, in its worse permutations, is sometimes reported. In 2022, an independent political candidate reported an official who had abused of his position power to sexually harass a work colleague (Brincat, 2022). In another article entitled "Italian DJ admits to groping 17 year old tourist in Paceville" (Agius, 2022), was reported to the police for groping a tourist in a place of leisure, the first report of its kind in Malta. In another article, Maltese women spoke about their experiences in an article published by Lovin' Malta entitled "Hundreds of personal, anonymous testimonies of sexual harassment victims experienced in Malta by the general female population" (Vassallo, 2021), while Arena (2020) reported sexual harassment experienced by LGBT. The sexual harassment case involving the Malta Philharmonic Orchestra official demonstrates that "there is still a long way to go for our institutions to show women that they can be protected from and seek justice on things such as sexual harassment (TMID Editorial, 2023).

University of Malta and sexual harassment

In 2021, the University of Malta Gender Equality and Sexual Diversity Committee together with the Students' Council (KSU) carried out study to find out whether students and staff experience sexual harassment on campus. This study included an online survey in which 588 participants took part. These included supply staff, students and academics. The qualitative part involved focus groups or face to face or online interviews with 15 student representatives deriving from a myriad of university and Junior College students' associations. Results - from both the qualitative and quantitative research - showed that the majority of the students - less so staff - were not aware that the university has a sexual harassment policy.

The survey showed that around a third of the respondents knew someone who had suffered sexual harassment on campus and 60% said no action was taken by the victim for a number of reasons. Asked if the university took reports seriously, 58.1% were neutral, 9.3% strongly disagreed, 15.7% disagreed, 12.2% agreed, and 4.7% strongly agreed. The survey also showed that more than half - 57.8% - of university students and staff are not familiar with the university's sexual harassment policy. The policy has been recently updated following consultation.

While the majority of students and staff who took part in this study felt safe on campus, they also felt that in general, in society, there is a culture of acceptance when it comes to verbal harassment, or unwanted physical touching. Most of these incidents take place in public places - in the quadrangle, canteen, during male sports events, and/or student activities. The respondents felt that due to the cultural prevalence of this behaviour, they feel they have to learn to 'shrug it off', because otherwise, they could bear negative psychological consequences.

What can undermine the effective implementation of sexual harassment policies

The National Academies of Sciences, Engineering and Medicines (2018) maintains that a number of factors create conditions for sexual harassment. These include:

a. The perceived tolerance of sexual harassment

Those who took part in the focus groups or face to face interviews underlined that they felt safer at the university of Malta, when compared to secondary school or other places. They however stated that “nistennieha” (I expect it) when men and women interact. As one participant pointed out, “you kind of expect it - it’s not necessarily ok, but at the same time I’ve gotten used to it [...] - just everyday life”. Another participant underlined “it’s hard to know when to report certain cases because it happens so often it’s normalized - if you report every single text you receive you will report everyone”. For this participant, this behaviour takes place when “a group of guys [...] feed off of each other’s energy, and try to look cool and pass a joke”, “boys being boys”, who act like this because it is cultural permissible, because it is culturally expected that they denigrate women, with, according to this participant, “no malicious intent”.

The female participants underlined that sexual harassment was more likely to occur in crowded areas on campus, such as the canteen, quadrangle, library, and on bus stops in the vicinity - “it technically could happen anywhere”. The participants mentioned catcalling, verbal comments about the clothes worn by some women, or body parts, as well as jokes. Verbal sexual harassment was mentioned by all the participants who took part in the focus groups and interviews. They also mentioned the slapping of bums which took place during work placements – this was especially mentioned by those who worked in the health sector. The participants felt that nobody is going to make a fuss about comments passed on their physical appearance, because if they did, they would appear ‘touchy’. They mentioned the pressure put on them to brush it off.

Only a male participant felt that sexual harassment took place in secluded areas such as a professor’s office, university toilets, the car parks or skate park at night. On the other hand, female participants underlined that this type of behaviour took place in both public and secluded places, and they seemed to be as affected by it, wherever it took place, even though they went through the motions that it was “boys being boys”. As they underlined, “harassers can be anywhere, at any time so I wouldn’t limit that to any specific area”. Sexual harassment can occur on campus, during social events organized by university entities or online when sexual content is shared via the social media.

When asked who the targets usually are, they answered “*in-nisa dejjem ikunu min taht*” (women are always the underdogs). The participants also mentioned effeminate men, gay and trans persons as being more likely to be harassed because “men like to express their masculinity and force it on others so when gay people aren’t like that, they do pass comments”. Men who are “not alpha male, [those] considered to be quite weak and quiet”, those with disabilities, those of a certain age, can be targeted. In the case of trans persons, these are “much more likely to suffer more extreme and more violent harassment”.

Some of the participants pointed out that younger students, newbies, were “fresh meat”, and were often targeted. They included also newly recruited staff - supply or academic - who are still on probation. These are targeted because since they are new, they do not know the ropes and “would be less likely to report”. New recruits might “not be aware of the policy”, but at the same time they are also less likely to report any incident, if they want to be fully reinstated.

One of the participants felt that international students would make easier targets for Maltese harassers “because we tend to use Maltese to our advantage and they wouldn’t be able to understand”, or “be more hesitant to report and it would be ‘safer’ for the harasser to harass”. One of the participants mentioned that Kuwaiti female students got very uncomfortable when they heard jokes about sex

being bandied around. Another participant mentioned mature students, part-time students, women of colour as being at risk, but they did not elaborate why they would be at risk.

The participants felt that students are more likely to be harassed than staff, mainly by other students - peer to peer. One of the participants noted that young female lecturers are also on the receiving end. One of the male participants stated that “we couldn’t even get a lecture [...] because there were this particular group of students, continuously passing remarks about a lecturer” and “she ended up taking action against them”. Another mentioned older male lecturers and their biased interaction with younger female students, raising the issue of favouritism.

As to who could be a harasser, they felt it could be anyone, “someone that you are unfamiliar with, can be someone that you consider as a friend, someone that you are dating or a family member”. Others were more likely to state that harassers were ‘outsiders’, people working on one of the construction sites dotted around the campus, “operational staff, maintenance and staff like that who have [...] less education”. His colleague added that “lecturers and the academic staff are very conscious of the consequences that can happen if they are accused of something. Most of them will try to keep a step back”.

One of the male participants underlined that harassers “try to act cool and tough amongst their friends or peers [but] in order to boost their ego, they’re destroying others”. As the majority of participants underline, not everybody is affected by this behaviour in the same way. Some have learnt through experience to shrug it off, but others might be affected negatively. This behaviour is so engrained in our culture, so prevalent, but yet they did not consider it as malicious.

Who did the targets report the incident to

In the survey, participants who had experienced or witnessed sexual harassment were asked who they reported the incident to. One mentioned that lawyers were involved, two reported the incident to the Human Resources and Management Department. Some spoke to counsellors, administrative staff, ADSU manager, head of departments, high authority at UM, management, or to a colleague. Some of these recounted what happened when the report was made. In the case when a colleague was informed, the former “spoke to the student and then confronted the ‘abuser’”. A number of the participants made reports but sometimes they felt that those in power were “reluctant to take action”.

Another participant, evidently staff said, “I was only once involved in the process of moving forward a claim of sexual harassment. I must say that the rules and procedures worked to perfection. This participant added that it did maybe because the case was relatively an easy case which involved two students, not anything as serious as rape or physical assault. This participant added that both target and perpetrator were happy to settle the matter to the satisfaction of all. As this participant pointed out, in this case, the rules and procedures worked very well.

Why people do not report

As we have seen sexual harassment, the participants felt that sexual harassment was an integral part of our culture. Some believed that this “culture of entitlement” is “too deeply rooted in society to expunge it”. A few felt that the harasser might not be aware of the effect their behaviour would have on the target, that what they accept as ‘normal’ behaviour, constitutes in fact sexual harassment - “a few things that could be marked as sexual harassment, are things that we get used to, but then there’s a matter of the severity, or the degree of harassment, as in some comments, eh, could be simply brushed off, you know, like a path on sand, but then some things are much more evident and leave much deeper mark”. As some pointed out, it does not only depend on the behaviour involved, but also who is on the receiving end. For some a ‘stupid’ joke can feel abusive, in the case of others, they have learnt to zone it out.

As the participants underlined, the target does not report for a number of reasons. In the case of one of the respondents she did not report because the person who had groped her and called her names had been her 'friend' –

ma ridtx li nagħmillu ħsara avolja lili ħallieni b'naqra, hux gravi, imma ħallieni naqra b'dik il-biża' u hekk .. ma rraportajtux għax ma rridx lili ... nagħmillu hajtu miżerja sa ċertu punt.

This participant realised that what had happened was sexual harassment during the interview. In fact, the interviewers had to stop the interview to persuade her to seek help because she had been traumatised by the groping suffered at the hands of the so called 'friend'.

Others do not report sexual harassment because "it can be difficult to express that you're uncomfortable with something because you know that people are going to gossip about you and say that you're being too sensitive". Some were afraid of victim blaming, that they would not be taken seriously, or that their actions will be scrutinized and found wanting because of "what they were wearing, doing". As they added, "people think it is useless to report if blame is shifted on them", with "people judging you, not believing in you". Some fear that nobody would believe them because this was what had happened to others. Others were made to doubt themselves - "people manipulate you to make you think it is not worth reporting", or that you are making a "fuss" about nothing.

A good number of participants in both the survey and in the qualitative part of the research said that targets of sexual harassment might not report the act because they do not want to relive the experience. Others were afraid that it would backfire on them, leading to negative repercussions on their education or work - "I know of over 10 persons who were sexually harassed by one person and authorities know about this person and nothing was done to this person". Some felt that fear does play a role, especially if there are power dynamics involved "where a student is being intimidated by their professor" or if as an employee you are being harassed by somebody from "from higher above". Two spoke about repeat harassers. One noted when

it happened to a student, some people were told and it was as if 'don't expect action against that person'. In the instance it happened to a staff [member]; when management was told, it was as if vulgarity and uncomfortableness is due to the 'victim' being uptight".

Another participant wrote "nothing was done to this person who harasses persons. This person is powerful and has been harassing people for years now and nothing was ever done".

As the students pointed out, if your grades or professional warrant depended on the harasser, they were more likely to find ways of trying to live with the situation:

I'm in the medical course and 99% of our lecturers work at the hospital and when we graduate you have to work at least two years in the hospital so like that if you know you're going to keep seeing them every day [...], for at least two years and they're going to affect how you get your warrant and stuff like that then, for us it's, unless it's something really severe, which can be proven, you probably wouldn't go through that process.

Another added that

it depends a lot on whether it can be proven, and most of the times, you can't prove that someone passed that remark or someone, someone touched you without the visual evidence or witness. Also, all this procedure will deviate the student from the study and the study is the main priority of the students within the university.

Some felt that the procedures involved in reporting sexual harassment might prevent people from reporting it:

I've read the procedure a few hours before this interview [referring to older versions of the policy] and I think most people will be discouraged, to take any proceedings against sexual harassment due to the number of times that person would have to repeat their side of the story, the number of people they'd have to say it to, the officials, the documents, the documentation that would remain in university for the next six years. I think a lot of that would dishearten the student or the entity, whoever it is, to take action and would just simply result in them dropping the case and shoving it down and moving on."

A student representative pointed out "if it's a student filing a complaint against a lecturer, then you're going to, have I finished the unit, will I be having another unit with this lecturer later on? [...] you have to meet the person that you're filing the ... it's not anonymous, this person knows you've filed a complaint against them." Students in both the survey and the qualitative part of the research, as well as the staff who participated in the survey felt powerless when they were sexually harassed by somebody in power. A few felt that the University of Malta is a predominantly male managed entity, so they found "it is intimidating for any victim to speak out". As one participant aptly pointed out, "the people dealing with the case may be majorily men so the women's situation may not be fully understood". Another participant spoke about the "fear of being threatened by superiors, they're the ones allowing the abuse". Some felt that before abusive people in power are dealt with, they do not feel safe to report an incident. In this toxic situation, they feared that nothing will be done, and that they had no confidence that any no action would be taken against the aggressor due to the fact that a few perpetrators "abuse of [their] power".

The conclusion among some of those who had experienced harassment directly or saw it happening to others was that the University of Malta does not always hold perpetrators accountable. These statements were made by some members of staff who mentioned them in the survey. They felt disheartened by the situation since in the past, targets who had somebody reported sexual harassment were not taken seriously. They felt that the University of Malta needed to stop excusing or downplaying predatory behaviour. Some said they were told that "he was being friendly", or "the person accused is a 'good student' and has a 'promising career'", and that by reporting him, they would be ruining his future. Another pointed out that when the perpetrator was a person in authority, he "gets a slap on the hand, [the] victim is moved or fired". As one participant underlined, "past action against perpetrators shows that Malta is not serious about sexual harassment". They did not feel safe reporting such behaviour since they did not feel the system works. Others took matters into their own hands by requesting a "transfer to get away from harasser who has monopoly over the office". These statements were made by female staff, students felt that action was taken when they reported when such behaviour was reported.

Students and staff who had been studying and working at the university for some time, knew that a sexual harassment policy existed. The ones cited in this section felt that having a policy on its own "does not necessarily encourage people to report". People will not report such behaviour if they are not protected, do not get any negative backlash at work or study. As a participant pointed out, "with the cases that were taken to court it backlashed on the victim" (speaking about sexual harassment cases discussed by newspapers) since their behaviour was scrutinized and they had to relive the trauma. These participants felt that both the university and society at large needed to create an enabling culture, an open culture where it is safe and acceptable to report this unacceptable behaviour where the victim's behaviour is not scrutinized, or where milder cases of sexual harassment are downplayed. "Our system is messed up and the police do not even take the report seriously". The participants blamed under-reporting to culture - "in a society such as Malta's, where for example hegemonic masculinity prevails (among other social factors which detrimentally influence all genders) and obviously drastically influences victims' help-seeking tendencies". They blame under-reporting on fear, stigma, power differentials, and on a culture that normalizes this behaviour.

From the analysis of this data it was clear that when faced with sexual harassment, people remain silent for a number of reasons. They are less likely to speak up if their career progression depends on advisors or mentors, a result which replicates what the National Academies of Sciences, Engineering and Medicine (2018) found. They are also less likely to report such intransigencies if the system is based on productivity - people do not perform if they are affected by this type of behaviour, whether they experience it directly or indirectly. The National Academies of Sciences, Engineering and Medicine (2018) maintains that this type of behaviour tends to be considered the norm in societies where a macho culture pervades, and it is the focus of this behaviour who has to accommodate to this type of culture, and not the other way around. As the data demonstrates, those who did not brush it off, those who tried to report it, were considered as obtuse. Those who were uncomfortable with this type of behaviour and reported this behaviour were victim shamed via the informal communications network which questioned their behaviour, rather than that of the alleged perpetrator.

Awareness of sexual harassment policy

From the survey and the qualitative research conducted with representatives from the students' associations, it was clear that a good number of these were not aware that the University of Malta had a sexual harassment policy. New staff, part-timers (students and staff) were less likely to know that a sexual harassment policy existed. As the participants pointed out, people not familiar with the policy may abstain from reporting. Others pointed out that more awareness of what is sexual harassment is also needed as the "harasser might not know that he is annoying or offending someone", which means that they would not be aware of the consequences of their behaviour on the target. Some people might not be aware that their behaviour constitutes sexual harassment, but the answers provided by the male participants who took part in the survey demonstrates are more likely to be aware of what constitutes as sexual harassment than female ones. The majority of the participants in both the survey and the qualitative part of the study agreed that more awareness of what constitutes sexual harassment needs to be provided. Students and staff also need to be made aware who they needed to contact persons if they were targets of such behaviour, or were bystanders to this type of behaviour. University personnel and staff also need to be told how the process works, and how and when the sexual harassment policy is brought to bear. The participants mentioned that awareness raising campaigns can be conducted via social media, email spots, events, talks, videos, and speeches. The participants underlined that people need to be consistently reminded "because people forget". As the participants underlined, it is useless to have a policy if it is not promoted.

Students representatives felt that they should be given more information, and training on what constitutes sexual harassment, "more awareness about what consent is", and they needed to be familiarised with the sexual harassment policy before they take office. They added that "sexual harassment training should be compulsory to all new students (and staff) in the first couple of weeks as part of their orientation. Training should include where to report harassment, as well as the procedures and repercussions. This type of information, they felt, can be relayed by student associations during fresher's week. "It's full of stalls and opportunities for knowledge to be gathered [...] for a student to familiarize themselves with procedures, [...] regulations and policies".

Others underlined that more students will be reached if the dean or directors of the different faculties, institutes, centres and schools make a statement during the meetings they have with new students since these meetings are mandatory, they believe. This is the place where UM policies and regulations can be discussed. As things stand, few of the student representatives were aware of the sexual harassment policy, or received training about how it works. A few learnt about it during their handing over, from a colleague. Even at KSU level, there aren't any plans for any formal training on the topic, a KSU representative underlined.

As one student association representative pointed out,

I think that that all students should know what's in the policy, how it works, and the procedures that can be taken, so that they know that there are options ... if something were to happen. I think, unfortunately - and it's not just with sexual harassment - but the university keeps a lot of these policies and things very, very [buried] beneath 10 tons of ground, and never brings them up. To find them is a hassle unless you know exactly what you're looking for.

Another student suggested:

Publish these policies again and refine them because some of them are ancient, and they haven't been updated in quite a while. Even as regards to pronouns, I mean, we're talking about sexual harassment and the sexual harassment policy doesn't include gender fluid persons or, it only includes her or she pronouns. [...] update these policies and make them clear for [...] students and staff.

The participants suggested constant communication, not just about the policy per se, but messages about what constituted acceptable behaviour; the different avenues which exist at UM for reporting, which cases were dealt with in a particular year, with what success, what type of punishment was meted out or action taken. They felt that this type of communication will help demonstrate that this type of behaviour is not tolerated by UM, and it would help prove that the university is 'properly' enforcing its policy. The participants felt that the university needs to communicate how many cases were reported, by whom (that is students or staff), how many were resolved, in which manner. This needs to be done constantly because there were a number of respondents who felt that at UM policies "are intentionally ignored".

Discussion

Different issues which were raised by the respondents will be discussed thematically in this section.

Effect of sexual harassment

When not dealt with, gender harassment or unwanted sexual attention which is severe or pervasive in higher educational institutions, can alter conditions of employment some of the participants pointed out. This type of behaviour has a deleterious effect on ones' work performance or education, maintain the National Academies of Sciences, Engineering and Medicine (2018). For the students who took part in the qualitative part of the study, the University of Malta was perceived as a relatively safe space. They mentioned the areas where they could face gender harassment, mainly the ring road, quad, canteen, library, parking space at night, skate park at night, during medical placements, social events organized by university entities and male sporting clubs/events on campus. Only one mentioned quid pro quo sexual harassment - the student who was constantly seen in the company of a particular male lecturer.

The participants whose work was more likely to be affected by sexual harassment were administrative staff and young female academics. It was clear that the few people who mentioned having to face constant harassment were suffering - sexual harassment tends to undermine the target's both mental and physical health according to the National Academies of Sciences, Engineering and Medicine (2018). Some of the targets who took part in the survey stated that they asked to be transferred, but there might have been others who might have had to leave their job or studies which meant that they could not have taken part in this research.

The National Academies of Sciences, Engineering and Medicine (2018) notes that sexual harassment leads to a decline in job and study satisfaction. Students and staff who are targets of or bystanders to this kind of behaviour, withdraw from their study or work physically or mentally, think of leaving

their studies or their job. They feel disillusioned or angry with the organisation for not believing their stories and not dealing with the situation. This anger came through in some of the comments made by survey participants. Constant exposure to this type of behaviour or the fear that there might be a repeat in behaviour, can lead targets to flee, or if they cannot do so, it can lead to a decline in productivity or performance.

More research needs to be conducted in Malta on the effect sexual harassment can have on targets or potential targets in educational situations. In this research it was quite clear that students were more likely to experience the common forms of gender harassment - such as catcalling, groping. Research from abroad found that it leads to a decline in educational outcomes and motivation, which can result in lower grades; others may drop some classes, change supervisor or tutor, or transfer to another higher education institution or totally drop out of higher education. It can also lead to lack of attention during classes (National Academies of Sciences, Engineering and Medicine, 2018). From the data gathered, new administrative staff and young female lecturers were more likely to be the targets of this type of behaviour, from both peers, and students. This means that there are spaces and levels within the university where sexual harassment is more likely to prevail.

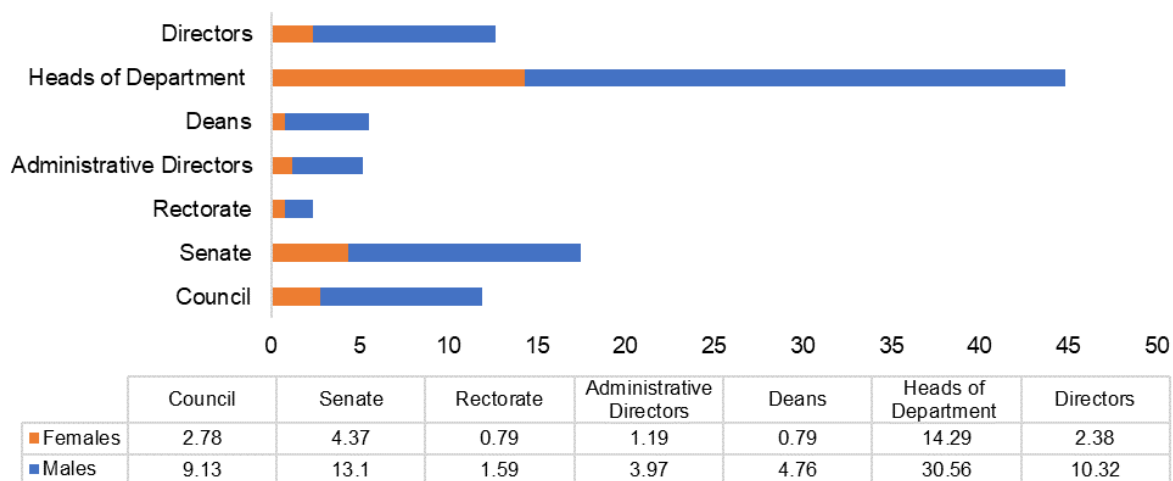
Culture of sexual harassment

This paper started by underlining that although the Maltese Islands have a number of legal acts which delineate what is sexual harassment, and the sanctions that can be meted out to those who enact this type of behaviour in the workplace and educational settings among others, this type of behaviour still prevails. The respondents, especially the students said that they feel relatively safe on campus, and less safe when they step outside this space. They also stated that they were more likely to be sexually harassed by peers, rather than lecturers. Medical students were not of the same opinion though.

The National Academies of Sciences, Engineering and Medicine (2018) maintains that students, researchers and staff of the least represented sex were more likely to be targets in the sciences, engineering and medicine fields. The prevalence of sexual harassment tends to be different in different entities, depending on the makeup of the population there. There were also certain categories of workers who were more likely to feel that in their area or occupational category, sexual harassment was tolerated. Women in subordinate positions - administrative staff, early career faculty, research officers and post-doctoral fellows are more likely to be at risk. This emanates from power imbalance between them and their dependency on those at a higher level when it comes to their career progression. When power is concentrated in single persons - because they are in a position of power, or because they are the ones who tend to attract funds for research (National Academies of Sciences, Engineering and Medicine, 2018), this position of power can be abused of.

The National Academies of Sciences, Engineering and Medicine (2018) maintains that in environments where men outrank women, where men were overrepresented at decision making levels, where the structure is hierarchical, where women study or work in jobs considered atypical for women, where there is a dependent role between faculty and trainer, this type of behaviour is more likely to prevail. Data elicited from the gender audit conducted by the Gender Equality and Sexual Diversity Committee (2021), it was found that men were over-represented in all University of Malta governing bodies in 2021 whether this was representation at rector level, senate, council, deans, administrative directors, directors and heads of departments (HoDs). Male dominated institutions tend to take sexual harassment less seriously (The Women's Initiative, 2018).

Gender Composition of governing bodies/decision-making bodies at UM in %, May 2021



Source: Gender Equality and Sexual Diversity, 2021, p. 2.

The National Academies of Sciences, Engineering and Medicine (2018) also notes that the hierarchical and dependent relationship between academics and research students can also lead to potential abuse, or a quid pro quo culture. This entity suggests that higher educational institutions can diffuse power differentials by adopting other mechanisms, mainly the setting up of mentoring networks, advice being given on a committee basis, as well as departmental funding rather than funding one particular principal investigator.

Leadership training

Apart from striving for a diverse leadership, higher educational institutions need to support and facilitate leaders in developing leadership skills by providing leadership training programmes. During these programmes, potential leaders need to be taught how to recognize and handle sexual harassment, while becoming acquainted with the policies and procedures involved in handling sexual harassment. Potential leaders need to learn how to create a culture and climate to reduce as well as prevent this type of behaviour. Apart from this, these types of programmes need to include sessions on conflict resolution, mediation, negotiation, and de-escalation. Prior to becoming rectors, pro-rectors, the deans, directors and the different heads of departments, as well as applicants to these positions need to share their vision on how they will handle this issue, taking which steps. Staff, especially those undertaking some form of leadership training, need to be made aware of what type of behaviour entails sexual harassment, and what types of formal and informal actions can be taken, and when. They need to be trained because leadership needs to take concrete intervention strategies to reduce and eliminate sexual harassment.

Organisational climate

The National Academies of Sciences, Engineering and Medicine (2018) comes up with a number of recommendations on how to deal with sexual harassment. They recommend that in order to create diverse, inclusive and respectful environments where sexual harassment was concerned, leadership needs to adopt measures to ensure that there is more diversity - on a gender, racial, ability and sexual orientation level - when hiring and promoting staff.

University of Malta staff and students also came up with suggestions. Awareness raising campaigns have already been mentioned above. Some members of the staff noted in the survey that decision makers, if they wanted, would know where this behaviour prevailed. As these pointed out in the survey, when managers start seeing a high turnover of students or staff because these ask for transfers, leave, or take high levels of sick leave in the case of staff, they should investigate to find out what is going wrong, and when they find out what is happening, act. Decision makers cannot wait for targets to

report, when reporting can lead to a backlash. As the National Academies of Sciences, Engineering and Medicine (2018) pointed out, symbolic compliance with the law is not effective in preventing sexual harassment; adhering to the legal requirements will not help change the climate.

The National Academies of Sciences, Engineering and Medicine (2018) maintains that sexual harassment training programmes tend to communicate behavioural expectations, and per se do not help change people's beliefs. Training tends to specify the consequences when these expectations are not met, and identify which mechanisms can be used. They however believe that action speaks louder than words. The message that sexual harassment is not acceptable tends to be driven home when targets of sexual harassment are supported and protected. They also underline that when the university deals with sexual harassment cases, when these are investigated in a timely manner, when both target and alleged harasser are given due process, and the latter, if found to have committed sexual harassment, are punished appropriately, this helps drive the message home, that sexual harassment is not tolerated. The actions taken by the university however need to be duly shared with the targets to see if they agree with the decisions taken, and eventually with the rest of the university. As the National Academies of Sciences, Engineering and Medicine (2018) points out, when the higher educational community is regularly informed about how the institution has dealt with this type of behaviour, this sends a message that the institution takes sexual harassment seriously.

Reporting

A number of participants underlined that it was evident that a number of people who have been sexually harassed do not report their experience for a number of reasons. It is clear that higher educational institutions can only deal with this problem if they move beyond legal compliance and stop relying on formal reports made by those who experience, and witness this type of behaviour. At the University of Malta, however, we expect targets to report an incident, since we do not accept bystander reports. The student representatives who took part in this research were also interested in bystander intervention training. They felt that the onus of reporting should not only be on the target.

The National Academies of Sciences, Engineering and Medicine (2018) also promotes the development of policies and procedures that give targets of harassment the possibility to speak up via non mandatory reporting and control over how the authorities proceed with the case. The participants who took part in the GESDC and KSU research said that "anonymised examples of sexual harassment stories/reports and how UM dealt with the cases will be very helpful to victims to envision how their reporting may go and encourage them to come forward". Some also suggested template statements that can be designed to help facilitate reporting.

Conduct research

Research also needs to be conducted in order to find out what is happening and where in the different entities within higher education. Scientific evidence can help organisations chart the behaviour of targets and perpetrators of sexual harassment.

Other research is needed to find out how different social groups are affected by this behaviour. Some of the participants who took part in the GESDC research underlined that the pre-2021 sexual harassment policy only alluded to male and female, when transgender, gay, lesbian and gender fluid individuals can also be the targets of sexual harassment. The participants also noted that other under-represented groups tend to be targets - namely those who study part-time, students or staff who are young or new to the job, LGBTI, migrant, racial and ethnic minorities. Their experiences need to be studied in more detail.

The National Academies of Sciences, Engineering and Medicine (2018) also suggests conducting climate surveys among students and staff. Climate surveys are used to investigate and address systemic sexual harassment, by finding out in which university entities or spaces this type of behaviour prevails. Such surveys which adopt and adapt validated behavioural instruments, will ensuring the confidentiality of those who respond. In Ireland, the Department for Further and Higher Education launched an online

platform in 2021 so that students and staff can anonymously report incidents of “bullying, assault or sexual violence” (O’Brien, 2021) in an attempt to promote a “zero tolerance” culture for harassment and discrimination on college campuses. Quantitative data collection however needs to be accompanied by qualitative research. The results need to be then shared publicly to demonstrate that the organization takes these issues seriously, and that it encourages transparency and accountability.

Higher educational institutions also need to conduct research on the formal and informal reporting mechanisms used, and how effective they are in preventing and stopping sexual harassment behaviour. Research can take place in tandem with training – training on bystander intervention, academic leadership as well as sexual harassment and diversity training. Once these are in place, UM needs to conduct research to evaluate their effectiveness in dealing with sexual harassment. UM also needs to evaluate the efficacy of mandatory reporting requirements, the approaches used to support targets of sexual harassment and improving communication with management where this type of behaviour is involved. Research is important when it comes to examine the effectiveness of policies, strategies and practices for preventing and addressing sexual harassment. This type of evaluative research will demonstrate whether these prevent harassment and retaliation, whether they protect targets and ensure that they do not face undue consequences when they report. This research will demonstrate what is working, what isn’t and where and enable policy makers to review policies, measures and procedures to ensure that sexual harassment is prevented (Diez-Canseco, Toyama, Hidalgo-Padilla & Bird, 2022).

Improve transparency and accountability

The participants who took part in the GESDC and KSU research underlined that not only do sexual harassment policies need to be publicized, but that staff and students need to be informed about how the procedure works. They underlined that clear, accessible and consistent policies on sexual harassment and standards of behaviour were at times missing.

Some participants bemoaned the fact that sometimes symbolic or no disciplinary action was taken against some of the perpetrators by those in authority. They felt that policies need to include a range of clearly stated, appropriate and escalating disciplinary action to be taken against those who break the law and have violated sexual harassment policy, and that these need to correspond with the severity and frequency of sexual harassment, while it is made in a fair and timely manner. As some noted, some of the alleged perpetrators got a tap on the hand, or none at all, especially those who were in positions of power.

The National Academies of Sciences, Engineering and Medicine (2018) points out that when disciplinary action is taken against perpetrators, this should not involve a reduction in teaching load or time away from campus, because this would be a ‘reward’ rather than a punishment where the perpetrators were concerned. This entity underlines that whatever action or sanctions are decided upon, these should be made public. The National Academies underline that a higher educational institution needs to be transparent. Being transparent will help give a clear message to staff, students and the general public that the institution takes sexual harassment seriously, and that it does not tolerate this type of behaviour. One of the participants underlined that the entity in which she worked had reported the action taken against the perpetrator but in the process of being transparent, had given away the identity of the person who had been targeted. The National Academies of Sciences, Engineering and Medicine (2018) underline that institutions have to ensure that transparency is balanced by confidentiality.

A few respondents who took part in the GESDC study felt that the University of Malta needs to keep students and staff informed about the number of cases that were reported in a given year, which were processed, and what type of policy violations were involved. This information can be included in the university’s annual report, they insisted, or something similar. The information can also include how many of the incidents under investigation have been closed and what disciplinary action was taken. The National Academies of Sciences, Engineering and Medicine (2018) believe that the targets of sexual harassment behaviour should be the first to be informed about the results of the investigation and

the type of disciplinary action decided upon should be discussed with them first, before the reports are made public.

Targets provided with support

A number of participants stated that the general culture of impunity, the attempts made by some people in authority to undermine the credibility of targets of sexual harassment, the fear of backlash and retaliation, keeps victims silent. They underlined that targets have to relive the experience all the times they have to talk about the event to a number of persons before any action is taken. The National Academies of Sciences, Engineering and Medicine (2018) sustain that higher educational institutions should act as role models of change in this type of cultural climate, and devise a campaign which promotes the idea that reporting sexual harassment is an honourable and courageous act. This organization maintains that those who report incidents of sexual harassment should be provided with support, as in the form of social services, health care, legal as well as career and professional help. The University of Malta work hand in hand with staff from the Health and Wellness Centre, but perhaps more needs to be done when it comes to legal help. More also needs to be done of exploring ways that prevent targets from experiencing or fearing retaliation.

Isolation

The National Academies of Sciences, Engineering and Medicine (2018) also mention that the geographical isolation of young researchers or staff, can also lead to their abuse. Abuse can also take place in populated areas though, or behind closed doors. The participants who took part in the study underlined that in order to protect all staff and students, “staff office doors without glass windows should be replaced or separate rooms provided for ALL meetings which are one to one.”

Conclusion

Sexual harassment can be prevented and eradicated by making sure that people know that this type of behaviour is not tolerated on an institutional and national basis. Evidence from the GESDC and KSU study shows that more needs to be done to tackle this issue, at a national as well as institutional level. Institutions on a national and higher educational basis need to demonstrate that sexual harassment is unacceptable. Persons who are found to have abused themselves of their power and broke the law or policies, need to be held accountable.

There are policies and measures, but their effectiveness needs to be constantly evaluated. The evaluation and the actions taken need to be constantly communicated to the general public. Transparency and accountability can only be attained by preventing and responding to sexual harassment, and communicating this to the community at large.

This constant communication would hopefully bring about to a systemic change to the prevailing culture of entitlement on a national basis, and to the climate in higher educational institutions. Higher educational institutions need to move beyond the symbolic compliance to legislation, and work towards adopting a holistic cultural change by constantly underlining that sexual harassment is not to be tolerated. This message needs to be disseminated by a committed leadership that provides the financial investment to reach these goals.

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Sexual Harassment Qualitative Questionnaire

The interview is going to be divided into 4 parts

Part A – will focus on the student group and association – why it was set up and when.

Part B – we will show you a video on sexual harassment. We will then ask you questions about what you think is sexual harassment.

Part C – will be on how prevalent you think sexual harassment is on campus, and in which areas.

Part D – will focus on any training you might have received to help you deal with this issue.

For interviewers

Please post the questions in bold first. When the conversation is not forthcoming, use the points listed below the question

A. Info on Student's Group.

- a. Name of student association.
- b. How long has it been set up?
- c. What is the objective of the student's group?

B. Sexual Harassment

Show video – please ensure that you do not include the final advert

- a. <https://www.youtube.com/watch?v=Ue3BTGW3uRQ> (stop before the video reaches what the company needs to do to stop being involved in litigation)
- b. <https://www.youtube.com/watch?v=HKk-pbeW3ic>

The video is about sexual harassment in a

1. According to you, is the following behaviour sexual harassment?

- a. **Sexual jokes or stories that are insulting or offensive.** Yes/No/Don't know
- b. **Inappropriate or offensive comments about someone's body, appearance or sexual activities.** Yes/No/Don't know
- c. **Crude talk about sexual matters.** Yes/No/Don't know
- d. **Email, texts, tweets, phone calls, or instant messages that contain offensive sexual remarks, jokes, stories, pictures or videos.** Yes/No/Don't know
- e. **Somebody who continues to ask a person to go out, get dinner, have drinks or have sex even though they say, "No"?** Yes/No/Don't know

f. **Are there any other issues you want to add to this?**

C. Prevalence of sexual harassment

2. How problematic do you think sexual harassment is at the University of Malta?

3. Where are students most likely to experience sexual harassment at University? Name place. Examples

- a. University residence
- b. Space used student social organization
- c. Other residential housing
- d. Gym
- e. Swimming pool
- f. Running Track
- g. Library
- h. Canteen
- i. Around campus
- j. Other campuses
- k. Chaplaincy
- l. During tutorials or supervision
- m. Lab
- n. Ring road
- o. During practicum
- p. Other

4. Who is most likely to be sexually harassed?

- a. Male or female students
- b. Male or female staff
- c. Heterosexual or gay persons
- d. Gays or lesbians
- e. Trans or heterosexual
- f. Younger or older students
- g. Maltese or international students
- h. Students or staff.

5. Who is most likely to be the harasser?

- a. other students,
- b. partner,
- c. admin staff,
- d. technicians,
- e. academics,
- f. other workers – please state.

6. Have you as representative of your group/association received any complaints from students regarding sexual harassment? Yes/No

7. As individuals, do you know people who were sexually harassed on campus or by UM staff? Yes/No

8. What did you do?

- a. Did nothing because we weren't sure what to do
- b. Did nothing for another reason
- c. Directly intervened to stop it
- d. Spoke to someone to seek help
- e. *If they acted, ask them to enlarge.*

9. If the association did not report the incident, what were the reasons why you did not contact anyone at University?

D. Training

When you started University or when you became part of this student association:

10. Were you informed that the UM has a sexual harassment policy?

11. Were you exposed to some form of training or provided with an information session about UM's sexual harassment policy?

12. If you did, how useful was this session?

13. If you didn't, would you be interested to know more about the UM sexual harassment policy?

E. Conclusion

13. Are there any related issues you want to discuss – example ideas on how to tackle this phenomenon on campus?

Thank you for your help