



UniSAFE
ENDING GENDER-BASED VIOLENCE

**Developing a Protocol for
addressing gender-based
violence in research and
higher education institutions:
UniSAFE guidelines**



Developing a Protocol for addressing gender-based violence in research and higher education institutions

UniSAFE guidelines

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Aim of this document

This document aims to give guidance to research and higher education institutions in designing a protocol to address gender-based violence. The guidelines set out below explain what a protocol is and what elements it should cover, along with practical tips and sample practices.

These guidelines are primarily aimed at staff members responsible for developing and implementing a protocol for gender-based violence within their institutions. By following these guidelines, institutions can create safer environments and establish effective measures to address gender-based violence.

What is a Protocol for gender-based violence in research and higher education institutions?

UniSAFE defines a Protocol as a document that prescribes what will happen when a case of inappropriate behaviour is reported. It provides a step-by-step guide on how incidents of gender-based violence are reported, addressed, and resolved in the institution.

A Protocol is typically accompanied by a Code of Conduct, which defines the values of an organisation and relatedly the way in which members of the community are expected to conduct themselves in order to ensure a safe and respectful academic environment. The Protocol outlines the procedures to be followed if the Code of Conduct is violated. The two can either be separate documents or integrated into one. The main elements of a Protocol, as a procedural document, include instructions on how to report incidents, the roles and responsibilities of staff responsible for handling a reported case, the services available, the investigation procedure, the rights of the parties involved, and the potential consequences for those who violate the Code of Conduct.

It is recommended to develop a Code of Conduct and Protocol that focus exclusively on gender-based violence and reflect the sensitivity of the issue, the seriousness of its consequences, and the related imperative to deal with reported cases in a timely manner. However, regulations and procedures that specifically refer to gender-based violence can also be included in Codes of Conduct and Protocols of a wider scope.

The provisions in the Protocol must fully comply with the national legislation in place. While some of the measures suggested below may not be relevant to or compatible with the various legal and institutional landscapes across countries, it remains imperative that the adoption and implementation of the Protocol are consistently guided by a victim-centred and trauma-informed approach.

Confidentiality as a guiding principle

Confidentiality is to be underlined as a fundamental principle within any Protocol for addressing gender-based violence and it is required in order to safeguard the privacy and well-being of victims/survivors and bystanders while fostering a safe environment that encourages individuals to speak up.

Confidentiality prevents revictimisation by ensuring that individuals are provided with choices and control over their involvement in the investigation, support services, and decision-making.

Maintaining confidentiality during the investigation process is a crucial principle that safeguards the victim/survivor and the accused while preventing hostility. It is therefore a common practice to impose confidentiality requirements upon those involved in cases, including the parties to an incident, professionals, and committee members.

However, it is essential to establish clear limitations to such confidentiality, ensuring that victims/survivors do not feel discouraged from seeking the necessary support they require. It is crucial to recognise that individuals accused of harassment also have the right to well-being and protection, which can be achieved through privacy rights, confidentiality, and due process. To maintain fairness throughout the process, measures should be put in place to ensure that accused individuals are treated justly and that their rights are respected. Importantly, recognising confidentiality as a guiding principle is not to be confused with the 'confidential reporting' mechanism (see below, under Reporting Procedures).

What are the main elements of a Protocol?

The recommended key elements of a protocol for gender-based violence include:

1. Scope
2. Reporting procedures
3. Protection measures/precautionary actions
4. Investigation procedures
5. Disciplinary committee
6. Sanctions
7. Communication process
8. Roles and collaboration with involved stakeholders
9. Review process of the Protocol
10. Support services

Scope

Scope of applicability: The Protocol should apply to the entire institutional community: faculty, staff, and students, as relevant, but also alumni/-ae, visitors and third-party contractors. Having one single Protocol is highly recommended, even if the procedures may differ depending on a person's status. A single Protocol enables comprehensive and inclusive coverage that encompasses all individuals, including third parties, even when there is a change in status (e.g. from student to alumna/-us). A single Protocol can outline the different contact points and pathways for staff and students in relation to their different roles, responsibilities, and legal circumstances, as staff members have employment contracts with ensuing legal rights and obligations as employees, while students have different rights and responsibilities. Thus, staff may be asked to report incidents to dedicated university administration departments, such as a human resources office, while students may have a dedicated office for student affairs. If there is no single document, cross-referencing between all Protocols should be ensured, as some people, such as postgraduate students, may be covered by more than one document.

Making adherence to the Code of Conduct and acceptance of the Protocol a requirement stipulated in employment contracts and student enrolments ensures that staff and students are bound by the provisions. Integrating such requirements also into contracts with other parties (such as service providers, suppliers, or participants in events) broadens the documents' personal scope.

Material scope: Clearly state which behaviours are unacceptable and may be sanctioned. Define the terms used in the Protocol in order to avoid any misunderstanding. The Protocol should cover both online and offline violence and the entire continuum of violence, including sexual misconduct, physical misconduct, psychological violence, abusive behaviours, etc., indicating that the list is illustrative and not exhaustive. It is also important to specify that a single act can constitute sexual harassment. It is not required that acts occur repeatedly for the misconduct to be reported and possibly sanctioned.

Territorial scope: Specify that the Protocol covers behaviour both on and outside institutional premises, which includes misconduct that occurs on field trips, at sports and student events, or on occasions related to the institution's or organisation's mission, and technology-supported misconduct (occurring online or on mobile devices).



Reporting procedures

The reporting of incidents serves several purposes in the process of addressing gender-based violence within institutions, allowing other processes to be set in motion, notably related to prevention, protection, prosecution and the provision of services. The information gained from reported cases also serves the monitoring of gender-based violence incidence.

Formal and informal reporting

Both formal and informal reporting pathways are essential in addressing gender-based violence, as they offer different levels of support and protection tailored to the individual's needs and comfort level.

Formal reporting refers to the structured process of lodging an official complaint with designated services/authorities. Any member of the university community can file a formal, official report with a **designated service**. This can be done either in person or, if available, online via an online reporting system. Once the admissibility of the formal complaint has been confirmed, it results in the initiation of a formal investigation and disciplinary process based on institutional policies. There may be a different procedure for formal reporting for the students and staff of the institution.

A formal complaint can also be filed with the **law enforcement** authorities. This can be offered as an option to a victim/survivor or bystander, but it must not be imposed as a way of discouraging formal reporting to the institutional services. If the law requires the reporting of (potential) crimes by professionals who become aware of such a situation, the victim/survivor should be informed of this.

Informal reporting provisions offer persons the opportunity to share their experiences in a less structured way, outside a strictly prescribed protocol and without triggering investigation. Informal reporting can involve speaking to a trusted advisor, counsellor, or someone in a supportive role within the institution, without necessarily disclosing the details to higher authorities. It offers survivors a safe space to seek guidance, explore options, and access support services without the immediate pressure of formal action. Making an informal report does not prevent a person from making a formal complaint later. An informal reporting system recognises that not all situations require formal action or disciplinary measures. Some cases, however, cannot be solved informally due to the severity of the misconduct or because the difference in hierarchical position between the complainant and the accused is too great.

Importantly, the institution should ensure the option for both formal and informal complaints to be filed **confidentially**. Confidential reporting makes it possible **to protect the individual's identity, whereby only the service(s) handling the case know the complainant's identity**. This limits what investigative and other steps the institution can take, but a formal, confidential complaint may still serve as evidence in a future case. It is important that the complainant is aware of what can and cannot be done with confidential reports. Provide clear guidelines, so that both those who report and the professionals who receive the reports know how to act in compliance with the procedures, ensuring confidentiality for the individual reporting (victim/survivor or bystander), as desired.

Offering also **anonymous reporting channels**, whereby the identity of the complainant is not known to anyone but the complainant, helps to lower barriers to reporting which are, among others, related to fear of retaliation. This encourages both victims and bystanders to come forward, effectively addressing the issue of underreporting. It is essential to clarify that anonymous reporting is an informal reporting mechanism.

These alternative reporting options serve different purposes. They permit the institution to actively monitor how it is faring, to identify patterns of misconduct, and to launch exploratory investigations, as needed. This may be enough for persons who have experienced misconduct, even though they know that informal complaints do not trigger disciplinary actions. However, if the reporting person believes an amicable solution may be possible, an informal complaint can prompt a process (led by the ombudsperson, for example) that is aimed at reaching an amicable resolution. Allowing for such an institutional intervention provides an opportunity for individuals to engage in constructive dialogue and seek mutually agreeable solutions before a situation escalates.

- Specify the **procedures** for staff and/or students to report incidents of gender-based violence and the **reporting channels** to be used, such as a human resources officer, management, student services, a trust person, or an ombudsperson. Include informal reporting options and clarify the implications and limitations of formal versus informal complaints (see the text box above).
- Ensure a **low threshold** for initiating a formal investigation, making it easier and more accessible for individuals to report when they experience or witness gender-based violence. A low threshold indicates that the process of initiating a formal investigation should not be burdensome or overly complicated.
- **Clarify the distinction between confidential reports** made by a person who wants their confidentiality to be guaranteed (which is possible for both formal and informal reporting) **and anonymous reports** (whereby the complainant is unknown). In the former case, the identity of the person is known to the organisation, but not disclosed to anyone. This creates limitations to what the institution can do in terms of case handling. For example, the possibilities for enquiry and investigation will be restricted. Make sure that reporting parties, staff and students alike, are aware that the institution has limited options when reports are confidential or anonymous.
- Outline the applicable rules regarding **confidentiality as a guiding principle** (not to be confused with 'confidential reporting'). It is especially important that confidentiality is respected during investigations. Victims must be able to feel uninhibited when speaking about their experiences with support services. The use of non-disclosure agreements (NDAs) is not recommended. NDAs can prevent victims/survivors from seeking help and hinder the disclosure of important information. NDAs can contribute to a culture of secrecy which creates an environment where misconduct can go unnoticed or is even condoned.

- Provide clear information about what can serve as **evidence** or proof of different forms of gender-based violence.
- Clearly define a **timeline and a fixed timeframe** of the process from the time of reporting to the final decision stage. Additionally, indicate the estimated amount of time it will take for the institution to respond to the complainant following the submission of a complaint.
- Clarify the distinction between **reporting to the institution and to law enforcement officials**. It should be clear that reporting internally does not entail an obligation to report the case to state authorities (e.g. the police). Specify that disciplinary proceedings within the institution will continue without interruption even when a case is reported to the state authorities/police, as disciplinary measures aim to uphold internal institutional rules. In any case, internal disciplinary measures should be independent of the victim's/survivor's decision to report an incident to state authorities/police. Note, however, that in certain countries institutional disciplinary procedures and formal legal (criminal) procedures cannot proceed simultaneously.



Protection measures/precautionary actions

- Specify the range of options that may be implemented during the investigation process to protect the safety and well-being of victims/survivors and bystanders, guided by a victim-centred approach.
- Specify the type of protective measures based on the severity of the situation such as no contact order, change of work/class/student environment, temporary suspension of the alleged offender, etc.
- Clearly state that retaliatory actions or behaviours following the reporting of misconduct are subject to sanctions.



Investigation

Detail the procedures for conducting an internal investigation and for resolving reports of gender-based violence involving staff and students, including the roles and responsibilities of dedicated personnel and bodies, the timeline, and the process for conducting investigations.

- Clarify **who oversees the investigation** (for cases involving students and/or staff, as applicable) and the criteria for the selection of members of an investigation committee (e.g. to ensure there is no conflict of interest).
- Outline provisions for **due process**, including the rights of both the victims/survivors and the accused, and the opportunity for both parties to present evidence and witnesses, and to be accompanied during the process, e.g., by a representative of staff/student union or any trusted person.
- Clearly define the **timeframe** for investigating the case to ensure a timely and efficient resolution.
- Highlight the importance of making the person who filed the complaint feel heard and taken seriously and **avoid placing an undue burden** to correctly follow procedures on victims/survivors and bystanders.
- Re-traumatisation should be avoided throughout the process – for example, by recording the victim’s testimony and report instead of requiring the person to repeat their story several times in different instances.
- Make it clear that the **investigations may continue** even if the victim/survivor or perpetrator has resigned or left the institution.
- Specify the type of **communication** that parties (and third parties) can expect during and / or at the end of the investigation phase.
- Specify the possible **potential outcomes** of the investigation following its termination – for example, convening a disciplinary committee, notifying the offender of the law governing certain behaviours, concluding the investigation.
- Provide information on the possibility (or not) for **appealing** the decision of the investigator(s) and who can introduce such an appeal and how.



Disciplinary committee

Define the rules ensuring that the committee will be impartial, transparent, and fair in its review process.

- Emphasise the principle of prioritising the safety and well-being of all members of the community during the process, as well as of protecting members of the disciplinary committee against retaliation.
- Specify the rules and criteria regarding the composition of a disciplinary committee. Experts from both inside and outside the institution may bring in any needed competencies or expertise. A disciplinary committee could be composed of members representing the different levels of the institution and the groups concerned (e.g. a representative of students in cases involving a student).

- Active efforts should be made to ensure the committee is gender-balanced and diverse in composition.
- It is recommended that the composition of the disciplinary committee reflects the groups that the case concerns - for example, that there is a student representative in cases involving a student.
- Including members from outside the institution will help to reinforce the trust of the entire community in the process by ensuring greater impartiality, while they can also be a source of specific expertise to be profited from as necessary (psychological, legal, etc.).
- The applicable rules for decision-making by the disciplinary committee should be defined.
- It is important to state that the rules the committee adheres to in making decisions do not mirror criminal proceedings because the institution's procedures pertain to a breach of discipline and not a criminal offence. For example, it can be stated that in the institution's review of a case the standard of proof is 'on the balance of probabilities'.



Sanctions

- Specify the type of sanctions that can be imposed and ensure that there is a progression of applicable sanctions in relation either to the behaviour or to repeated misconduct despite warnings.
- Sanctions can include moral condemnation (a formal oral or written warning, a call to order, etc.), material penalties (the withholding of pay, a fine, a refusal to grant a particular benefit, etc.), a change of situation (such as temporary suspension from work, change of post or laboratory), a restorative sanction (e.g. community services, restorative/educational programmes, psychological support and probation periods), up to dismissal.
- Specify how sanctions imposed on the perpetrator/offender are communicated to victims/survivors as part of the disciplinary procedure and how information about the outcomes, including sanctions, are communicated externally (such as in the form of annual aggregate statistics).
- Specify in which cases (if any) sanctions and penalties will not be disclosed and the rationale for these decisions.



Communication process

- Specify what and how the institution will communicate to the reporting party and (alleged) offender during the different steps of the procedure.
- Specify how the final decision on any sanction shall be communicated to the parties involved or to the broader community as part of the accountability and healing process.
- Specify the rules applicable for maintaining confidentiality and privacy to the greatest extent possible, while balancing the need to conduct thorough investigations and respecting the rights of all parties involved.
- Ensure transparency regarding the limitations of confidentiality, which may include any legal or institutional obligations to report incidents to appropriate authorities. Clarify the protocol's rules concerning the privacy of personal data and define how the protection of personal data will be maintained throughout the process. Clearly specify which personal data can be disclosed at the conclusion of the disciplinary process and to whom it will be disclosed.
- It is important to inform the parties involved in advance that certain information will eventually be made public at the end of the process (e.g. whether or not the accused person was found guilty of any misconduct and whether sanctions were imposed).



Roles and collaboration with involved stakeholders

- Provide clear information about the collaboration and coordination with relevant stakeholders such as legal and medical professionals, gender equality officers, relevant bodies, etc.
- Clearly and systematically specify the roles and responsibilities of the stakeholders involved.



Review process of the Protocol








- Clarify the process for reviewing and updating the Protocol to ensure its effectiveness and compliance with relevant laws and regulations.
- Outline the procedure for providing feedback and collecting input from stakeholders, including staff, students, etc., to improve the Protocol over time.
- State the publication date and refer to previous versions so that modifications can be tracked.



Support services

- It is crucial to include information about available support services to staff and students, both internally, such as the existence of dedicated staff or student representatives, and externally, such as the availability of medical services, police, legal assistance, and other relevant resources such as NGOs and helplines. Such information can be provided at the end of the document or in a separate document, but it should be easily accessible through the Protocol.

Tips and hints/ Dos and don'ts

-  Refer in the Protocol to applicable articles of the national legislation.
-  Ensure that all those involved in the implementation of prosecution policies and disciplinary action, including people receiving complaints, are properly trained and know exactly what their role is.
-  The procedures for staff and students may differ, but it is essential that they are developed in a way which ensures consistency, fairness, and effectiveness regardless of the status of the individuals involved.
-  Outline the procedures for disseminating the Protocol among all staff and students, including new employees and incoming students, and obtain their acknowledgement of receipt and understanding.
-  Ensure that the burden of following the correct steps and procedures does not fall solely on the victims/survivors and bystanders. It is the responsibility of the institution to provide clear guidance, support, and resources to facilitate the reporting and investigation process – for example, by appointing a qualified case manager.
-  When persons are found guilty of misconduct, it is important to specify how this will affect their future career and roles within the institution – for example, they may be denied a promotion and/or the possibility of occupying certain positions during a certain period.
-  Clear language, appropriate formatting, and a user-friendly presentation will ensure that a Protocol is accessible for its target audience. Providing a graphical presentation of steps and procedures is also recommended.

- ✚ It is advantageous to have multiple trained individuals in positions of trust, as this provides diversity in the choice of who to report to.
- ✚ It is important to acknowledge the challenges faced by foreign students/staff who are not proficient in the local language. To address this, ensure that information is provided in the primary language(s) and in English and/or offer the option to appoint a translator if necessary.

Sample practices

Below are some examples of Protocols. Please note that UniSAFE offers these as reference materials only.



University of Deusto (Spain)

- Protocol for the prevention, assessment and intervention in situations of harassment in the workplace, available [here](#).
- Protocol for the prevention, assessment and intervention in situations of harassment among students, available [here](#).
- Application form to initiate the harassment Protocol, available [here](#).



University of Cologne (Germany)

Threat Management, Counselling, Complaint Offices at the University of Cologne presenting the protocol in the form of a diagram, available [here](#).



University of Akureyri (Iceland)

Regulations on responding to bullying, violence, gender-based and sexual harassment and gender-based and sexual violence within the University of Akureyri, available [here](#).



University of Warwick (United Kingdom)

The Student Discipline and Resolution at the University of Warwick contains all the necessary regulations, policies and processes for all students, available [here](#).



The Centre for Genomic Regulation (Spain)

CRG Protocol for Prevention & Approach to Harassment, available [here](#).



The Universitat Autònoma de Barcelona (Spain)

Protocol to prevent and act against sexual harassment, harassment on grounds of sex, sexual orientation, gender identity or gender expression, and male chauvinist violence, available [here](#).

Resources and further reading

Umbrella organisations in both the UK and Ireland provide guidance to universities on how to deal with cases of misconduct:

- **Universities UK (United Kingdom)**

Pinsent Masons (2016), Guidance for Higher Education Institutions: How to Handle Alleged Student Misconduct Which May also Constitute a Criminal Offence, Universities UK, available [here](#).

- **Irish Universities Association (Ireland)**

Guidance for universities: How to respond to Alleged Staff or Student or University related sexual misconduct, available [here](#).

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