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An Extended Policy Analysis of Flemish Universities' Intersectional Commitments to Sexually Transgressive Behaviour

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Abstract

The prevention and follow-up of (sexually) transgressive behaviour (STB) are included as priorities in the Gender Charter signed by all Flemish universities and in their GEPs. Moreover, since 2022, testimonies of STB at Flemish universities have garnered significant media attention. Consequently, the universities have faced increased societal and legislative pressure to develop better organisational policies relating to STB. This article interrogates these revised organisational documents by employing an extended policy analysis. The 'extended' nature of this analysis relates to the expansive approach we have taken to defining policy: instead of focusing exclusively on organisational policy documents, our analysis locates the use of policy in conjunction with other information sources and organisational commitments, produced for varied audiences. Our analysis has been informed by intersectionality, and special attention was paid to (absence of) language referring to oppression, discrimination, and minoritised identities. The analysis yielded the following results: First, there is a clear division between "aspirational" policy commitments to intersectionality and their operationalisation in "procedural" policy documents; policy discussion on STB is largely identity-neutral; and STB and discrimination are presented as separate forms of transgressive behaviour, while their intersection remains unrecognised. We argue that current procedural policy on STB ignores the unequal distribution of exposure to STB and obscures identity-related experiences, especially intersectional experiences. As a result, the identity-neutrality of STB procedures could frustrate efforts to create a more gender-equal environment, especially for multiply minoritised staff and students.

Keywords

Flemish universities; gender; higher education; intersectionality; policy; sexually transgressive behaviour

1. Introduction

The higher education context is characterised by high rates of sexually transgressive behaviour (STB; Bondestam & Lundqvist, 2018; Bourabain, 2021), as well as by inadequate frameworks of support offered to victims (Cantor et al., 2019; Lipinsky et al., 2022; Naezer et al., 2019). UNISAFE's 2022 survey on gender-based violence in universities and research organisations across Europe found that almost a third of respondents reported having experienced sexual harassment since they started working or studying at their institution (Lipinsky et al., 2022). Further research shows a higher prevalence of sexual victimisation among queer people, trans* people, disabled people, and people of colour in comparison with those with non-minoritised identities (Cantor et al., 2019; Klein & Martin, 2021; National Union of Students & 1752 Group, 2018).

Contemporary research has also highlighted significant flaws in universities' equality-focused policies at universities, arguing that they do little to challenge permissive environments that enable structural and individual discrimination, prejudice, and transgressive behaviour (Hervías Parejo, 2023; Roos et al., 2020). Scholars argue that equality, diversity, and inclusion (EDI) policies and strategies are often developed outside the core operational functions of universities, meaning they are frequently perceived by university staff as bureaucratic hindrances (Pizarro Milian & Wijesingha, 2023), rather than meaningful tools for change.

Despite this extensive evidence of a persistent gap between policy and practice in university settings, little work has interrogated the assumptions present in university documents that address EDI issues and their relationship to other associated documents and information sources. Drawing on a theoretical framework informed by feminist institutionalism and intersectionality, this article addresses this gap by presenting a focused analysis of organisational policy documents and associated materials including website content. It draws on feminist institutionalism to understand how institutions constrain and enable gendered change (Minto & Mergaert, 2018; Sanders, 2022). Unusually, this article not only draws on intersectionality as part of its theoretical framing but also analyses organisational discourse and policy content relating to intersectionality. The article focuses on universities in Flanders, the Dutch-speaking northern half of Belgium, responding to recent national media coverage of STB incidents and the subsequent failures of the Flemish institutions to provide adequate responses.

With this study, we aim to answer the following research question: What gaps or consistencies exist between the institutional discourse in Gender Equality Plans (GEPs) and Diversity Action Plans (DAPs) and the public-facing discourse on websites regarding STB—and how can these be understood?

To answer this research question, we examine the following sub-questions:

1. (How) do the GEPs and DAPs of Flemish universities incorporate and operationalise intersectionality in their discourse, particularly regarding STB?
2. How do publicly available documents and websites frame the problem of STB and (how) is intersectionality considered in this framing?

2. Context

2.1. Theoretical Background: Feminist Institutionalism and Intersectionality

This study draws on feminist institutionalism, an analytical framework that critically examines how institutions, encompassing formal structures, rules, informal norms, and cultural practices, are inherently gendered and instrumental in reproducing power inequalities (Krook & Mackay, 2011; Mackay et al., 2010). Feminist institutionalism challenges traditional institutionalist perspectives, which often position institutions as neutral spaces governed by universal rules, by exposing the gendered logic underlying institutional operations and interactions (Sanders, 2022; Waylen, 2014). Central to feminist institutionalism is the recognition that institutional policies and practices reinforce gendered hierarchies by privileging masculinised forms of authority and marginalising alternative experiences and voices (Minto & Mergaert, 2018). Chappell (2006) further highlights the concept of the "gendered logic of appropriateness," underscoring how institutional norms inherently shape acceptable gendered behaviours, thereby maintaining systemic inequalities and constraining genuine institutional change. These insights are particularly pertinent to higher education institutions, where gendered dynamics influence governance, resource allocation, decision-making processes, and responses to both discrimination and STB. Thus, despite formally espousing equality and inclusion, institutions may inadvertently foster environments that enable STB.

Feminist institutionalist scholarship emphasises applying an intersectional lens to fully capture institutional power dynamics. Classic approaches to intersectionality, as articulated by Crenshaw (1989) and Hill Collins (1990), emphasize how systems of oppression such as race, class, and gender interlock to produce structural inequalities, while also attending to the lived experiences of individuals situated at these intersections. Weldon (2006) extends this discussion by conceptualising intersectionality specifically as structural interactions between multiple axes of inequality, shifting the focus from individual identities to systemic patterns. This underscores the complexity of institutional power dynamics and emphasises the need for nuanced approaches in institutional policy formulation. Intersectionality, therefore, critically informs how gender equality policies are both formulated and operationalised within institutions.

2.2. EDI Policies: Efficacy vs Tokenism

Globally, universities have increasingly adopted EDI policies intended to address systemic inequalities and foster inclusive environments. However, feminist institutionalist critiques identify significant limitations in these policies, emphasising performative compliance (Tardos & Paksi, 2021) rather than meaningful structural transformations. Roos et al. (2020) introduce the concept of defensive institutional work, wherein institutions symbolically commit to gender equality while simultaneously employing discursive strategies to resist substantive institutional transformation. Institutions frequently prioritize surface-level metrics such as representation quotas while neglecting deeper structural inequities and accountability mechanisms, leading to symbolic gestures rather than substantive changes (Martinez-Pecino & Durán, 2019; Remnant et al., 2024). Consequently, many EDI efforts remain tokenistic in nature, thereby unintentionally perpetuating inequalities by sidelining marginalised voices in favour of institutional public relations objectives (Mugo & Puplampu, 2022), As a result, EDI policies and strategies have inadvertently reinforced the inequities they seek to dismantle.

2.3. Higher Education, Gender, and Sexual Harassment Policy

These critiques of symbolic institutional commitments carry significant implications for addressing gender inequalities and STB within higher education contexts. Many universities have made gender equality a central focus of their institutional aims, often emphasising equitable representation, pay parity, and the dismantling of systemic barriers faced by women and minoritised genders (Gamage et al., 2020; Timmers et al., 2010). However, despite these stated commitments, universities are failing to meet their gender equality goals (see Hervías Parejo, 2023). Persistent gender disparities remain in leadership, research funding allocation, professional development opportunities, and teaching and pastoral responsibilities, with women and gender minorities disproportionately excluded from positions of power (Bourabain, 2021), suggesting gendered institutionalised norms. This is compounded for women from marginalised racial, cultural, and socioeconomic backgrounds (Bourabain, 2021).

These shortcomings have significant implications for addressing STB on university campuses. Permissive environments for inequality enable the normalisation of power imbalances and inhibit the development of adequate accountability measures. Research shows that sexual harassment and violence are more likely to occur in settings where patriarchal norms and hierarchies remain unchallenged (Ahmed, 2021; Bondestam & Lundqvist, 2020; Hines, 2007; Humbert & Strid, 2024). Institutional failures to provide adequate reporting mechanisms or support services for victims exacerbate the problem, often silencing survivors and fostering a culture of impunity (Bull et al., 2021).

2.4. Flemish Case Studies

This study contributes to literature exploring the in/efficacy of gender policy documents in Flanders (Roos et al., 2020) by providing an intersectional analysis of university policymaking related to STB. Flemish universities make an interesting case study due to an ongoing public debate regarding their mismanagement of reports and complaints of transgressive behaviour, including sexual misconduct. Flemish universities are bound to the Wellbeing Act adopted by the Flemish Parliament, resulting in similarities in the way these institutions organise their reporting procedures, disciplinary proceedings, and support services. However, a state-of-the-art review has indicated that Flemish universities are rarely studied in their own right and existing literature leaves the internal functioning and culture of Flemish universities largely unexamined (Broucker et al., 2018).

In the past decade, Flemish higher education institutions have been met with several waves of national media attention regarding their (in)capacity to deal with transgressive behaviour. Most recently, in 2022, various testimonies of sexual harassment, toxic work environments, and institutional betrayal by Flemish universities were investigated and shared by Flemish news outlets. Particularly influential was the airing of an episode of the documentary series *Pano* (Lefevere et al., 2022) on the topic of power abuse at Flemish universities. This episode portrayed an in-depth investigation of two specific cases of power abuse by two professors, one at Ghent University and one at KU Leuven.

In Belgium, legislation addressing these issues is outlined in the Federal Act of 4 August 1996 on wellbeing of workers in the performance of their work ("Wellbeing Act"), which mandates that all employers in Flanders are responsible for safeguarding the safety and wellbeing of their employees. Students are not

covered by this act unless their training program requires them to participate in a paid internship that takes place on the university campus (thus making them employees temporarily). This act stipulates employers' responsibility for measures that aim to prevent and respond to violence, bullying, and unwanted sexual behaviour at work. Universities' policies on transgressive behaviour take this framework as a starting point. The Act legally establishes "unwanted sexual behaviour" as a matter of social safety that impacts employees' wellbeing in the workplace.

To supplement the Wellbeing Act, the Flemish government issued the Decree Concerning Transgressive Behaviour in Higher Education (Flemish Government, 2023), which applies to both staff and students. This decree details policy measures to be taken by higher education institutions in the prevention and follow-up of transgressive behaviour. However, the decree mostly anchors measures that were already in place, rather than drastically changing the services universities need to provide.

3. Methods

This study employed a qualitative, document-based research design combining elements of critical discourse analysis (Fairclough, 1989) with an extended policy analysis (Bacchi, 2009; Bacchi & Goodwin, 2016). Our approach was guided by a feminist institutionalist framework (Thomson, 2017), which conceptualises policies not as isolated artefacts but as embedded within broader institutional structures, discourses, and practices. We refer to our approach as an extended policy analysis to underscore two methodological choices. First, we define "policy" broadly, including not only formal internal policy documents—such as GEPs and DAPs, but also all publicly available materials produced by universities that communicate institutional commitments to STB and gender equality. Second, we analysed these materials not only for their explicit content but also as sites of discourse, in which institutional identities, values, and problem representations are constructed and negotiated.

The research process consisted of four steps. The first step entailed that the first author assembled the data set by searching for each institution's most recent GEP, DAP, or equivalent, as well as the institution's homepage or dedicated webpages on transgressive behaviour. In addition, all institutions' entire public websites were searched using the keywords "(sexually) transgressive behaviour," "social safety," and "discrimination." Documents were excluded if they were outdated, replaced, or specific to sub-units (e.g., faculties or research centres), as these do not necessarily reflect the institutional-level discourse. Table 1 provides an overview of the included documents.

Second, the first author performed an initial close reading of the selected texts to identify unexpected or recurring themes. GEPs and DAPs were analysed for stated commitments to diversity, equality, and inclusion, and for explicit references to transgressive behaviour. Guided by feminist institutionalist theory, we then traced whether the commitments articulated in these policy documents were echoed in publicly available materials on STB, thereby exploring the discursive consistency between institutional plans and their outward-facing communications. To ensure reliability, the second author double-coded a selection of the website data.

In a third step, we applied critical discourse analysis (Fairclough, 1989) focussing on how universities represent STB, frame institutional responses, and include (or exclude) references to structural inequalities.

Attention was paid to textual strategies, intertextual links between documents, and the (absence of) language referring to oppression, discrimination, and minoritised or vulnerabilised identities. This discourse-analytical approach was further informed by an intersectional lens, allowing us to examine the discursive inclusion or erasure of intersecting axes of inequality. Initial codes and interpretations were compared with existing scholarly literature and revised through iterative discussions among all authors. In this final phase, we developed new interpretations that took into account both the explicit intentions of the policies and their implicit discursive structures.

In a fourth step, initial codes and interpretations were compared with existing scholarly literature and revised through iterative discussions among all authors. In this final phase, we developed new interpretations that accounted for both the explicit intentions of the policies and their implicit discursive structures.

We note a difference in terminology between scientific literature on the topic and the Flemish context. While academic literature often uses the terms "sexual harassment," "sexual misconduct," and "sexual violence," Flemish universities more frequently employ the terms "sexually transgressive behaviour" and "unwanted sexual behaviour." In our analysis of the data, we will employ the concept of STB to reflect the language used in our empirical context and its inclusive function as an umbrella term. Other terminology is only retained where transcribed verbatim from the specific documents. Citations of texts written in Dutch were translated by the authors.

Table 1. Overview of analysed documents.

Organisation	Documents included	Code	No. of (web)pages	Type of document
KU Leuven (KUL)	Integrated Gender Equality Plan (2021)	KUL-GEP	37	Aspirational
	Charter voor Inclusie	KUL-DAP	1	Aspirational
	Website Sociale Veiligheid en grensoverschrijdend gedrag and all subsites	KUL-WS-1	26	Procedural
	Website Gedragscode sociale veiligheid and all subsites	KUL-WS-2	7	Aspirational
University of Hasselt (UH)	Inclusion Plan (2023)	UH-IEP	44	Aspirational
	Website Meldpunt grensoverschrijdend gedrag and all subsites	UH-WS-1	5	Procedural
	Integriteitscharter	UH-OT-1	40	Aspirational
	Tuchtreglement voor studenten	UH-OT-2	5	Procedural
Ghent University (UG)	Diversity policy and action plan of Ghent University for 2019–2023	UG-IEP	19	Aspirational
	Website Gender Policy	UG-WS-1	1	Aspirational
	Memorie van toelichting bij de Gedragscode van de Universiteit Gent inzake grensoverschrijdend gedrag	UG-OT-1	17	Aspirational
	Gedragscode inzake grensoverschrijdend gedrag (2018)	UG-OT-2	3	Aspirational

Table 1. (Cont.) Overview of analysed documents.

Organisation	Documents included	Code	No. of (web)pages	Type of document
Ghent University (UG)	Reglement tot regeling van de tuchtprocedure, het opleggen van tuchtsancties en het nemen van ordemaatregelen voor studenten van de Universiteit Gent ("Tuchtprocedure voor studenten") (2024)	UG-OT-3	25	Procedural
	Website Grensoverschrijdend gedrag en discriminatie: Trustpunt luistert and all subsites	UG-WS-2	6	Procedural
	Website Veel gestelde vragen bij grensoverschrijdend gedrag	UG-WS-3	7	Procedural
	Website Wegwijzer Tuchtprocedure	UG-WS-4		Procedural
University of Antwerp (UA)	Diversiteitsactieplan personeel (2021)	UA-DAP-1	18	Aspirational
	Actielijst Diversity Action Plan for Staff	UA-DAP-2	8	Aspirational
	Gender aan UAntwerpen (2021)	UA-GEP	59	Aspirational
	Diversiteitsactieplan deel 1 (2018–2024)	UA-DAP-3	1	Aspirational
	Gedragscode '5 omgangsvormen voor een veilige werk- en studieplek'	UA-OT-1	29	Aspirational
	Onderwijs- en examenreglement Academiejaar 2024–2025	UA-OT-2	1	Procedural
	Website 'Grensoverschrijdend gedrag'	UA-WS	24	Procedural
Free University of Brussels (VUB)	Gender Equality Plan (2024–2026)	VUB-GEP	24	Aspirational
	EEN Grenswijs beleid voor ONGEWENST seksueel grensoverschrijdend gedrag binnen de studentengemeenschap (TUSSEN STUDENTEN ONDERLING)	VUB-OT-1	9	Aspirational
	Orde- en tuchtreglement voor studenten (2022)	VUB-OT-2	1	Procedural
	Infographic 'Hoe te reageren wanneer je getuige bent van grensoverschrijdend gedrag'	VUB-OT-3	1	Procedural
	Infographic 'Hoe te reageren bij getuigenissen van seksueel grensoverschrijdend gedrag; first aid praattips'	VUB-OT-4	1	Procedural
	Infographic 'Hoe te reageren wanneer je een vermoeden hebt van grensoverschrijdend gedrag'	VUB-OT-5	12	Procedural
	Equality Action Plan 2021–2024	VUB-DAP	2	Aspirational
	Gedragscode VUB 2019	VUB-OT-6	7	Aspirational
	Website Grensoverschrijdend gedrag and all subsites	VUB-WS-1	1	Procedural
	Website Welzijn personeel	VUB-WS-2	1	Procedural
	Website Welzijn studenten	VUB-WS-3	1	Procedural

Table 1. (Cont.) Overview of analysed documents.

Organisation	Documents included	Code	No. of (web)pages	Type of document
Flemish Interuniversity Council	VLIR-JA Charter Gender in Academia (2019)	VLIR-OT	28	Aspirational
Belgian Federal Government	Wet van 4 augustus 1996 betreffende het welzijn van de werknemers bij de uitvoering van hun werk	BG-OT	65	Procedural
Flemish Government	Decreet over grensoverschrijdend gedrag in het hoger onderwijs (8 december 2023)	FG-OT	3	Procedural

4. Findings

4.1. Theorising Policy Gaps: Distinguishing Aspirational From Procedural Policy

Our main finding is the identification of a gap between different kinds of policy documents in terms of their attention to intersectionality. We hypothesise that this gap can be explained by a difference in the aims of policy documents considered. One set of documents, consisting of the GEPs and DAPs, focuses on detailing steps taken or needed to achieve gender equality, diversity, and inclusion, while the other set of documents focuses on framing transgressive behaviour and describing the resources available to targets of transgressive behaviour. These sets can be understood as distinct kinds of policy: (a) aspirational policy, which aims to express an organisation's commitments, aspirations, and values; and (b) procedural policy, which aims to describe and/or explain which procedures should be followed under which circumstances.

In the article *The Nonperformativity of Antiracism*, a diversity practitioner interviewed by Sara Ahmed "describes her skill and expertise in terms of writing a 'wonderful aspirational document'" (Ahmed, 2006, p. 117). Ahmed remarks how "many practitioners and academics have expressed concerns that writing documents or having good policies becomes a substitute for action: as this practitioner goes on to say, 'you end up doing the document rather than doing the doing'" (pp. 116–117). Thus, these documents, as speech acts, "do not do what they say: they do not, as it were, commit a person, organisation, or state to an action. Instead, they are nonperformatives. They are speech acts that read as if they are performatives, and this "'reading' generates its own effect" (p. 104). A related finding emerges from Tardos and Paksi's analysis of 45 equality plans of Hungarian research performing organisations, which demonstrates that:

> Equality plans aim for legal compliance and not institutional social change related to protected groups, thus in most cases cannot be considered a driving force for workplace equality and diversity in the Hungarian RDI [research, development, and innovation] sector. Consequently, equality plans fulfil mainly an external legitimation and legal compliance function. (Tardos & Paksi, 2021, p. 49)

Thus, the aim of aspirational policy can be understood as being *seen to express certain commitments*, and as Ahmed demonstrates, thus avoiding having to demonstrate acting on these commitments.

By contrast, procedural policy documents have a very different aim: to be used. The second set of policy documents included in our analysis are aimed at a variety of audiences, but they share common goals: to inform the reader about what constitutes STB, to provide information about the available procedures, and to clarify the role of different institutional and external actors in these processes. While arguably these documents also aim at compliance with the Wellbeing Act, they serve a purpose that GEPs and DAPs do not: People use them to evaluate whether to file a complaint or report transgressive behaviour. Distinguishing between these two kinds of policy illuminates their discursive differences.

In what follows, we will demonstrate the utility of a distinction between aspirational and procedural policy, and the existence of a gap between both with regard to intersectionality, through our analysis of organisational policy documents of Flemish universities. First, we will examine these institutions' GEPs and DAPs, as examples of aspirational policy, for their commitments to intersectionality. Then, we will examine these universities' procedural policy documents on STB in particular, attempting to trace evidence of the wider organisational commitments found in the aspirational policy.

4.2. Commitments to Intersectionality in Aspirational Policy Documents

The data show how, in their GEPs and DAPs, all the included organisations clearly articulate an overall aspiration to cultivate organisational diversity and inclusion. Diversity is referred to as a reality, an unavoidable feature of today's society that must be embraced. Moreover, diversity is also portrayed as an asset, as something that generates value for the university. While most mentions of diversity and inclusion leave these terms unspecified, some documents do define them, for instance:

> Inclusion devotes attention to the different backgrounds and special characteristics of the individuals that make up our society and therefore our university community. These characteristics are not fixed and static; they are elements of a multi-layered identity that can evolve or change over time. This means that, at some point in our lives, each of us finds ourselves in a situation where a non-inclusive environment creates barriers. (KUL-GEP, 2021, p. 4)

This definition of inclusion demonstrates an active recognition of difference and its importance for policymaking. Moreover, it draws on the language of intersectionality when it recognises the multi-layered, dynamic nature of identity.

Importantly, this active recognition of difference and intersectionality translates to a recognition of the need for institutional strategies aimed at protecting or supporting specific disadvantaged demographics within the workforce. One such organisational strategy is the development and support of specific task-based working groups, an example of which is found in KU Leuven's (KUL) working group LGBTQI+:

> This working group is tasked with developing an LGBTQI+ policy framework that focuses on: the provision of accurate information, good mental health and feeling comfortable at our university, and preventing, tackling, and rectifying situations of discrimination, harassment, and violence. The WG LGBTQI+ is an example of how, by starting to pay attention to target groups, a more inclusive environment can be created by identifying the specific barriers and removing them. (KUL-GEP, 2021, p. 26)

Another example of a target-group-oriented strategy is found in Ghent University's (UG) initiatives to reactivate networks for employees from underrepresented groups "in which they can exchange experiences and provide input with regard to policy" (UG-IEP, 2019, p. 13) and the organisation of roundtable discussions with students from underrepresented groups, with the same goal. This is interesting, as it implies that the university believes contributing to policy is an outcome, without specifying what policies might be contributed to, or the processes in place regarding the application or procedural elements of said policies.

One university, Hasselt University (UH), recognizes the limitations of its current policy in this regard: target-oriented initiatives, as they are not included in the Inclusion Plan itself, must be developed in "the further distillation of the actions of this plan into project plans and procedures" (UH-IEP, 2023, p. 6). This aligns with Roos et al.'s (2020, p. 467) finding that Flemish university gender documents legitimate what they call non-time-bound gender equality initiatives, containing "expected outcomes" that "are undetermined in time," thus prioritising symbolic gestures over structural changes.

In addition to these institutions' commitment to EDI, three universities' GEPs contain implicit and explicit references to intersectionality as a relevant framework for their policy on gender equality. KUL and UH reference intersectionality to explain the multi-layered nature of identity and the resulting irreducibility of any individual to one defining characteristic. UG takes this one step further:

> [Ghent University is] working on an inclusive policy based on intersectionality[.]…We wish to integrate this intersectionality perspective into all policy processes. This means that, within each policy domain, the complexity of the diversity present among students and staff is taken into account. (UG-IEP, 2019, p. 6)

This attention to intersectionality is also evidenced by a recognition of gender equality as one element of a broader commitment to fostering diversity and inclusion. Moreover, all universities' GEPs recognise a broad conception of gender that goes beyond the binary, usually indicated by their use of "m/f/x" or references to gender diversity. However, GEPs are usually written in terms of equality between women and men. This use of a narrow, binary conception of gender is ascribed to the limitations of the data collected by these universities, which draw on people's sex as registered in Belgium's national registry. Despite the recognition of a broad conception of gender, most measures these organisations propose pertain to the inclusion of women, based on sex, into the workforce. Thus, this broad conception of gender remains on the level of commitment (aspirational) and does not translate into actionable measures.

In their GEPs, four of the five universities reference the prevention and follow-up of transgressive behaviour as an agenda item relevant to gender equality at the university. Some institutions explicitly mention STB. Notably, the Free University of Brussels' (VUB) GEP includes an overview of the "measures [they have taken] against gender-based violence, including sexual harassment" (VUB-GEP, 2023, p. 3). In these institutions' DAPs, other kinds of transgressive behaviour are mentioned, such as power abuse or racism, in addition to sexual harassment.

4.3. The Identity-Neutrality of Procedural Policy on STB

All universities framed STB as a kind of transgressive behaviour. This is in accordance with the Wellbeing Act, where "unwanted sexual behaviour" is legally established as transgressive behaviour in the workplace.

Our analysis showed that, in all universities, the procedures that are available to those who wish to report unwanted sexual behaviour are the general procedures for reporting transgressive behaviour. There were no specific protective or supportive measures for those who wished to report unwanted sexual behaviour.

On their public-facing websites, all universities provide a description or definition of transgressive behaviour. However, these descriptions differ in degree of detail and specificity. Common themes in their framing of transgressive behaviour are framing it in terms of: (a) the *behaviour* itself and (b) the *experience* and *perception* of the behaviour. We will take a closer look at each of these in turn.

In their construction of transgressive behaviour, Flemish universities rarely speak in terms of victims and perpetrators. The word "perpetrator" is largely absent. Instead, perpetrators of STB are usually described in terms of their (alleged) behaviour. Often, judgement of their behaviour is suspended by adding qualifiers introducing uncertainty and stressing possible differences in interpretation of the behaviour. For example, they are described as "people who…have possibly crossed a boundary themselves" (KUL-WS-1, 2023). Moreover, when perpetrators are directly addressed by these texts, this is usually in terms of (seeking support for) doubts about their own behaviour.

In strong contrast, victims are constructed in terms of their experiences and perceptions. Their positioning towards transgressive behaviour is often framed as being confronted with transgressive behaviour or experiencing transgressive behaviour. Importantly, the experience of transgressive behaviour is framed as a matter of "perception" (UG-OT-2, 2018, p. 1).

Experiences of victimisation are described in terms of feeling uncomfortable, feeling unsafe, thinking something is not okay, and experiencing behaviour that crosses your personal boundaries. The importance of *subjectivity* is made explicit by all universities in their descriptions of transgressive behaviour. The websites reference the individual and personal nature of boundaries and the resulting subjective nature of transgressive behaviour. This construction of victimhood seems to suggest that victims' experiences of transgressive behaviour are taken at face value. However, other discursive mechanisms serve to qualify this impression, for example:

> When someone's personal boundaries are crossed, we consider that transgressive. That boundary is subjective per definition. This means that behaviour that is unacceptable to one person, could be acceptable to someone else. (KUL-WS-1, 2023)

This characterisation of transgressive behaviour is ambiguous. In the first sentence, the personal boundary, albeit subjective, is endorsed by the university and thus institutionally backed. However, the following sentence stresses the possibility of differences in the interpretation of behaviour, thus introducing other parties' subjective perceptions of the behaviour as relevant too, in addition to the perception by the person targeted by the behaviour. Besides this emphasis on the subjective nature of transgressive behaviour, two other relevant factors are introduced. First, several universities recognize the role cultural and societal norms can play in determining which behaviour is acceptable (UH, VUB, University of Antwerp [UA]). Second, UG recognises some boundaries as objective "hard boundaries," namely those behaviours that are recognised as punishable under Belgian law (UG-WS-3, n.d.)

One notable exception to the construction of victims in terms of experience and perception is found in the framing of sexual violence, as opposed to the more general STB. Two universities speak in terms of victimhood regarding sexual violence. However, the terminology of victimhood also interacts with the abovementioned focus on subjectivity. For example, on their website on STB, UG writes: "This is what you can do when you feel like a victim" (UG-WS-2, n.d.). The only mention of the word perpetrator is also found in the framing of sexual violence: One policy document aimed at regulating sexual behaviour between students consistently invokes the figure of the perpetrator. In the documents included, this term is never used to refer to members of staff.

When it comes to these organisations' conceptualisation of transgressive behaviour, the absence of identity is notable. As demonstrated above, transgressive behaviour is framed in terms of the transgression of personal boundaries, which are subjective in nature and different for everyone. When factors of identity are mentioned, engagement with them remains superficial. For example, on their webpage about "unwanted sexual behaviour," UG cites research conducted by one of their researchers on the student population's experiences with STB. This researcher mentions how "women are victimised far more often: 34% of them has been kissed or touched sexually against their will" (UG-WS-2, n.d.). Despite the heightened risk of exposure to STB faced by minority groups, very few documents take this into account, and when they do, they only refer to women's heightened risk of exposure to STB.

Another example is found on KUL's website on STB. This website explains how STB can be a manifestation of gender-based violence: violence in relation to "sex, gender, gender expression or—identity or sexual orientation" (KUL-WS-1, 2023). The website also notes how, in practice, "women or people who do not behave according to the social expectations and norms that belong to a certain gender role" are most often victim of this kind of violence (KUL-WS-1, 2023). Moreover, the website mentions how LGBTQ+ people and men can experience additional barriers in reporting or seeking help for STB. As such, these factors of identity are mentioned as a risk factor for STB that are manifestations of gender-based violence. No further explanation is given on how to distinguish gender-based violence from "gender-neutral" violence, or the implications in terms of reporting it. Thus, this assertion seems to remain at a surface level: No targeted initiatives or policy measures are included that tackle STB as a form of gender-based violence, nor is targeted support offered to minoritised groups who face a higher risk of experiencing this kind of STB, and who experience additional barriers in seeking support for it.

The data show that an identity-neutral approach dominates Flemish universities' conceptualisation of and policymaking regarding STB. By identity-neutral, we mean that identity-related factors such as race, gender, ability, class, sexuality, among others, are not taken on board in the framing of STB. Some documents make this identity-neutral approach explicit, for example: VUB's policy for sexual behaviour between students, which includes a proposal to organise a bystander training for students from a "gender—and age-neutral perspective" (VUB-OT-1, 2022, p. 13); or UG's code of conduct which states that transgressive behaviour is "not linked to particular kinds of interpersonal interactions, categories of students or staff, or gender" (UG-OT-2, 2018, p. 1).

Where identity is largely absent in the framing of STB, it takes front stage in the discursive construction of discrimination. All universities mention discrimination as a kind of transgressive behaviour. UA does not define discrimination on their public-facing website on transgressive behaviour. The other websites define discrimination in terms of facing unequal treatment, disadvantage, or exclusion on the basis of (protected)

personal characteristics. Some universities clarify different types of discrimination, such as direct and indirect discrimination, inciting discrimination, intimidation, the refusal of reasonable adaptations, hate speech, and hate crimes (VUB and KUL). Moreover, these two universities provide definitions of racism, and one provides a definition of sexism. These definitions are borrowed from external expertise centres, which are provided as references.

KUL relates two further kinds of transgressive behaviour: violence and bullying. This in accordance with the Wellbeing Act. None of these documents, however, links STB to discrimination. Another notable, related finding is that not all the considered documents had been translated to English—a considerable number of them, notably those containing information about procedures and support services, were only available in Dutch. This language barrier negatively impacts international staff and students' access to these documents.

4.4. Tracing Inconsistencies Between Public Aspiration and Organisational Procedure

Despite most universities' aspirational commitments to intersectionality, the data show that an intersectional perspective is absent from their framing of transgressive behaviour in general, and STB in particular. The intersection of identity is not recognised, be it explicitly or implicitly, on any of these institutions' websites detailing their approach to transgressive behaviour. This absence of an intersectional perspective in the framing of transgressive behaviour emerges from the data on two levels.

First, neither the intersection of different forms of oppression, nor the consequences of these intersections for experiences of transgressive behaviour, are routinely recognised in the policy documents included in our analysis. On the websites and documents regarding discrimination, protected identity characteristics are listed. However, the interplay of these identities is left unrecognised and unexamined. An illustration of this single-axis approach can be found in the provision of definitions of racism and sexism (VUB-WS-1), while leaving their intersection unrecognised. Through this example, the lack of an intersectional perspective becomes evident: Recognising the intersection of racism and sexism in the lived experiences of women of colour was the foundational example used to demonstrate the need for intersectional theory and practice and remains the most well-known example of intersectionality. One reference to intersectionality is made in VUB's policy on unwanted STB between students. This text mentions how a multicultural society entails the norms and values of superdiversity and intersectionality, also regarding sexuality, and as such cultural differences should be respected (VUB-OT-1). However, what intersectionality means or entails regarding STB is not further explored in this policy document or any other policy document considered.

Second, the intersection of various forms of transgressive behaviour is left largely unrecognised. Rather, STB, violence, bullying, discrimination, and sometimes power abuse, are described as distinct types of transgressive behaviour. In the Wellbeing Act, violence and bullying are recognised as possible expressions of discrimination, while STB is not. Two policy documents refer to the intersection of STB with other forms of discrimination: first, VUB's *grenswijs* policy for sexual behaviour among students mentions "other forms of sexual gender related violence: violence prompted (in part) by, for example, homophobia, transphobia, and racism." Second, an explanatory memorandum to UG's code of conduct refers to "sexual bullying [as] a kind of sexual harassment aimed at the sex of a person, her or his body, sexual orientation, or sexual activity, gender identity or—expression, etc" (UG-OT-1, 2018, p. 12). This document provides examples of homophobic and misogynist slurs as an illustration of sexual bullying.

Despite these examples, and importantly for our analysis, these policy documents do not frame STB as discrimination. While STB is linked to discrimination and inequality at some level by its inclusion in policy documents such as GEPs and DAPs, the websites describing STB and the relevant policy documents do not frame STB in terms of discrimination, nor do they describe the negative impact of sexual harassment on minoritised groups' social inclusion in academia. Interestingly, both UG and KUL recognise transgressive behaviour in general as relevant to inclusion. KUL's code of conduct explicitly foregrounds a culture of inclusion, respect, and social safety and frames respecting others' boundaries and the denouncement of discriminatory behaviour as essential building blocks for such a culture (KUL-WS-2). Moreover, KUL recognises:

> Someone in a minority position will be more inclined to question the status quo. We need this perspective to grow as an organisation. As such, it is in our interest to learn to hear these voices and work towards solutions together. (KUL-WS-1, 2023)

In an explanatory memorandum to UG's code of conduct regarding transgressive behaviour, intimidation *with* discrimination is distinguished from intimidation *without* discrimination. Discrimination is framed as an aggravating factor due to its negative impact on the value of diversity. This behaviour is deemed "completely incompatible with UG's commitment regarding diversity, inclusivity, and equal opportunities" (UG-OT-1, 2018, p. 6).

While tackling transgressive behaviour, and STB in particular, is recognised as a policy priority in documents detailing these universities' gender equality and EDI policies, these institutions' procedures on STB rarely frame it in terms of minority groups' heightened exposure or recognise identity-related experiences of STB. Moreover, the data reveal a wide divergence between these documents concerning their attention to intersectionality.

As we have demonstrated, this gap is best understood by distinguishing aspirational from procedural policy. As aspirational policy documents, the purpose of GEPs and DAPs is simply to exist. Procedural policy documents, however, have a different purpose: People use them to draw the institution's attention to transgressive behaviour perpetrated by members of the institution. In a formal way, these documents can be used by those who wish to raise complaints and grievances. As procedural documents, the university can be held accountable for the commitments expressed in these documents, whereas this is not the case for aspirational policy documents. This makes commitments to intersectionality, EDI, and gender equality in aspirational policy a relatively risk-free undertaking, while translating these commitments to procedural policy would entail a far greater level of accountability for the institution to live up to these commitments.

5. Discussion

This study uses a feminist institutionalist approach to critically examine the identity-neutral framing of policies addressing transgressive behaviour in Flemish universities, revealing significant gaps between aspirational commitments to EDI and their operationalisation. The study uses this approach to explore the policy-practice gap explicitly through the analysis of varied forms of organisational documents, highlighting institutional contradictions and assumptions, and how they actively inhibit the organisations from meeting their equality aspirations. By analysing GEPs, DAPs, and publicly available documents related to

STB, this research highlights how intersectionality remains underutilised as a guiding framework in policy development.

The findings underscore the need for universities to shift from broad, generic approaches to nuanced, intersectionally informed strategies that reflect the diverse experiences and vulnerabilities within university communities. These findings resonate strongly with feminist institutionalist critiques that expose how formal commitments to equality are often undermined by informal institutional norms, routines, and power structures (Mackay et al., 2010; Waylen, 2014). In particular, the persistent identity-neutrality observed in these documents illustrates the gendered "logic of appropriateness" (Chappell, 2006), which sustains dominant norms by framing STB as a behavioural aberration rather than a structural issue rooted in institutionalised inequalities.

The policies analysed demonstrate a limited integration of intersectionality, especially in more procedural documents. While the documents frequently reference diversity and inclusion, they often do so in a manner that lacks specificity regarding the compounded vulnerabilities faced by minoritised groups. For instance, gender is commonly treated as a standalone category, with little acknowledgment of how it intersects with race, class, or disability, evidencing what appears to be an institutional inability to adequately engage with intersectional oppressions in a practicable way. Moreover, Flemish universities predominantly take an identity-neutral approach to tackling transgressive behaviour, notably STB: Current organisational procedures on STB ignore the unequal distribution of exposure to STB and also obscure identity-related experiences, especially intersectional experiences. This absence of intersectional specificity not only reflects epistemic blind spots but also aligns with what Roos et al. (2020) describe as "defensive institutional work"—symbolic efforts that allow institutions to appear progressive without disrupting core power hierarchies. In this context, intersectionality is at risk of being co-opted as institutional rhetoric rather than a framework for structural reform.

The institutional assumptions of identity-neutrality in policies and documents relating to STB could frustrate efforts to make Flemish universities more inclusive, especially for multiply-minoritised staff and students. Scholars warn how approaching sexual violence from "an identity-neutral and power-evasive approach" results in ineffective strategies to address and prevent sexual violence (Harris & Linder, 2017, p. xii; see also Colpitts, 2021). Täubers' study of women academics' intersectional experiences of policy ineffectiveness in the European context shows that "ineffective policy…contributes to the reproduction of a rather homogenous academic community" (Täuber, 2022, p. 10). These findings stress the fact that sexual harassment is an equity issue (Bull et al., 2020) and must be approached as one.

In addition, we find that publicly available materials frame STB in broad terms, often emphasising procedural compliance with the Wellbeing Act and related decrees. This compliance-driven approach shifts the focus away from recognising and addressing the structural inequalities that underpin STB. The framing tends to prioritise the legal obligations of universities over proactive efforts to foster genuinely inclusive and safe environments (Ahmed, 2012; Tardos & Paksi, 2021).

Finally, a clear divergence exists between the language used in GEPs/DAPs and public-facing documents on STB. The former documents often articulate aspirational commitments to intersectionality, whereas public-facing websites frame STB in an identity-neutral manner. This inconsistency diminishes the perceived

accountability of universities and limits the accessibility of these policies for affected stakeholders, particularly students and staff from minoritised backgrounds. From a discursive institutionalist perspective, such inconsistencies can be read as instances of "discursive decoupling," where the language of inclusion in strategic documents is not mirrored in practical or procedural texts. This gap reveals the performative nature of EDI work, where language becomes a tool for reputation management rather than a mechanism for structural redress (Ahmed, 2012).

This study presents several methodological and conceptual limitations that warrant careful consideration. The reliance on publicly available documents risks omitting critical insights into internal practices, stakeholder perspectives, and nuanced organisational dynamics, which are essential for a comprehensive understanding of policy design and implementation. Additionally, the geographical scope of the study, centred on Flemish universities, restricts the generalisability of the findings to higher education contexts with differing legislative and cultural frameworks. These limitations underscore the necessity for future research, which could adopt mixed-method approaches and engage with more diverse institutional settings. Such efforts would significantly enhance our understanding of how intersectionality is incorporated into policy frameworks and practices.

However, our study critically exposes the identity-neutral framing of policies addressing STB in Flemish universities, revealing a substantial disconnect between the aspirational commitments to gender equality and their practical operationalisation. This framing fails to account for the heightened vulnerabilities and unique experiences of minoritised groups, thereby undermining the inclusivity and efficacy of these policies.

Bridging this gap demands a deliberate shift toward an intersectional approach to the prevention of and response to STB: one that recognises the specific experiences of minoritised staff members and students, takes them seriously, and develops policy accordingly (Cortina & Areguin, 2021; Harris & Linder, 2017; Täuber, 2022). Importantly, the integration of an intersectional approach in procedural policy does not only concern the framing of STB. While an active recognition of intersectionality and the heightened risk of exposure faced by (multiply) minoritised staff and students is important, it is not enough, as Colpitts (2019) shows. Her analysis of Ontario universities' sexual violence policies shows that "these…policies may serve to publicly signal institutions' commitment to addressing sexual violence and construct them as 'progressive' for simply referencing intersectionality without necessarily transforming the ways in which sexual violence is institutionally embedded" (p. ii). Thus, like aspirational policy, procedural policy too risks integrating intersectionality in a non-performative way.

This cautionary remark stresses the importance of operationalising intersectionality in policy processes, rather than merely referencing it. Examples of intersectionally-informed strategies include providing cultural competency training for staff and guaranteeing survivors have access to affordable health care (Roskin-Frazee, 2020, p. 21). An intersectional analysis, by emphasising individual and structural dimensions of sexual misconduct, can help policymakers become "cartographers of marginalization" (Iverson, 2017, p. 228). Crucially, this demands that institutions not only revise their policy texts but also challenge the norms, routines, and power dynamics through which such texts are enacted and interpreted. By embedding these considerations within procedural frameworks, universities can enhance accountability, confront systemic inequalities, and foster genuinely inclusive academic environments. Such measures are essential for aligning institutional practices with their professed commitments to equality, diversity, and inclusion.

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Conflict of Interests

The authors declare no conflict of interests.

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