

Call for the Institutionalisation of Gender Studies in Higher Education and Research Policy Guidelines

ANEF, National Association for Feminist Studies

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ANEF's Contribution to Higher Education and Research Foundations

As in most Western countries, research and studies about women's issues were first developed in France in the wake of the 1970s feminist movement. New international and European dynamics favoured the creation of Gender Studies: the Peking International Conference (1995) as well as pressure in Europe to include “gender” in research, education, and calls for tender by universities with ESF¹ funding have all led to a veritable legislative and regulatory impetus in favour of equality through the establishment of laws on parity, action plans, and the promotion of a new policy on *gender mainstreaming*.

Gender Mainstreaming: A tool for public action whereby the specific question of gender equality is horizontally and systematically integrated in “other” public policies and taken into consideration at every level of the political process (Sophie Jacquot, 2009).

As such, gender identifies a **research topic** (that is to say, all processes that result in gender inequalities), but also an **analytical approach** that is used to flush out androcentric biases in research (i.e., the problematic methodologies that either don't account for women, or that produce results that are only applicable to men, even though they are said to be universal).

In the field of research, **the concept of gender** is now recognised and widely used to refer to a **system of social organisation based on power relations that create a division and a hierarchy between the sexes**, both on a symbolic and on a material level (to the advantage of men or attributes associated with masculinity). This concept's founding principles are rooted in a way of thinking that was born out of the close link between the 1970s feminist movement and academic researchers of the time. Gender implies a social dynamic. **The concept of gender emerged out of the study of social dynamics between the sexes**, and the expression “gender dynamics” (*rapports de genre*) is becoming more widespread in French. These notions are largely equivalent.

The foundations of higher education and research were laid at a time when the research landscape and organisation in higher education were going through a period of radical transformation, namely through the development of a research funding policy organised around the *Agence nationale de la recherche* (ANR)—an evaluation policy coordinated by the AERES—and the growing independence of universities. **It is crucial to identify the recent and not so recent processes that restrict and even prevent the development and the institutionalisation of feminist or gender studies and research. A number of factors serve to explain why France is lagging in this regard.**

Feminist and Gender Studies and research are often discredited and ostracised within the scientific community. Routinely accused of being militant, these disciplines are devalued or negatively judged. Meanwhile, public authorities and community organisations require applied research that can inform public policy with regards to gender equality. Research in this field is almost exclusively conducted by women.

¹ ESF: European Social Fund, the European Union's main leverage in funding the promotion of employment.

Sexual discrimination in professional contexts and working conditions in academia are not exempt—these environments also contribute to the devaluation of work produced by women.

It is therefore important to focus on the processes underlying any resistance to develop studies on gender, as well as the resulting discrimination against women, to make effective proposals to achieve greater gender equality in society, research, and education.

Created in 1989, ANEF (*Association nationale des études féministes*) aims to develop and promote feminist studies and research in all disciplines. The association is comprised of teachers, researchers, students, and other members involved in feminist research and education.

ANEF participates in the organisation of research programmes and scientific events, encourages the creation of protected positions (*postes fléchés*) in academia, and works towards the development of research and training curriculums in Feminist Studies.

The *Association nationale des études féministes* (ANEF)² has received financial support from SDFE (*Service pour le droit des femmes*), the *Mission de la parité et de la lutte contre les discriminations* (Mipadi, under the *Ministère de l'enseignement supérieur et de la recherche*), as well as the CNRS's *Mission pour la place des femmes*. This funding was used to conduct a project to identify the actions that need to be taken in order to strengthen, develop and institutionalise gender research and education, but also to fight professional gender inequalities in higher education and research. This summary is followed by the 2013 publication of a work developing the proposals outlined within.

“Feminist Studies” and “Gender Studies” are two expressions referring to the same area of research, which focuses on inequalities and power dynamics between men and women. The former formulation is older, but it should be noted that the researchers who helped coin the concept of gender also identify as feminist. In other words, feminist researchers invented Gender Studies and research. These expressions should be considered equivalent as a result.

² See the White Paper, coordinated by ANEF, to be published.

-1- DEVELOPING GENDER STUDIES AND BUILDING AN INSTITUTIONAL PARTNERSHIP WITH STATE AUTHORITIES AND COMMUNITY GROUPS

Near the end of the 1980s, community policies to promote equality had become some of the most widespread social policy measures in Europe, that is to say, a most elaborate cornerstone. These policies are based on a substantial body of regulations that strive to enforce equal treatment and opportunity. With these regulations, Europe has enforced the implementation of gender equality policies in its member states. In this context, it would appear essential to form coordinated partnerships with state authorities, as well as with feminist associations and feminist and gender research groups. This would enable us to develop clear and effective public policies that respond to the needs that have been identified. For this to happen, the field of research must work closely with its two partners in order to maintain a community perspective and to make a real contribution to the promotion of gender equality. Relationships between the three major players contributing to gender equality do currently exist, but they still lack structure.

Recommendations for Gender Studies Research

1/ Make gender a central and consistent component of future research in all disciplines and for all research funding agencies (ANR, DREES, *mission recherche Droit et Justice*, etc.):

- ⇒ Make gender analysis a systematic evaluation criterion for submissions in calls for papers in accordance with European recommendations (*gender mainstreaming*).
- ⇒ Regularly publish calls for papers that focus on the specific study of gender dynamics (with regards to education, work, family, aging, health, rights, violence, etc.)
- ⇒ Create a national gender research agency based on France's national agency for AIDS research (*Agence Nationale de Recherche sur le SIDA*) and dedicate similar-sized budgets to this issue.
- ⇒ Support the development of research laboratories on gender-related themes, such as violence against women. These are still limited in France.
- ⇒ Encourage the creation of protected positions in gender research in Technical and Scientific Public Entities (EPSTs).

2/ Use gender research to inform public policy:

- ⇒ Create a “High Council” type of structure to define knowledge requirements that will bring together public authorities (such as the *Ministère des Droits des femmes*—SDFE and other ministries), society (community groups) and research institutions (universities and EPSTs, including gender research groups and scientific networks).
- ⇒ Encourage the presence women’s rights advocates from different ministries and research funding organisations in the name of inter-ministeriality.

-2- GENDER STUDIES PROGRAMMES, FROM INVENTORY TO INSTITUTIONALISATION

In France, Gender Studies programmes are widespread, diverse, fractured, and often inadequately identified. However, these programmes essential to ensure the distribution of knowledge deriving from gender research, and to educate a new generations of researchers.

The development of Gender Studies programmes goes hand in hand with research development because the former relies on knowledge resulting from the latter. These programs also provide an environment where future researchers are made.

Developing Gender Studies programmes involves numerous challenges, such as educating future professionals who will be required to approach their professions while being mindful of how to improve gender equality in a number of fields. This applies to doctors, magistrates, jurists, social workers, secondary school teachers, government and business administrative personnel, the list goes on.

Taking stock of these teachings is therefore the first important step to understanding the extent of the development and distribution of this information in France. Initial studies on education and research have been carried out by ANEF with the financial support of SDFE. These statistics must now be renewed and institutionalised.

French National Inventory of Gender and/or Women's Studies researchers, research units and teams

In early 2010, the CNRS's *Mission pour la place des femmes* in association with INSHS, INSB, and all of CNRS's institutes, including the major networks for gender research (MAGE, *Fédération RING*, ANEF, Effigies) launched the French National Inventory of Gender and/or Women's Studies researchers, research units and teams. This large-scale project has enabled us to discover lesser-known research aspects. It has also provided us with an overview of the field's scope, with 2,048 records compiled by the end of 2011, including 1,025 which are available to the public.

Supported by SDFE, the action taken by ANEF to renew and arrange inventory regarding Gender Studies programmes that complement gender research and that are technically associated, seem to meet the political intention of the Ministry of higher education and research.

Objectives

- Build an online database that will be updated each year. Ensure that it is expandable and accessible to all (especially students, but also journalists, professionals, etc.) who wish to follow these types of teachings.
- Enable the quick identification of existing training programs based on location, discipline or degree, using simplified research methods on a single website.
- Gather information that will enable us to review the current state of affairs in France, compared with that of our European neighbours. This international perspective is especially relevant now that students are increasingly drawn to studying abroad.
- Identify how these teachings are weighted for graduation; are these teachings stable from year to year? Are they optional or required for graduation? Taught by employees with unstable statuses, such as

temporary teaching assistants and temporary staff, or stable statuses such as lecturers or professors? Are they taught by women or by men?

- Identify regions where these teachings are absent, or where they seem weak due to being upheld by a single person only. This will help to support or strengthen them.

Recommendations concerning Gender Studies programmes

1/ Stabilize and reinforce the collection of information on Gender Studies programmes in France:

ANEF has led many studies and devised a collection method.

⇒ Carry out a **national study of programmes** related to the field of Gender Studies and update it each year, along with a study on gender research. The data on education and the data on research should be entrusted to a large organisation with the human and material resources to support this annual update.

2/ Develop gender studies:

⇒ Encourage the creation of Gender Studies programmes, including curriculums that will be considered in the certification process.

⇒ Integrate gender issues in programmes and exams.

⇒ Ensure the continuation of existing protected positions (*postes fléchés*) and encourage university presidents to create new ones.

⇒ Spark the debate on the creation of a CNU "Gender" section alongside other disciplinary sections.

-3- GENDER KNOWLEDGE DISTRIBUTION

Although recent, the institutionalisation of Gender Studies has already enabled the creation and the distribution of knowledge in this field. Promoting this discipline in an academic context and in society has had a profound effect on French society. To give but two examples, we have already witnessed the implementation of policies to prevent violence against women as well as policies to counter professional inequalities. Gender Studies are one of the most active fields in the social sciences today.

Gender Studies are distributed through journals and collections, some now dated. Historically, these have been preceded by an important political editorial scene. A recent European project, FRAGEN [FRAMES on GENDER], has documented and collected these early feminist European findings and made them available online³. Despite limited resources, networks have become progressively more organised, creating homepages and e-mail lists to increase their presence on various media portals. These networks have attempted to take stock and to index older and more recent texts. They have published newsletters and given as much information as possible on everything being produced, including meetings, conferences, seminars, and other platforms including audio-visual, digital, and hard copy media.

Six journals make up the core of this knowledge. The oldest journal, *Nouvelles Questions Féministes* has recently celebrated its 30th anniversary. *Les Cahiers du Genre* and *Travail, Genre et Société* both

³ ANEF was responsible for the French translation: <http://www.fragen.nu/aletta/fragen>

celebrated their 20-year anniversaries in 2011. All of these publications claim a multidisciplinary approach⁴.

Journals associated with a research laboratory generally fare better but their situation is deteriorating due to the growing independence of universities, which threatens certain research laboratories. Presently, funding procedures are fraught with inconsistencies, partly due to the diversity of the groups. This problem will eventually need to be mitigated by a nationally coordinated initiative. The CNRS could, for example, take on a bigger role in the attribution of funding. As of now, in the best-case scenarios, funding largely comes from regional and local communities.

Given the current resources available, the human and material costs of these instruments is significant: the main difficulty concerns the perpetuation of financing and administrative staff. Far too many tasks are delegated to volunteers.

The impact of these disparities is apparent in our translation funding policy. Two journals rely on volunteer translation work (*Genre et histoire* and *Genre Sexualité et Société*). Conversely, *Travail, Genre et Société* has access to association-based funding, while *Cahiers du Genre* is funded by subsidies. But these funding sources are not always sufficient enough to ensure top quality translations. **However, the issue of translation is of utmost importance**, whether it involves the translation of texts for publication or the findings of French researchers who are increasingly required to publish in international journals in order to be adequately recognised. It also needs to be shown that the findings of French feminist researchers are indispensable if we are to develop this field and expand it internationally.

The thirteen collections that pertain to gender face similar funding difficulties as the journals, especially when we consider the important role played by volunteers among collection directors and manuscript selection committee members.

-3.1 Discriminatory Assessments?

- **Weak representation of journals about "feminist," "gender," and "women's" issues in AERES scorings.**

As with all scientific publications, Gender Studies articles must be evaluated *at least* twice before they are published – first by scientific committees, who approve publication, and then indirectly by the journals themselves, which are scored in different ways, most notably by the AERES in France. These filters are not free of discriminatory assessments.

Specialised researchers have often run into practices that discredit their work, which is often dismissed as “militant” and therefore “not scientific.” However, the history of the institutionalisation of Gender Studies should be proof that we need to question research assessment methods. **The link between certain journals and the social movement of the 1970s, namely the feminist movement, was used to justify relegating these journals to the periphery of non-scientific journals, even though the relationship between research and its applications shows that these reflections are useful for public policy.** Another argument used to claim sub-par scientific methods is attributed to feminist theory. And yet, using a specific research framework is not unique to Feminist Studies, far from it.

⁴ *Clio*, with the subheading *Histoire, femmes et sociétés* C:\SamSung\AppData\Local\Temp\V11_12juillet_Modèle_Mns_ANEF.doc - sdfootnote4sym was created in 1995. The two most recent journals, *Genre et histoire*, created by the Mnémosyne association in 2007, and *Genre Sexualité et Société*, created in 2009, are only accessible in electronic format, whereas the other journals are available both electronically and as hard copy.

In American journals, the use of the title, *Feminism*, is not problematic, but **“European” or “International” journals are not scored by the AERES**. This is true of the journal *Feminist Studies*, which, interestingly enough, is not featured in the sociology journals category, although it appears in the philosophy and political science categories. **Hence, we must insist on the apparent inconsistencies of the AERES review boards in the scoring of journals, especially when we consider the importance of the issues on an international level in France.**

The AERES review system also seems to reflect discriminatory practices: we need only consider the lack of journals specialising in Gender Studies. In 2012, only two journals were scored, *Les Cahiers du Genre* and *Travail, Genre et Société*, while *Clio* is the only journal that is listed, but not scored, in only one multidisciplinary category: “history, art history and archaeology.” No other journal is listed by the AERES, not even *NQF*, even though it is the only Francophone journal scored in the A category by the ERIH Gender Studies scoring of the ESF (European Social Foundation). It is hardly conceivable that the journal founded by Simone de Beauvoir is not considered scientific even though it meets the necessary criteria of scientific journals and is internationally recognised. The Quebec journal, *Recherches féministes*, is also not scored in the sociology category, but rather surprisingly, is classified as pedagogy.

The obscurity of the criteria used by the AERES for scoring journals and the factors they use for choosing not to score journals have been the norm until now. This greatly penalises the field, perhaps more than others, especially when we consider that criteria transparency reigns in foreign review boards. It would therefore be interesting to compare the French evaluation model with other review boards, and request that these criteria be taken into account.

It should be noted that in 2010, the AERES Social and Human Sciences (SHS) department included only one woman out of nine members. It seems necessary to request that AERES evaluation departments respect a principle of parity to ensure that women research-professors are duly represented at the AERES level.

On May 22, 2012, research department directors received a letter from the AERES stating that the organization had begun reflecting on the evaluation criteria with the publication of a reference document (Criteria for the evaluation of research institutions: The AERES standards), thereby demonstrating, at long last, a will to practice greater transparency even though the scoring criteria would only be communicated “in the coming months,” meaning that the criteria would be outlined in a future supplementary document on methodology to be made public as part of the 2013-2014 evaluation campaign. If we are hoping for a more favourable assessment of Gender Studies, we must remain extremely vigilant. Meanwhile, no-score decisions regarding Feminist and Gender Studies journals remain unexplained. When the *NQF* journal was not scored in the list of scientific and sociological journals, it received nothing more than a terse e-mail stating that the journal was “militant” with no other form of justification in three years of repeated demands, even though it meets all of the criteria explicitly stated in the document published by the AERES on May 22, 2012.

- **The Impact on Careers**

AERES's refusal to score “feminist,” “gender,” or “women’s” journals has a direct impact women’s careers, their ability to apply for positions or to advance in academia, since candidacy files are evaluated on the basis of the number of publications in scientific journals, and because issues pertaining to gender inequality are studied, almost exclusively, by women. This issue would simply not be an object of study if it were not for women researchers. **Not scoring journals in this area of study is therefore an indirect form of labour discrimination on the basis of gender under the legal definition of discrimination.**

Even though the official hierarchical ranking symbolised by the letters A, B, and C is no longer used, it is still implicitly present in practice since this classification is readily available under the guise of the

“AERES’s website archives.” Contrary to researchers in other fields of study, the non-scoring of journals in the field of Gender Studies prevents French feminist researchers in sociology or history from publishing in general journals, even though there are world class journals on “gender” that are not scored by the AERES. For researchers in other fields, there is no similar order. Moreover, certain national university councils (CNU) use their own internal scoring systems.

Journals on gender and scientific journals in general remain far too inaccessible to public authorities, communities, and citizens in this country. The digitisation of journals and their free web access seems crucial, but this requires a financial effort. As it stands, this body of knowledge remains confidential, as users must pay to access these web journals—a source of financing that is essential for their operation.

-3-2 Tools for increased visibility

Websites and portals for specialised archiving centres favour the distribution of information, both in terms of current affairs and resources. The *Fédération RING*, a federation on gender research, provides regular information on these issues.

Different research teams present existing collections via a range of media platforms and libraries such as the CEDREF archiving centre, the *Université de Lyon 2 Louise Labé* centre, and Université de Toulouse - Le Mirail's Simone-SAGESSE team, which also coordinates the “*Portail GENRE*,” a national network of resource centres for Gender Studies and gender equality. The French Ministry of Education, the European Social Fund, ANEF and SDFE (*Service des Droits des Femmes et de l'Égalité*), have all contributed to create this platform which is currently facing hard times caused by the non renewal of specialised archiving positions, much like other documentation centres such as the CEDREF (Paris-Diderot). Another foreseeable risk is that specialised collections will be scattered across multiple academic documentation initiatives, as will be the case with CEDREF, which is dealing with a general documentation policy that does not favour the conservation of specific collections.

The lack of human resources is also causing indexing difficulties. A thesaurus has long since been in the making, but no part of it has been published, nor has it been joined to existing thesauruses such as the IAVV in the Netherlands or to the Belgian thesaurus. **An entire body of information that has been carefully collected is at risk of being lost in the coming years.**

-3-3 Distribution of Gender Knowledge and Teacher Training in National Education

National education is the focal point for the transmission of knowledge in our society. Over the last 30 years, all of the information on gender that has been accumulated in France should be integrated through national teacher training. Because of the LRU reform, the recent efforts of the IUFM (*Institut universitaire de formation des maîtres*) in this regard have practically been reduced to Masters-level education programmes and preparation for competitive examinations. In the context of the present overhaul of the training of student teachers at *École Supérieure du Professorat et de l'Éducation*, where gender education and teachings about equality between boys and girls have virtually been destroyed, gender education and consideration is seriously threatened. We believe that reinstating these training programmes would be ideal. Moreover, it is of utmost importance to identify other spaces where gender equality training may take place—that is to say, in continuing education. **In this context, we must ensure that the *Convention interministérielle* (inter-ministerial conference) signed in 2000 and in 2006 is renewed in 2012. We must also work to ensure its application by establishing a budget and performing an assessment.**

Moreover, a substantial commitment must be made to better impart this knowledge by strengthening the ties between training schools and universities. Namely, seminars that are open to the general public are a great way to strengthen dialogues and to assess the impact of research projects. **It is crucial for knowledge about gender be included in secondary education programmes and textbooks.**

Recommendations

1/ Develop and diversify publications across different platforms:

- ⇒ Favour the creation of new thematic journals on gender. There is no French journal on violence like the famous journal, *Violence Against Women*.
- ⇒ Create a common permanent translation hub for different gender-related publications (journals and collections).
- ⇒ Promote the implementation, the maintenance, and the exploitation of various distribution tools.
- ⇒ Stabilise credits and archiving positions for existing portals such as *Université Toulouse Le Mirail's* gender portal.

2/ Implement a policy of transparency and non-discrimination for journal evaluations:

- ⇒ Challenge the stereotypes in academia that associate “Feminist Studies,” “Women’s Studies,” and “Gender Studies” research with a lack of scientific commitment.
- ⇒ Respect a principle of parity in the evaluation of journals.
- ⇒ Integrate “Feminist,” “Gender,” and “Women’s Studies” journals that have been scored internationally to the French scoring system for various disciplines.
- ⇒ Ensure that French-language “Feminist,” “Gender,” and “Women’s Studies” journals are included in international scoring categories. AERES must play an active role in the promotion of French language research within the international scientific community. It is important to value these publications when assessing women researchers and research-professors to fight against these indirect forms of discrimination that affect the professional careers of women who are the main producers of gender information.

3/ Further information about gender issues through the training of teachers and trainers.

- ⇒ Integrate gender in the initial and further training of teachers and professionals at the master’s level in the field of education.
- ⇒ Renew the *Convention interministérielle* (inter-ministerial conference) signed in 2000 and 2006 and provide evaluation methods and criteria.
- ⇒ Create forums to centralise and share pedagogical tools and resources.
- ⇒ Set up coordination centres for Gender Studies to act as a link between universities and other educational institutions.

-4- PROFESSIONAL GENDER INEQUALITIES IN HIGHER EDUCATION AND RESEARCH

There is an age-old prejudice which implies that, due to meritocratic and universal recruiting, academia should be able to guarantee greater career equality among men and women. Hard to imagine and impossible to see, questions abound surrounding the issue of professional inequalities between male and female professions in the fields of Sociology and History of Science.

4.1 Gender imbalance in academia

The scientific world, where access relies on civil service examinations, may not be aware of this issue⁵, though it does not get off scot-free. There are more recent glass ceiling analyses within the public sector. A number of reports have contributed to the mediatisation of career disparity between men and women in this field. These raise questions about the mechanisms explaining why there are fewer women in higher positions.

With the feminisation of university systems, two prevalent characteristics may be observed: the first relates to the **differential feminisation of university subjects**, the most prestigious of which lead to the best paying careers. These remain very masculine. The second accounts for the **weak presence of women in positions ranked higher** on the scale of professions. Women's presence in the pool of teachers and researchers is more significant than their representation in academia.

In other words, women have access to fewer senior positions than men. Nationally, in 2009-2010, the percentage of women was 42.4% among lecturers, and 22.6% among professors outside of medical disciplines (source: GESUP, November 2010). These percentages may vary from one university to another.

Another aspect exists **in the area of decision making within institutions**. Here, we can cite Central Boards and directorates, but also selection committees and recruiting juries for teachers and researchers, where gender representation is undermined. This is true for almost all universities.

The objective is to prevent 100% male committees, but also those that are 90% male to avoid situations where there is a "token woman." As part of this process, we should also consider the Board of Directors, which may or may not validate the distribution of each proposed committee. As a result, the Board is another vehicle that may produce a reversal of trends.

4.2 The paradoxal legislative situation of the education system

For a long time, we wrongly believed that gender inequality only affected organisations in the private sector. Never before the debate on parity (in the 1990s) did a series of reports^{6,7,8} reveal professional inequalities in the public sector, or did State administrations engage in multiannual action plans (2000). The Génisson Act (2001)⁹ contains dispositions that relate to the public sector (section 19 and following), concerning balanced gender representation in recruiting procedures, juries and recruiting administration commissions as well as promotion. A decree dated May 19, 2002, completed this Act, setting the minimum number of people of the *under-represented sex who are obligated to participate in these commissions*¹⁰ and juries at one third. This decree only received one partial limited application to the

⁵ Headcounts for university and research institutions were not dimorphic before the 2000s.

⁶ Le Pors A, Milewski F, les rapports du comité de pilotage pour l'égal accès des femmes et des hommes aux emplois supérieurs des fonctions publiques: *Piloter l'égalité (2001), promouvoir la logique paritaire (2003), vouloir l'égalité (2005)*, La documentation française, Paris.

⁷ Boscheron E, « Liberté, inégalité, intégrer l'égalité dans la fonction publique territoriale », CSFPT report, December 2005. Supplement to the *Gazette des communes*, January 2006.

⁸ Guégot Françoise, *L'égalité professionnelle entre les femmes et les hommes dans la fonction publique*, report for the President of the Republic, January 2011.

⁹ Act n° 2001-397 of May 9, 2001 (JORF N) 108 of May 10, 2001, page 7340), for professional gender equality. Act n° 2007-148 of February 2, 2007, Act for the modernisation of the public sector (OJ February 6, 2007) and Act n° 2007-209 of February 19, 2007 for local civil servants (OJ of February 21, 2007) compels local authorities to end a multiannual plan for equal access to higher education jobs among men and women.

¹⁰ In this regard: reports by the *Comité de pilotage pour l'égal accès des femmes et des hommes aux emplois supérieurs des fonctions publiques*, i.e., *Vouloir l'égalité*, La Documentation Française, November 2005, Le Pors-Milewski and JUNTER Annie, "Vouloir l'égalité dans l'action publique, l'exemple de Paser breton," in collaboration with Françoise Kieffer, *Économie et Humanisme* (journal) N° 378, October, p. 45-47, 2006.

State's public sector; demands to expand gender equality beyond the public sector were never met. Competitive examinations at the level of higher education and research are considered outside of the scope of application.

The constitutional reform of July 23, 2008 states that: ***the law favours equal access for women and men in social and professional responsibilities.*** It makes no sense for public administrative establishments and public sectors to have been removed from the Copé-Zimmermann Act pertaining to women's implication in the decision making process.

Constitutional Act 2008-724 of January 27, 2011 modernising the institutions of the Fifth Republic, Section 1, concerning professional equality and balanced gender participation on Boards of Directors, OJ of January 28, 2011.

4-3 Officers: monitoring structures for professional inequalities in higher education and research (ESR) are not sufficiently valued.

In 2012, at the time of writing, thirty-six mission officials in charge of equality in France's close to one hundred higher education and research institutions, were nominated by a university president for the duration of the presidential term. This person serves a political role within the university. His or her mission is defined in an mission statement, which is unique to each institution. Though mission officials may be highly motivated, their function is often relatively isolated within the university and too few nominees specialize in the field of gender issues.

These structures should be made as permanent as possible. The CPU campaign is one path, the creation of the CPED is another. A third solution is followed by *Université Paris Diderot-Paris 7*, where a *Pôle Égalité Femmes-Hommes* (Gender Equality Hub) was created in 2010, complementing an *Observatoire* implemented in 2007.

Professional equality recommendations

1/ Provide higher education with laws that account for social relationships between the sexes:

⇒Extend all laws and regulations pertaining to gender equality to public entities and to the public sector, and impose their implementation (namely, the Génisson Act, 2001: the Copé-Zimmermann Act, 2011).

- Balanced gender representation in recruiting and promotion procedures, juries and commissions, most notably regarding the expansion of the application of the decree of May 19, 2002.
- A minimum participation rate of 40% for women in management positions.

⇒Compel universities and Technical and Scientific Public Entities (EPST) to regularly publish social audits.

- Enforce gender equality in recruiting and career progression procedures.
- End discriminatory practices linked with maternity leaves.
- Educate about human resources by publishing regular statistics on gender concerning all members of personnel and their career progression.
- Implement a transparency policy regarding financial inequalities by making discrepancies (salaries, bonuses, etc.) public for all employees, grants and scholarships.

Enforce the application of a Motion in favour of gender equality and parity adopted by CPU on June 23, 2011.

2/ Implement a strategy to promote equality, act on practices and representations, and fight to end sexual stereotypes:

⇒Train officers (CPED), expand their mission and enhance their function, attach this function to the university's presidency. Institute an observer at the level of the CPU to oversee the whole process.

⇒Expand the function to all EPSTs.

⇒Create a dedicated service and attribute methods in each institution and university.

-5- SEXUAL HARASSMENT AT UNIVERSITY; SEXUAL AND SEXIST VIOLENCE

The existence of sexual and sexist violence in universities, that is to say in higher education and research, is usually met with denial, and is often based on preconceived notions: academics and researchers are educated and intelligent; civil servants are expected to respect the values of the Republic. It is hard to imagine these individuals committing sexually violent acts, whether it's harassment, rape, or anything else. How could women who have reached a "higher level" of education "allow something like that to happen," and not defend themselves with full knowledge of their rights, when they have access to resources to ensure that they are respected?

5.1 Situations of denial

Higher education and research institutions often believe that they are structurally protected against different forms of violence, which often leads to situations of denial. And yet, as a work space, the university structure is likely to create power dynamics between teachers and students that are highly unequal. Rigidly framed by the educational code in secondary school, pedagogical relationships are no longer supervised in higher education.

Among the institution's paid employees (teachers and BIATSS), the vagueness of certain hierarchical relationships, which are cross-linked and sometimes understated, are also likely to create poorly regulated power relationships. As such, co-opting and nomination mechanisms are potentially harmful. But the worst is surely the casualization of academic jobs, and the differences between statutory and non-statutory employees. Possible internal procedures are greatly dysfunctional as a result.

In light of these beliefs, victims' voices are all too often invalidated. Testimonials that have reached CLASCHES¹¹—an association that supports student victims, together with the AVFT and the activity assessment generated by the CEVIHS (*Cellule de veille et d'information sur le harcèlement sexuel de l'université Lille 3*)—enable us to decode certain mechanisms at play in these instances of violence against women at university. Similarly, it is clear that many women, whether they are students or employees of the institution (professors and BIATSS) experience sexist and sexual violence.

All too often, a code of silence surrounding the "accused" arises to prevent a scandal or reprisal among colleagues or victims. Once the facts are condemned, known, and sometimes widely known, they are "reinterpreted" by the community as a means of protection. A kind of solidarity vis-à-vis the "accused" is created to protect each person's status, career, and institution.

5.2 The right to report

Victims of sexual harassment, be they students, civil servants, or private sector employees are often ordered to call upon the criminal justice system. More often than not, when victims file a complaint, employers and universities condition their reactions by abstaining from any sort of civil procedure. The same is true for higher education institutions referring to disciplinary units. In cases where a complaint has been filed, a reaction will depend on the court's ruling. In other words, institutions hide behind the

¹¹ CLASCHES: *Collectif de Lutte Anti-Sexiste Contre le Harcèlement Sexuel dans l'Enseignement Supérieur* (Anti-sexist collective fighting against sexual harassment in higher education)

authority of the criminal courts to refrain from reacting, to adopt protective measures regarding the victims, or to initiate disciplinary proceedings (an internal procedure) against the accused.

Students and university employees may, like anyone else, choose to pursue criminal justice procedures. Section 222-33 of the criminal code¹² stipulates that "sexual harassment is the fact of repeatedly subjecting a person to remarks or conduct with sexual connotations which either undermine the dignity of the person because of their degrading or humiliating nature or create an intimidating, hostile or offensive situation for that person [...] It is punishable by one year's imprisonment and a fine of €30,000." And yet, few victims dare to take this approach. They are often held back by the fear that this type of procedure will negatively affect their curriculum or force them to change their vocational path. We must recognize that in the eyes of many academics, "it is unheard of to ruin a person's teaching career for something like that," and any person reporting incidents of this nature may be suspected of having provoked them. Additionally, the financial cost of a criminal procedure (legal fees), is discouraging to students who tend to have unstable incomes and low statuses. Conversely, teaching and research personnel who commit such actions not only have greater financial resources, they may also request to have their legal fees reimbursed as civil servants. The differences in social and financial capitals between students and teachers create undeniable social inequality concerning access to the criminal justice system.

5.3 Disciplinary units in higher education and research

What we often call "Disciplinary Boards" are similar to Labour Courts. However, their organisation and their function stem from civil service law—a branch of administrative law. In other words, the disciplinary unit has legal power.

Calling on a disciplinary unit is the only **domestic remedy** possible for students and employees (Act n° 84-52 of January 26, 1984; Decree 92-657 of July 13, 1992; Decree 95-842 of July 13, 1995; Act n° 90-587 of July 4, 1990). Legally, these units have sanctioning power in cases of disciplinary offence such as sexual harassment.

To achieve this, a range of sanctions exist: warning, blame, delay in status advancement, loss of status, ban on teaching, ban on the right to perform research, compulsory retirement or removal from post, exclusion from the institution, and dismissal. The decision must obtain a majority vote, justified and posted publicly in the institution, although the unit may, in certain cases, decide to make this posting anonymous (this is not possible in a business context).

But as things stand, the way these disciplinary units operate is both inefficient and unfair to victims of sexual harassment.

Only the President of the institution may decide to invoke the disciplinary unit ruling on professors, research professors, other personnel, and students of the institution. In other words, the victim may not directly invoke the disciplinary unit. Instead, the victim must file her complaint with the President. At this level, there exists a reception filter regarding the complaints, which private sector employees do not face. Furthermore, the configuration of the disciplinary unit varies considerably based on whether it is judging a professor or a student.

Another interesting aspect in the operation of these disciplinary units is that processing and judgement are not separate. Those who process and investigate cases also rule on them. It follows that, although we might expect it, sovereignty between processing and judgement is not guaranteed.

¹² Act n° 2012-954 of August 6, 2012, concerning sexual harassment

As in any jurisdiction, there exists a route to appeal the disciplinary unit's decision. This is known as CNESER (*Conseil National de l'Enseignement Supérieur et de la Recherche*), which rules on an appeal. Even at this level, the system is unfairly biased against students.

The plaintiff (the victim) cannot appeal the judgement once it is passed. Only the defendant (the aggressor) has the right to appeal to the CNESER, who cannot issue a more severe penalty than the one already issued by the disciplinary unit.

All in all, the disciplinary units operate in a way that neither favours nor protects the victims. Whether these victims are paid employees or students of the university, they do not have access to the unit. The president of CNESER reminded us of this in 2002 during a day-long seminar organised by CLASCHES on this issue¹³.

Higher education is far behind on these issues

Uncovering the way that these disciplinary units operate reveals the existing gap with community law. Act n° 2008-496 of May 27, 2008 "introducing a number of steps to adapt community law in the field of fighting discriminations," is particularly disappointing as far as how sexual harassment is dealt with in higher education. The transposition of the definition of discrimination has not been modified (as of August 7, 2012). Unfortunately, recent modification to the law has not led to modification of the public sector code or to the National Education code.

It seems urgent to reform the way disciplinary units deal with instances not only of sexual harassment, but also other forms of discrimination. On all grounds, these incidents need to be handled effectively in higher education and research.

Recommendations regarding gender violence

1/ Measuring the scope, the dimensions and the consequences of sexist violence and sexual harassment:

⇒ Measure the phenomenon among the student population and all university personnel by conducting a scientific investigation on victimisation entrusted to the OVE (*Observatoire national de la vie étudiante*) and the CEREQ (*Centre de recherche sur l'emploi et les qualifications*) in collaboration with the *Observatoire national des violences envers les femmes*.

⇒ Commission the CNESER (*Conseil national de l'enseignement supérieur et de la recherche*) to compile statistics about rulings on matters of sexual violence and disciplinary units, and make them public.

2/ Modify the way sexual harassment cases are handled in the public sector, through the reform of disciplinary units, all while considering current legal trends:

⇒ See to it that laws are respected, and ensure that sexual harassment is effectively considered as a grave professional misconduct.

⇒ Reform victims' support systems (make the disciplinary unit directly accessible to the victim, without having to go through the President of the institution; modify the way complaints are

¹³ The analysis presented here regarding the operation of disciplinary units summarises the work carried out by the CLASCHES collective as part of this day-long seminar, for which a detailed report is available on the association's website. CLASCHES, *Le harcèlement sexuel dans l'enseignement supérieur. Quelle réponse institutionnelle?* June 5, 2002.

processed; modify the make-up of the commissions and position them outside of the institution; ensure protection and support for victims throughout the procedure).

⇒ Develop victim support systems in the image of Lille 3's CEVIHS (*Cellule de veille et d'information sur le harcèlement sexuel*) where staff are trained on issues of sexist and sexual violence.

⇒ Make the rulings of the Disciplinary Board public.

3/ Implement a policy of prevention and control:

⇒ Maintain a zero tolerance policy at the level of ministry and within each institution that exercises public decision-making.

⇒ Establish an action plan including a prevention policy and solutions.

⇒ Organise information, prevention and awareness sessions about sexual stereotypes, sexist prejudices, and gender violence at all levels. Make these training sessions mandatory for all people sitting on committees.

⇒ Educate through the systematic delivery of information via registration files and student pamphlets such as student welcome booklets. Reiterate these texts in the thesis guidelines.

⇒ Inform all civil servants of their responsibility to report incidents occurring in their place of work.

POLICY GUIDELINE PROPOSALS

Policy Guidelines on PARTNERSHIPS and INSTITUTIONALISATION

1. Use gender research as a tool to shed light on public policies wherever a "gender" dimension should be integrated (*Gender mainstreaming*).
2. Provide gender research greater legitimacy and recognition.

Policy Guidelines on the INVENTORY of PROGRAMMES

3. Develop ways to institutionalise and centralise the identification of research and education programmes on gender, and support the combining of these efforts.

Policy Guidelines on the DISSEMINATION OF KNOWLEDGE and EDUCATION

4. Support the publication and distribution of national and French language journals on gender.
5. Ensure that publication evaluations are clear and transparent.
6. Strive to provide and promote diverse training programmes on gender issues in France.

Policy Guidelines on PROFESSIONAL INEQUALITIES

7. Counter male bias in higher education and research, in relationship with the French national education system and all concerned partners within the education community; generalise the effort to sensitize all parties on the issue of gender inequality and monitor the situation.
8. Promote a general culture of gender equality and develop training for all paid and temporary employees, including administrative, teaching, and research personnel.

Policy Guidelines on SEXUAL HARASSMENT

9. Evaluate the phenomenon of sexist and sexual violence and make the collected information public.
10. Implement a generalised prevention policy and reform disciplinary unit procedures to reflect this issue.

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