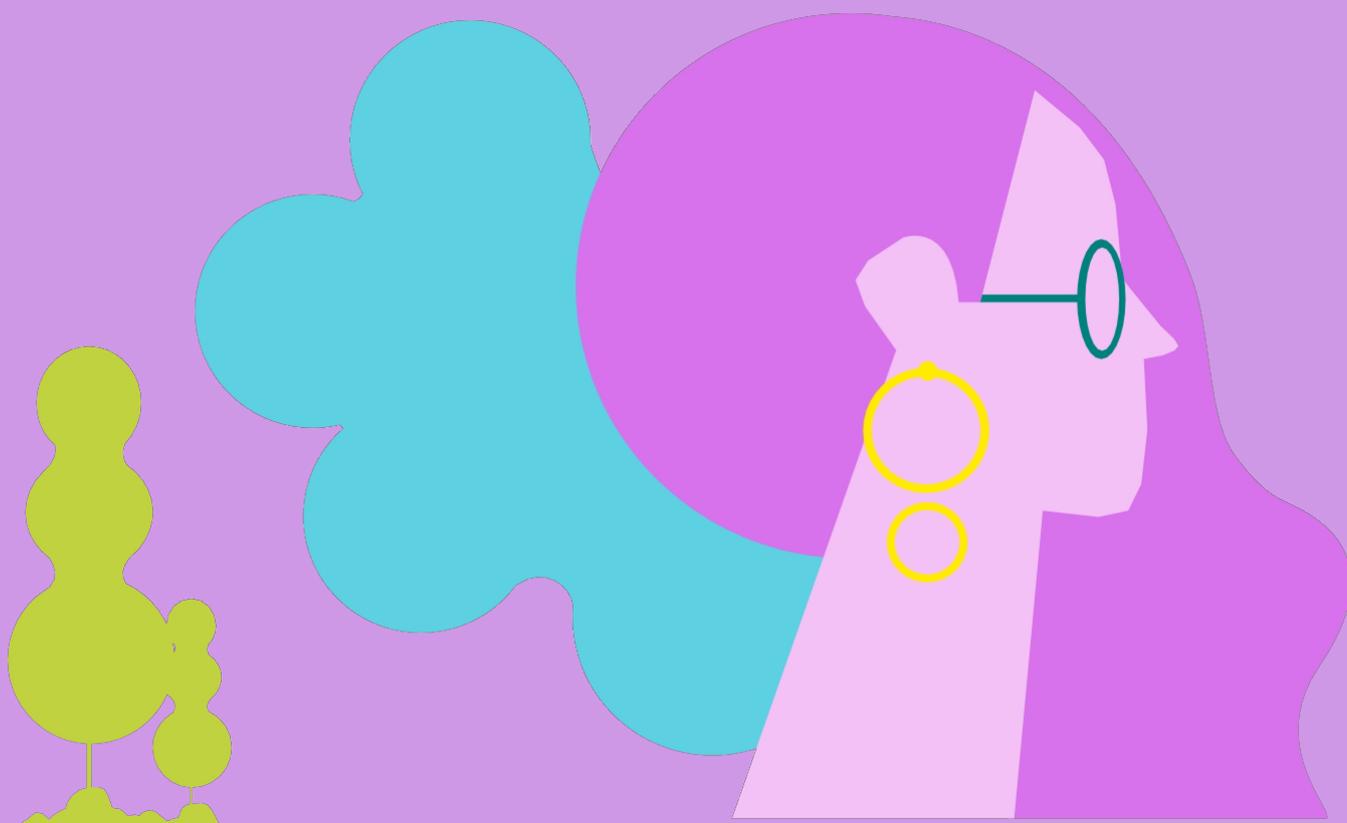




A Guide for the elaboration of:
*Protocols for the prevention, attention,
investigation and sanction of sexual,
gender-based violence and
discrimination within Higher Education
Institutions.*

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Credits

Initiative

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Preface

We are at a crucial moment in which the fight against sexual and gender-based violence in higher education becomes an unavoidable priority. Such violence is a reflection of historical, political and cultural problems that go beyond Higher Education Institutions (HEI) and that must be confronted within them in order for them to be spaces for transformation, emancipation and promotion of human rights.

Sexual and gender-based violence are serious problems that threaten the integrity and dignity of individuals. In the field of higher education, this violence not only violates the fundamental rights and academic freedom of those who suffer it, especially women and LGBTIQ+ people, but also undermines the academic environment and the quality of the educational process. Despite its seriousness, the problem of sexual and gender-based violence in HEIs remains little visible and scarcely discussed, either at the level of academia, or in the field of public policy and broader social debate. It is therefore urgent to highlight it and promote actions committed to overcoming it.

It is with the commitment to contribute to this challenge that the Coalition for Academic Freedom in the Americas (CAFA) publishes this Guide for the Development of Protocols for the prevention, attention, investigation and sanction of sexual and gender-based violence and discrimination within Higher Education Institutions. We recognize that the development of effective protocols is a dynamic process. Therefore, this Guide is presented as a living document, intended to be revised and updated according to different contexts and experiences.

As the author of the Guide states, it is necessary to build institutional cultures of zero tolerance to sexual violence and discrimination based on sex and gender. This implies that the development of protocols must go hand in hand with broader and more proactive plans and actions that contribute to cultural changes and to overcoming the patriarchal ethos in HEIs.

We hope that this document can encourage processes of reflection, awareness and dialogue, as well as serve as a call to action, inviting the university community to join a collective effort for real and lasting change.

For more information about the CAFA, please visit our website:

<https://cafa-claa.org/es/>

¡Good reading!



Introduction:

why is it important to have a specific protocol?



In 2021 UNESCO and IESALC presented a report on the situation of women in higher education and concluded that gender inequality in higher education is still a major problem.

The gender gap continues to be a universal problem. Although in 2014 women accounted for 53% of graduates at the bachelor's and master's level, at the doctoral level this percentage was reduced by 9 percentage points. Only 30% of university professors and researchers were women, while women are overrepresented at the lowest and least paid teaching levels. In addition, the report shows that women's participation in positions of power in university institutions is negligible.

In addition to the above, gender stereotypes particularly affect the entry of women into science and engineering professions, creating hostile environments for those who do manage to enter. According to the report, "violence against women on campus, such as sexual harassment and assault, is a pressing problem that needs to be addressed by both policy makers and higher education institutions"¹. However, this task does not yet appear to be being carried out in a comprehensive manner.

In recent years we have seen how social networks and the press have reproduced hundreds of public denunciations of possible situations of sexual or gender-based violence or discrimination within universities and institutes of technical or technological training in almost all the countries of the Americas.

Often these informal complaints do not become investigative cases for the authorities. Social networks function as an escape valve to freely express, sometimes protected under anonymity, the experiences of potential victims and survivors of these types of violence.

¹Women in higher education: has the female advantage put an end to gender inequalities? UNESCO and IESALC. 2021. P. 43. Available at: <https://unesdoc.unesco.org/ark:/48223/pf0000377183>

They are afraid of formally denouncing, through institutional channels, when at best these exist. They fear reprisals from their aggressors or consequences in their professional lives.

It is not because they are anonymous or informal public denunciations that we can consider them false or deny their relevance. The anonymity that guarantees public reporting through social networks is a way to avoid persecution and retaliation that victims and survivors may suffer in formal investigation processes, which in many institutions of higher education are still ineffective and revictimizing. For this reason, [people affected by gender-based violence or discrimination protect their identity by reporting on social networks.](#)

Narrating out loud, in the first person and in a space where you are not necessarily identified, allows you to talk about painful situations and find other voices of solidarity and support. It is also a mechanism to prevent harm to others because it alerts you to the patterns of such violence and the identity of possible perpetrators. [It is the first time in the history of women](#) that these stories, which were considered shameful, have become part of the public debate and demand a profound revision and transformation of practices of inequality and asymmetrical power structures in educational institutions. This public conversation does not necessarily lead to disciplinary or criminal investigation processes, but they should not be ignored.

It is essential that institutions open [channels for anonymous complaints](#) in disciplinary processes, and that active searches of cases and ex officio investigations of complaints in the networks are carried out. In addition, it is essential to create spaces for collective reflection on [ethics, academic freedom, human rights, women's rights, dissident people of the sex/gender system and LGBTIQ+ population.](#) This is the way to restore trust in institutions, to create an agora that strengthens the unbreakable commitment to the eradication of this type of violence and that commitment is manifested in clear actions to fulfill it.



The problem of impunity and the current underreporting of this type of violence within higher education institutions, hereinafter HEIs, is usually due to the [low level of trust in university authorities](#) of those who suffer these painful and the practices of re-victimization and institutional violence to which they may be subjected when they seek justice through formal mechanisms.

It seems that in many HEIs these reports or complaints are still considered an attack against institutional prestige or a shameful or embarrassing matter that only concerns private life, not the issues of interest of an [alma mater that affect](#) community life.

However, the strength and persistence of the student and feminist movements within the IES and their great power to communicate, mobilize and produce indignation in the face of these injustices, through social networks, the media and even strategic litigation, won the pulse of the university monastic tradition.

One of the best ways that HEIs can create to address this change is to [confront the problem head-on.](#) That is, to assume the responsibility of building violence-free spaces in HEIs for women and other people who suffer discrimination based on [sex, sexual orientation, gender identity or expression](#) by taking concrete, observable and measurable measures to [prevent, address, investigate and sanction](#) this type of violence and discrimination.

One of these measures is to have protocols in place to improve the response to these situations from a human rights-based approach that is sensitive to sex/gender . [It is not enough that there are national legal systems](#) to denounce and investigate such violence before criminal authorities; specific and contextualized tools are needed because it is in the very practices of production and reproduction of knowledge, in the networks of unequal distribution of power and academic prestige, and in the asymmetry of opportunities for men, women and others where the violence is perpetrated.

It is the university hierarchies that engender and normalize this type of abuse. Therefore, it is essential to create **disciplinary, pedagogical and preventive tools** to adequately address this type of violence.

The **Inter-American Principles on Academic Freedom and University Autonomy** recognize as fundamental to guarantee compliance with Principle III, non-discrimination. According to the declaration, this consists of:

Academic freedom must be promoted, protected and guaranteed **equal opportunity without discrimination on any grounds**, including on the basis of political opinion, ethno-racial origin, nationality, age, **gender, sexual orientation, gender identity and expression**, language, religion, cultural identity, political opinions, or of any other nature, social origin, socio-economic status, level of education, human mobility status, disability, genetic characteristics, mental or physical health condition, including infectious, contagious, disabling psychiatric or any other nature².

²Declaration of Principles on Academic Freedom and University Autonomy, Inter-American Commission on Human Rights, 2021. Bolded by me. Available at: https://www.oas.org/es/cidh/informes/pdfs/principios_libertad_academica.pdf

Principle IX also refers specifically to overcoming gender-based violence and the importance of developing protocols for this purpose. Specifically, it requires:

The adoption of protocols for attention, investigation and sanctioning of sexual violence and harassment, as well as violence against women or violence based on sexual orientation or gender identity and other forms of oppression or discrimination, and the creation or promotion of external and independent review mechanisms for sanctioning or meritocratic decisions of academic institutions. In any case, the design and application of these protocols should have a focus on non-revictimization and on progress in counteracting sociocultural patterns based on assumptions of inferiority or superiority of either gender or stereotyped roles for men and women that legitimize violence against women³.

Sexual and gender-based violence is based on structural discrimination of certain population groups, particularly affecting women and LGBTIQ+ people. These practices infringe on academic freedom by creating barriers to the enjoyment of their rights, in particular, to live a life free of violence and the right to education free of sexist or phobic stereotypes against dissidence from the sociocultural sex/gender mandate.

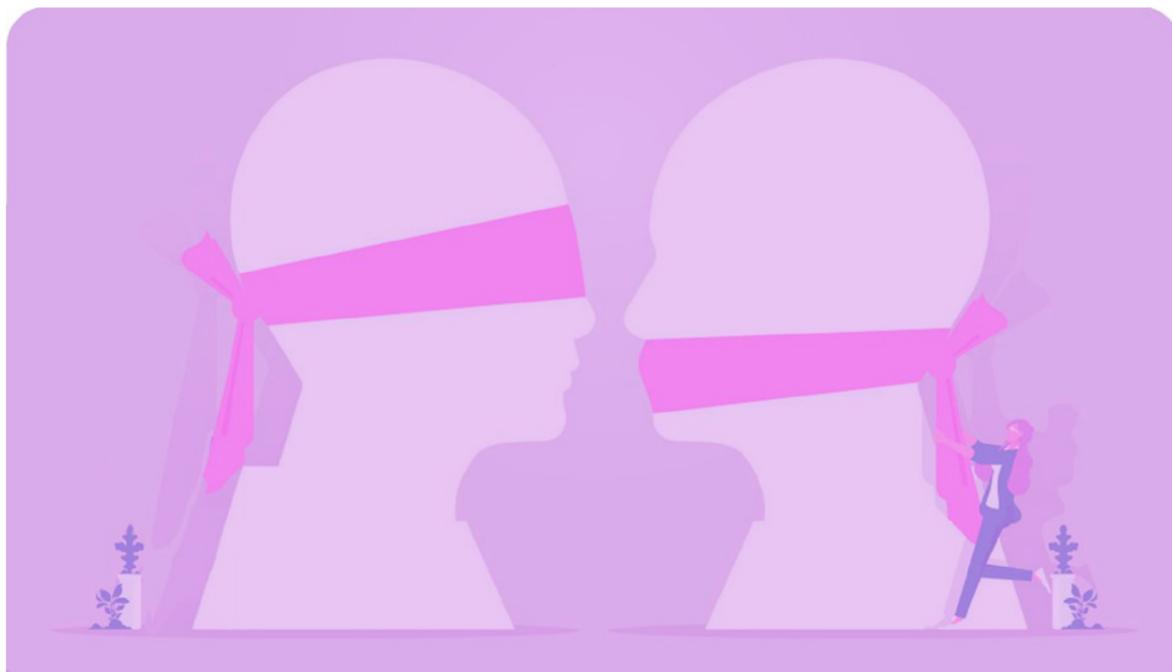
For example, students who are victims of sexual or gender-based violence during their professional and academic training **are severely affected in their student and professional careers.** Some are forced to abandon or postpone their careers, change their training center or program in order to avoid confrontation with their aggressors or retaliation for their denunciations. They often find themselves working in the same circles in the future.

³Declaration of Principles on Academic Freedom and University Autonomy, Inter-American Commission on Human Rights, 2021.

The [cycle of violence continues](#) in the workplace where they may be victims of [isolation, emotional and psychological aggression](#).

This seriously infringes on their academic freedom by subordinating decisions about their professional training to considerations of their personal safety and integrity on campus, creating an additional barrier for them. Universities and other institutions of higher education cannot continue to be minefields for women and the dissident population of the sex/gender system.

In turn, [teachers](#) who work in research on topics related to [gender studies, feminist studies or research on sexual violence](#) may also be subject to labor harassment and political persecution because of their field of work. Likewise, these teachers may be subject to harassment for their support of feminist initiatives of the student movement, or for questioning the sexist violence practices of some of their colleagues and rejecting the revictimization of those who denounce such practices in HEIs. [In several countries in the region](#), women researchers in this field have suffered unjustified dismissals, retaliatory disciplinary processes, and some have even been forced into exile because of persecution for their work.



The women's human rights defense or their academic work with a gender perspective. This affects the academic freedom of teachers and researchers and produces a [hostile and intimidating work environment](#) for those engaged in feminist and gender studies. This has effects not only on the person directly repressed, but also on the community in general because they are practices of exemplary violence that produce censorship and self-censorship in those who do not want to suffer the same violence.

[Gender-based violence, sexual violence and have also affected female employees of HEIs](#). Several have suffered sexual harassment and other aggressions based on sex/gender and the guarantees to denounce within the universities are usually much less for them. They may be subject blackmail to continue their employment contracts in exchange for their silence. The support network available to female HEI workers is much smaller, as is the visibility of their complaints, which considerably increases their lack of protection.

For this reason, it is necessary to build an institutional culture of [zero tolerance for sexual and gender-based violence and discrimination based on sex/gender](#). This requires not only a good protocol, but also that it is part of a broader and deeper plan to transform the patriarchal and exclusionary ethos of HEIs, identify risk scenarios for this type of violence and take actions to minimize them.

As you will see, this is an enormous task that implies a [structural change in the organization of HEIs and in their culture](#). It also requires a higher level of commitment. However, some countries in the region have already begun to advance in this task.

For example, [in September 2021, Chile enacted the Law 21.369](#), which aims to guarantee university and HEI spaces free of harassment, violence and discrimination, particularly those based on gender. In Colombia, Law 2365 of 2024 was recently approved, adopting measures to prevent, protect and care for victims of sexual harassment in the workplace and in universities. These two laws are some of the visible results of the struggle of feminist, student.

Feminist, student and university movements to turn this type of violence into a collective problem that is the object of a public policy in accordance with the principles of human rights.

Before starting the development of a protocol, it is advisable to ask yourself some questions to encourage reflection:

-
- Is there an awareness in our HEI of the need to have specific tools in accordance with human rights in order to deal with these forms of violence?
-
- If the answer is no, what actions could we take to prepare the ground and ensure that such a protocol is understood and well received by the majority of the HEI community, and with whom are we partnering to advance such preparation and awareness?
-
- What installed capacity, knowledge and skills would we need for the protocol to be adequately implemented (experts, resources for a specific office, specialists in psychology, law, social work, etc. for the orientation and attention to those who come to the protocol, operation of the investigation instance, among others); does the capacity already exist in the HEI to these needs; what do we have and what do we lack; how could we obtain what we do not yet have?
-
- Lastly, but vitally, is there a real political will on the part of the HEI's management to assume this commitment? Remember that it is key to have a leadership that understands the problem, has a similar ethical horizon and can support the profound changes that a good protocol would implement. Otherwise, this tool could even be detrimental because it gives the wrong idea that there is an institutional commitment to the issue.
-

Once you are clear about the context in which you are, you can take better advantage of the suggestions in this guide, which was born out of the collective learning we have had while embarking on this journey. Its objective is to provide basic and simple tools to build a protocol for the prevention, attention, investigation and sanction of sexual and gender-based violence and discrimination within HEIs.

It is not a recipe, but a battery of ideas that you can recreate, and adapt to the specific needs and context of your HEI.

It is an accessible document with some key ideas that may be useful for those who are in charge of formulating an institutional approach and management of this type of violence.



1.

Possible prior actions:
*what activities can you do before
building a protocol?*



It is important to articulate the protocol and the care route on these forms of violence with the design of a **plan on equal rights and equality of opportunities** in HEIs.

A protocol and a route to address this type of violence works best if it is part of a greater effort of inclusion with equity of a population that has been historically excluded from the enjoyment of their rights.



If you do not have baseline information on discrimination, sexual and gender-based violence within your institution, **develop a qualitative and/or quantitative social research** (opinion survey with different members of HEI community, for example) on sexual, gender-based violence or discrimination to assess the specific characteristics and needs of the problem in your institution. Although there is general information and diagnoses on the issue, there are particularities that may be important and that vary in each institution, so it is essential to have an appropriate baseline before formulating a protocol.



In addition to a formal investigation, **meet with people from the offices** that attend to the requirements of the university community or the institution of higher education (University Welfare, Legal Advice, Workplace Coexistence Committee, Vice-Rectorate and others) in order to learn about current practices in dealing with this type of violence, and the knowledge they have acquired.



Also, **meet to talk with groups of students and research professors** interested in the topic and **victims and survivors** of sexual, gender-based violence or discrimination in the HEI environment, in order to understand their experiences in filing the complaint, the attention they received, their expectations and perceptions about the investigation process and the possible barriers they identified to access a form of restoration of their rights.



Finally, **conduct research, training and awareness-raising workshops** with managers and academics in positions of power (deans, program directors, area coordinators) on gender equity and sexual and gender-based violence. The objective is to gain commitment and support to implement the protocol in an adequate manner and to identify stereotypes or doubts that may impede its correct application.



Here are some examples of previous activities that you can perform.

The following are some of the steps you can take to develop a protocol tailored to the specific needs of your institution.

2. Statement of Principles: *what is the ethical and legal basic of the protocol?*



Here you can include the values that are promoted by your HEI and that are related to equity and justice, for example:



Non-discrimination: equal opportunity without discrimination on any grounds, including on the basis of political opinion, ethno-racial origin, nationality, age, gender, sexual orientation, gender identity and expression, language, religion, cultural identity, political opinions, or of any other nature, social origin, socio-economic status, level of education, human mobility status, disability, genetic characteristics, mental or physical health condition, including infectious-contagious, psychiatric incapacity or any other nature⁴.

⁴Declaration of Principles on Academic Freedom and University Autonomy, Inter-American Commission on Human Rights, 2021, pg. 5.

Gender equity/equality: This is a human right that aims to effectively guarantee the full enjoyment of the human rights of women, girls, men, boys and people of diverse gender identities. This requires, first and foremost, a comprehensive understanding and transformation of social structures, social norms and stereotypes, as well as of the power that frame not only laws and politics, but also the economy, social dynamics, family life and community life⁵.

Right to live a life free of violence: According to Article 6 of the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women: "The right of every woman to a life free of violence includes, among others: a) the right of women to be free from all forms of discrimination, and b) the right of women to be valued and educated free of stereotyped patterns of behavior and social and cultural practices based on concepts of inferiority or subordination"⁶. This article may be extended to populations historically marginalized because of their sex, gender identity or sexual orientation.

Academic freedom: "Academic freedom implies the right of every person to seek, generate and transmit knowledge, to be part of academic communities and to carry out autonomous and independent work to access education, teaching, learning, teaching, research, discovery, transformation, debate, search, dissemination of information and ideas freely and without fear of reprisals. In addition, academic freedom has a collective dimension, consisting of the right of society and its members to receive information, knowledge and opinions produced within the framework of academic activity and to obtain access to the benefits and products of research, innovation and scientific progress"⁷. Sexual and gender-based violence and discrimination on the basis of sex/gender prevent the full enjoyment of this right by populations historically marginalized for these reasons. For example, the attack on the academic freedom of teachers and researchers in the field of feminist and gender studies, or others that may be uncomfortable for certain power groups within HEIs, directly interferes with the work of the faculty. In turn, it affects the student community, whose research fields are limited for discriminatory reasons.

⁵On gender equality and the human rights of women and LGBTI people. UN Women. Available at: https://www.ohchr.org/en/women?gad_source=1&gclid=Cj0KCQiAoae5BhCNARIsAD-VLzZcMUblY2d7brv7h66y9BC-fb5AO7b5bPK3IVXGtZQoyQsg6AudZOVoaAtzGEALw_wcB accessed on: November 5, 2024.

⁶Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women. June 1994. Article 6.

⁷Declaration of Principles on Academic Freedom and University Autonomy, Inter-American Commission on Human Rights, 2021, pg. 8.

Approach based on victims and survivors: This approach places the person who has suffered a victimizing event at the center of the support process, seeks their empowerment and applies a differential approach that takes into account their individual physical, psychological, emotional, social, cultural and spiritual aspects. It starts by recognizing the different coping mechanisms of each person and strengthens them to favor the recovery of their right to live a life free of violence⁸.

Confidentiality: means that we must not share any information to third parties without the prior, free and informed consent of the person concerned and that we must provide a safe and private space for him/her to share what happened⁹ without risk of leaks.

Action without harm: the institution understands that several of the behaviors of aggression against women or LGBTIQ+ persons are normalized by the culture. This does not mean that they should be accepted or justified. However, we also recognize that eradicating this violence is a process of socio-cultural transformation that requires the participation of the entire community and society as whole. For this reason, the actions of prevention, training, visibility, disciplinary investigation and sanction will be carried out in a pedagogical spirit, from a perspective of action without harm. The aim is to contribute to the process of social transformation that will establish a culture of zero tolerance to gender-based and/or sexual violence and discrimination for these reasons. At no time will the disciplinary process or legal or psychosocial accompaniment deepen the harm suffered or expose the parties to mistreatment, revictimization or institutional violence.



These are some examples of principles that may be important in formulating the ethical and legal body of your institution's protocol. You could also include others such as: the obligation to use a gender perspective in disciplinary research, guarantees of due process, etc. The objective is that the people involved perceive that the institution's actions with respect to this problem are based on ethical principles of human rights and that they have a special sensitivity to understand sexual and gender-based violence and discrimination.

⁸Principles to guide the response to situations of gender-based violence. UNFPA Colombia. Available at: https://colombia.unfpa.org/sites/default/files/pub-pdf/enfoque_centrado_en_sobreviviente_062022_com_vs_0.pdf date accessed 5 November 2024.

⁹Ibid.

3.

Definitions of conducts and approaches: *what can be considered gender-based violence or discrimination on the basis of sex/gender?*

In this part it is key that you use the **results of the previous research** you conducted within your institution. What behaviors of gender-based violence against women and LGBTIQ+ people do you identify as most recurrent at the university? You can use the definitions of these behaviors that are criminalized in the penal codes of each country. However, there are practices of violence and discrimination based on sex/gender that do not reach the threshold to constitute crimes, but that do generate harm, intimidation or discomfort in those who suffer them.

Therefore, outside the formal definitions of national criminal law, you can include a **higher standard of protection** based on concepts of international human rights law or customary law. You can also carry out a participatory process of constructing the definitions of these concepts that includes sociocultural aspects that are invisible in the existing formal concepts. The objective is to make them **easy to understand, learn and describe** to by the university community. To facilitate this pedagogical process you can put practical examples in the protocol such as:

Gender-based violence ✓

Any action or behavior that develops from asymmetrical power relations based on sex/gender that overvalue what is related to the masculine and undervalue what is related to the feminine¹⁰. These can be physical, psychological, sexual, economic or symbolic. For example:

- Jokes that offend or humiliate women or LGBTIQ+ persons constitute symbolic violence.
- Comments that belittle people's intellectual contributions on the basis of their sex/gender constitute psychological violence.
- Asymmetry in the financing of projects or in the distribution of resources among male, female and other teachers and researchers solely on the basis of their sex/gender constitute economic violence.
- Repeated invitations to go out, insistent messages with sexual or romantic expectations that are neither felt nor desired by the recipient, gifts when there is a manifest superiority of power involved, can be considered a form of sexual harassment.

¹⁰ Sistema Integrado de información de violencias de género SIVIGE, 2016.

Violence against women

"Any action or conduct based on gender that causes death or physical, sexual or psychological harm or suffering to women in both the public and private spheres. This can be physical, sexual or psychological, occurring in the private or public sphere, that is, "in the community and perpetrated by any person, and includes, among others, rape, sexual abuse, torture, trafficking in persons, forced prostitution, kidnapping and sexual harassment in the workplace, as well as in educational institutions"¹¹. For example:

- Intimate photographs or videos to third parties without the prior, free and informed consent of the person appearing in the image.
- Cyberbullying or harassment using sexist, transphobic or homophobic stereotypes.
- Spreading rumors that belittle the intellectual and academic abilities of women on the basis of their sex/gender.
- The generation and dissemination of fake pornographic images through Artificial Intelligence.
- The sending of unsolicited and non-consensual intimate photographs.
- Physical aggressions against women, sex/gender dissidents or LGBTIQ+ persons, because of their sex/gender, sexual orientation, gender identity or expression. These will be understood as physical violence expressed through blows, shoves, kicks, fists, slaps, burns, attacks with weapons, blunt or sharp objects, acids or other liquids¹².

¹¹Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women. June 1994. Articles 1 and 2.

¹²Protocol for the prevention and attention to cases of gender-based violence and sexual violence at the National University of Colombia. Rector's Resolution 1215 of 2017. Available at: https://personal.manizales.unal.edu.co/fileadmin/user_upload/protocolo-violencia-genero.pdf.

Workplace harassment with characteristics of gender-based violence

According to ILO Convention 190, the term "violence and harassment" means a set of unacceptable behaviors and practices, or threats of such behaviors and practices, whether manifested once or repeatedly, that are to cause or are likely to cause physical, psychological, sexual or economic harm, and includes gender-based violence and harassment. The term "gender-based violence and harassment" means violence and harassment that is directed against persons because of their sex or gender, or that disproportionately affects persons of a particular sex or gender, and includes sexual harassment¹³. For example:

- Sexual harassment in the form of false compliments, whistles or unwelcome, unwanted or unconsented comments about people's physical appearance that discomfort, intimidate, humiliate or pressure those who receive them.
- Mocking and imposition of sexist, misogynist or degrading nicknames that generate discomfort in those who receive them, stigmatization and all forms of harassment based on their sex/gender, physical appearance, gender identity or sexual orientation.
- Public expressions that incite hatred or discrimination, i.e., that show undervaluation or seek to humiliate and intimidate women, gender differences or LGBTIQ+ people. Also, pejorative references to their intellectual capacities in the form of jokes, images or comments that are sexist or phobic of gender or sexual diversity. These behaviors can be understood as symbolic and/or psychological violence and are not protected by the right to freedom of expression.

¹³ILO Convention 190. Article 1. Available at: https://normlex.ilo.org/dyn/normlex/es/f?p=NORML-EXPUB:12100:0::NO::P12100_ILO_CODE:C190
Date of consultation November 5, 2024.



These are examples key definitions of sexual and gender-based violence and discrimination in a protocol. You can all those that you identify as recurrent or higher risk in your institution.

4.

Scope of the protocol:

define who it binds and who it protects and under what circumstances.



For example. This protocol applies to all persons in the institution of higher education comprising:

- students
- full time teachers and professors
- teachers in training
- monitors
- young researchers
- administrative and managerial workers
- surveillance workers
- general services within the campus, through third party companies.

It also applies to protect **graduates** when the person who committed the violence is still linked to the institution and to individuals who suffer a victimizing act, for reasons of sex/gender and discrimination, **while on campus or virtually** by a member of the Institution.



The protocol will be activated when the acts of violence occur **during work** related to the academic work of the institution **on or off campus**, social activities related to academic life, including **social and recreational spaces**. Also, through social networks or other virtual media as long as the alleged perpetrator has a link with the HEI.



This is an example of how you can define the scope of the protocol. However, it is essential that you think about the specific circumstances of academic work in your institution and try to cover most of the fields where the risk of this type of violence or discrimination is high: field trips, thesis supervisions, assistantships, internships, volunteer work, etc.

5. Rights of victims, survivors and complainants *what rights will your protocol protect?*



All persons involved in processes of care for violence against women, sexual dissidents or the LGBTIQ+ population must recognize and guarantee the rights of victims and complainants of these types of violence and discrimination.

These rights are recognized in international instruments and in national legislation. Both should guide all types of actions and procedures that involve victims and are carried out by disciplinary officials or university authorities. For example:



- **Right to due diligence.** Expedient investigations and with guarantees of recognition as a victim as a procedural subject so that he/she can know and intervene in the disciplinary process: request evidence, challenge decisions, have access to the file, etc.
- **The right to receive humane, respectful and dignified treatment.**
- **The right to express all opinions, needs and fears** that arise in the process of care or investigation.
- **The right to receive comprehensive and confidential assistance** from the institution of higher education. This must be timely, specialized and of quality.
- **The right to have clear and complete information** about their rights, mechanisms and procedures to enforce them.

- **The right to be accompanied by a trusted person or legal representative** in all the proceedings of the care and investigation, upon request and written authorization of the victim or survivor.

- **The right to decide beforehand and voluntarily** whether or not to be confronted with the alleged perpetrator in any care setting and in administrative, disciplinary or other investigative procedures.

- **The right to be treated with confidentiality.**

- **Right to access measures to protect** against retaliation for the complaint.

- **Right to access to truth, justice, reparation and guarantees of non-repetition** of violent or discriminatory acts.

6. Rights of persons investigated for alleged sexual, gender-based or discriminatory violence: *what are the rights that will be guaranteed by the protocol?*



For example, **students** accused of engaging in sexual, gender-based violence or discrimination will have the right to be informed of their rights.

with the guarantees of due process: the right to know in a timely manner and in writing the complaint against him/her and the totality of the evidence, to be heard and to present their defense, to have a technical defense with the support the institution and, if deemed necessary, appeal eventual sanctions in a second instance. These rights must be contemplated in the Student Regulations or the document that replaces them.



Teachers and researchers accused of sexual, gender-based violence or discrimination shall have the guarantees of due process: the right to know in a timely manner and in writing the complaint, to be heard and to present their arguments, to the technical defense provided with their own resources and, if deemed necessary, to appeal the sanctions before a second instance. These rights shall be set forth in the Teachers' Statute or the document that replaces it.



Administrative staff accused of sexual violence, gender-based violence, or discrimination shall be guaranteed due process: the right to be informed of the complaint in a timely manner and in writing, to be heard and to present their defense, to legal representation at their own expense, and, if deemed necessary, to appeal the sanction before

a second instance. These rights must be provided for in the Internal Labor Regulations or in the document that serves as their equivalent.



Suppliers and contractors who perform different tasks within the HEI field and are accused of sexual, gender-based or discriminatory violence will have the guarantees of due process: the corresponding company will be informed of the complaint and the protocol will be activated in the prevention and attention component. The complaint will be directly under the responsibility of the contracting company and its procedures must be in harmony with the principles of your protocol.



A good practice in this regard is that in all contracts that include the provision of services within the Institution, **service providers sign an agreement and commitment to comply with the protocol** on sexual and gender-based violence and discrimination.

7.

Prevention and pedagogical component: *how to change the institutional culture of your HEI?*



Nurturing a culture of tolerance towards sexual and gender-based violence and discrimination requires the involvement of all sectors, organizations and individuals linked to the life of higher education institutions. All actors should be included in this transformation: unions, faculty associations, research groups, student and faculty movement organizations, artistic, sports and cultural associations that have a presence on campus.

Awareness

These are actions aimed at the entire HEI community to reflect on the reproduction of a culture of inequality that fosters gender violence and discrimination against women, sexual and gender dissidence and the LGBTIQ+ population. The objective of these actions is to contribute to denaturalize this type of behavior and to prevent it from happening repeatedly in social relations within and outside the institution. The bodies in charge of this sensitization may be University Welfare or whoever fulfills its functions. It is important to emphasize the socialization and appropriation of the protocol and the knowledge of the attention route by the entire community. The objective is to create an environment of collective protection and immediate reaction to support people who suffer this type of violence.

Training

These actions are aimed at employees, managers, teachers and researchers,

unions, associations, research groups, students, etc. aimed at providing tools for prevention, recognition and early detection of sexual violence based on gender or discrimination and to activate the care route in the face of these events. These trainings will be carried out from a human rights perspective and based on the principles of inclusion and non-discrimination.

Visibility

These are actions aimed at understanding the social problem of the reproduction of the culture that sustains sexual and gender-based violence and sex/gender discrimination in order to produce useful knowledge for the formulation of policies for the prevention, care and punishment of these acts. These awareness-raising activities can be carried out in conjunction with institutions and international and non-governmental organizations, through outreach programs.

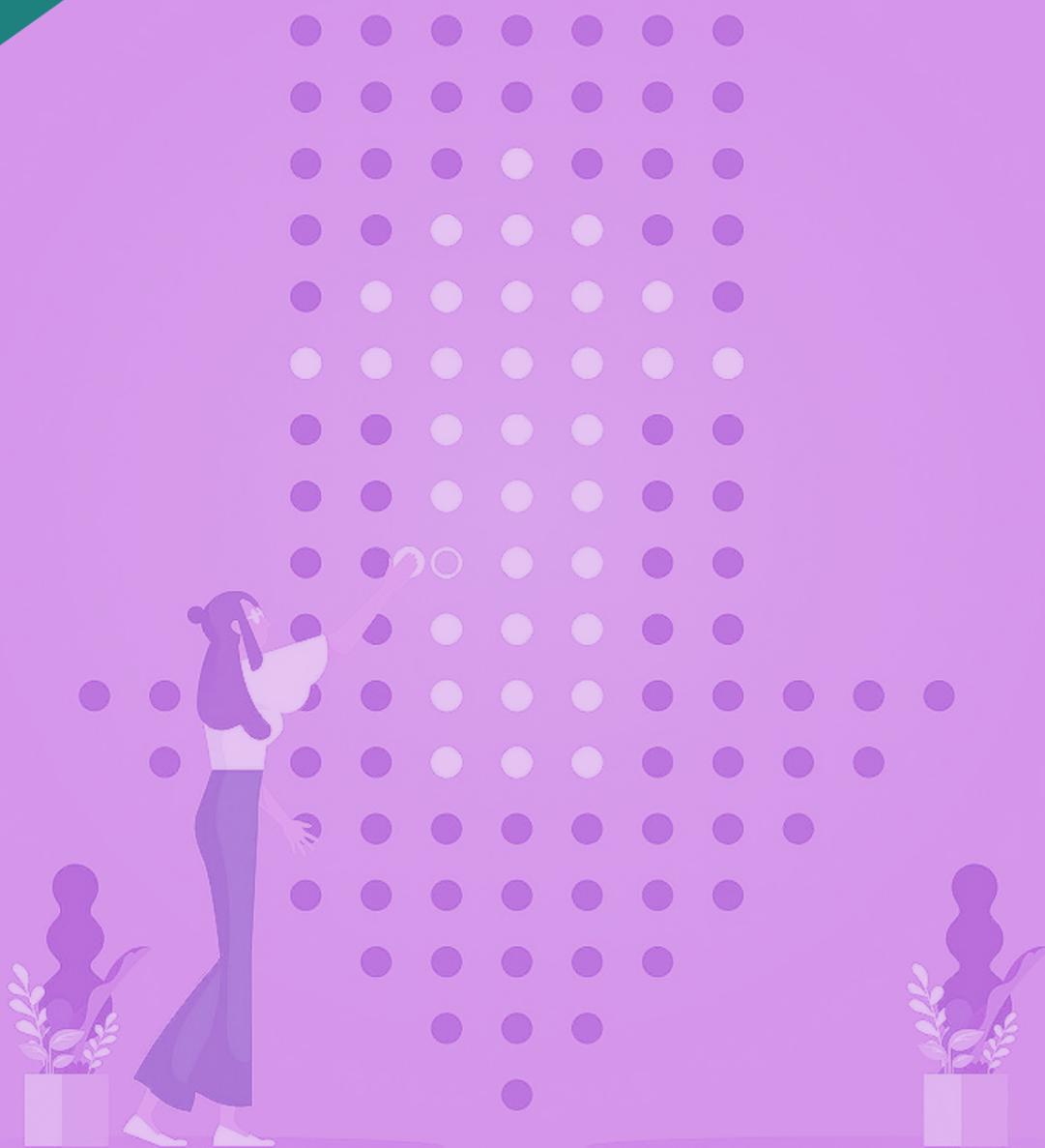
Follow-up

These are actions aimed at providing medium- and long-term support to victims or survivors of gender-based violence or discrimination throughout the process of repairing the damage, seeking justice and restoring their rights. It is especially necessary to protect against any type of retaliation for the denunciations.

8.

Route description:

how to file a complaint for gender-based or sexual violence?



This part is key. Here you provide a detailed description of the bodies involved in handling a complaint and what their commitments and functions are. For example:



The first instance that will initiate the attention route will be University Welfare, or whoever takes its place, through the professionals in charge of the program for the attention of sexual, gender-based violence or discrimination. They will be the first to hear the cases, will refer the possible victims or survivors to the corresponding instances for comprehensive care, and will follow up on the actions taken. They will also submit a monthly and annual report on the handling complaints, while maintaining confidentiality, to the Special Disciplinary Committee for Sexual, Gender-based Violence and Discrimination, or whoever will act in its stead.

In addition to personal attention at the University Welfare office, can also receive reports or complaints through the following channels:



- E-mail: set up a specific e-mail address to receive these complaints, to which only the professionals in charge of managing and dealing with complaints have access.



- The telephone line: set up a telephone hotline that is only answered by the professionals in charge of managing and attending to complaints. Inform about the opening hours.



- WhatsApp, Signal or other: set up an instant messaging line that facilitates the sending of audios attended by the professionals responsible for the management and attention of complaints. Inform about the opening hours.

These should be exclusive hotlines for this issue. It is recommended that you activate different communication channels to report this type of violence. It is essential that the people who have access to review these channels are clear about the principle of confidentiality of management and have specialized training in a survivor-centered approach. The first contact with the route is key to generating trust in the institutional mechanisms.

One issue to be resolved is the possibility of receiving complaints anonymously and opening ex officio investigations that actively seek out victims. The scope this option depends on the human and technical resources of each HEI. Ideally, it should also be possible to do so.

9.

Care for victims and survivors of sexual violence, based on gender and discrimination: *what will be the route of attention complaints?*



Here you will set out how the care and referral pathway will work and what the principles and guidelines are to be followed. The first thing to take into account, for example, is to provide and guarantee a secure and confidential space.



The physical space in which you will receive for the first, and successive times, the person who files a complaint of this type of violence or the victim/survivor must be adequate to guarantee the principles of confidentiality and privacy in the handling of the information and data resulting from these interactions. The entrance to the meeting place should be discreet so as not to generate comments from other people and to ensure that no one outside the work of attention or investigation of complaints will have access to what is discussed there. Complaint files should also be kept under lock and key or under strict data security conditions.

Make sure that the environment of the place of reception and attention of the persons filing a complaint or the victims/survivors is pleasant. It should have good lighting, be ventilated, and if possible, have plants, pictures and beautiful objects that provide visual comfort to those who come. The objective of having a comfortable and safe space is to make the experience of narrating violence, which is already a difficult exercise in itself, less harsh and different in form and substance from a procedure in a doctor's office, police station or prosecutor's office.

Think about what a space would be like where you would feel comfortable and welcomed to talk about sensitive issues. Have water, tissues and other items necessary for emotional containment, if needed, on hand.

Also offer coloring books, drawing paper or toys to entertain the children, who in some circumstances may come along with the complainants. Ideally, the talk should be conducted without the presence of minors, but this is not always possible.



All members of the team in charge of handling complaints should receive training in **active listening skills, gender perspective and other differential approaches** (cultural, ethnic, racial, age, etc.) and be familiar with psychosocial first aid in the event of having to deal with an emotional crisis in order to ensure that care is provided without harm. Ideally, the care and investigation team should include **a social professional with expertise in this field**. In case he/she is not available, the team as a whole should have the **minimum tools for emergency containment**.

It is useful to have a **mapping of referrals to specialized psychological and legal services** for victims/survivors of sexual, labor or gender-based violence or other types of abuse with which your institution can establish a collaboration agreement and, in the event that the persons involved it, refer them to these services. Make sure that the list includes **friendly services with a specialized differential approach** (women, children and adolescents, sex/gender dissidents, LGBTIQ+ population, men, etc.). Do not wait for the result of the investigation of the complaint to other the services, make them available to the victims/survivors as soon as the complaint or denunciation is made.



In the first contact, the principles of the protocol, his or her rights and the stages and timing of the investigation should be explained in detail to the person filing the complaint. It is important to take the time necessary to **resolve any doubts** that may arise in the conversation **about the operation of the protocol**. The objective is to adjust individual expectations to the actual scope and duration of the handling of the complaint or denunciation. **Careful not to generate false expectations** and that the person understands well what to expect at each stage of the care and investigation process.



When the **reported conduct may constitute a crime**: sexual harassment or discrimination (when in the country they are typified in the criminal code), carnal access (rape), a sexual act, sexual exploitation, among others, it is important to indicate to the person who reports the victimizing event or to the victim/survivor which is the route to report it to the **corresponding national authorities** and ensure that he/she receives **specialized legal support** as soon as possible to do so, if he/she decides to do so. If possible, have printed infographics on hand to provide this written information to the victim/survivor or the person who filed the complaint about the criminal complaint route in your country.

Keep in mind that in **some areas or under some circumstances it is not possible to file a report** with the national authorities immediately because it could **put the integrity or safety of the person** who suffered the victimizing event at **greater risk**. It assesses the existence of risks of retaliation and prioritizes the reestablishment of the security, tranquility and well-being of the victims/survivors. After the victims/survivors receive legal advice, evaluate together the most appropriate action to take in each case. Remember that crimes have a statute of limitations, so take the time necessary to first ensure the well-being of the affected person.



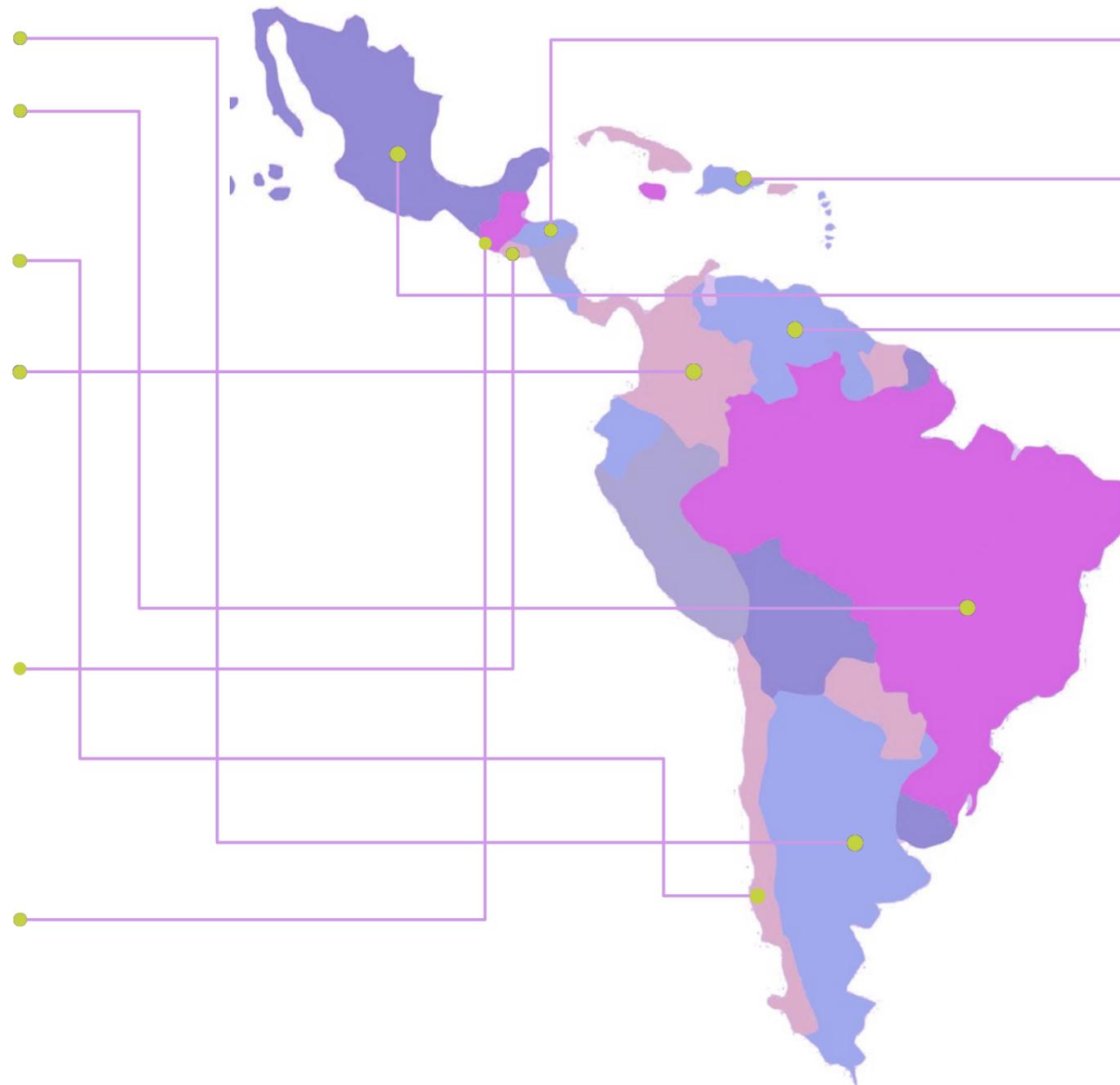
In the case of an immediate report of a violent carnal intercourse or sexual act, it is essential that **specialized medical care be provided within 72 hours** of the sexual assault and that the victim is prevented from bathing or changing clothes. It is highly recommended that in this type of situation, it is immediately necessary to go to the health service for emergency care, informing that it is a **code white**. An international code that informs health services about patients who have been sexually assaulted.

The physical evidence collected in this medical care may be useful in a possible criminal investigation process by the national authorities. In some countries, **the health services automatically and directly trigger the report to the national authorities**, if they do and you identify a safety risk to the victim/survivor, ensure that she can access a private and confidential medical service, if required.

After 72 hours, no matter how much time has elapsed since the sexual assault, **even years**, the victim/survivor can **activate the same care route** of the national authorities through the health system in the manner described in the previous section, under the **white code**.

Another option to report this type of crime to the **national authorities**, when more than 72 hours have passed and the activation of the route through the health system has not been carried out, is:

- **Argentina:** Line 144.
- **Brazil:** Line 180 of the Secretariat of Policies for Women, available 24 hours a day throughout the country or line 100.
- **Chile:** Line 1455 or call center of the Public Prosecutor's Office 600 333 00 00
- **Colombia:** via the virtual platform of the Attorney General's Office or its telephone line: <https://sicecon.fiscalia.gov.co/denuncia/LlenarFormulario> or telephone 122 or landline: 018000919748. When the victim is under 18 years of age, ICBF line: 141.
- **El Salvador:** Attention and Help Line 119. You can file a complaint at any of the 19 prosecutor's offices located throughout the country, are open to the public 24 hours a day, seven days a week, and at the offices of the National Civil Police.
- **Guatemala:** You can call MP: 2411 919, PDH: 2424 1717, PNC: 110.



- **Honduras:** National Emergency System 911. When the victims are children or adolescents, calls can be made from anywhere in Honduras, free of charge by dialing 110, from fixed telephony and any cellular operator.
- **Mexico:** Línea Sin Violencia 8001084053. Report digitally in the CDMX at denunciadigital.cdmx.gob.mx or call 016, a free and confidential number that is available 24 hours a day, 365 days a year.
- **Dominican Republic:** for cases of gender violence you can call *212 from any phone or 809-200-7212. You can also write lineaemergencia@mujer.gob.do
- **Venezuela:** any case of violence against women can be reported in person to the authorities of the Public Prosecutor's Office, the communal peace courts, prefectures and civil headquarters, and national, municipal or state police bodies.

The decision to inform the national authorities for a criminal investigation is preferably made by the victim and his or her family members in the case of minors. We suggest respecting their perspective and decision in this regard and refraining from taking any action without their free, prior and informed consent, or without the victim/survivor being ready to face criminal proceedings. In some countries, it is mandatory for any citizen to file a criminal complaint in the event of a possible crime. If this is your case, provide all possible legal support to the victims/survivors so that they themselves can file a complaint with the necessary accompaniment and, as a last resort, make the report to the authorities yourself.

Your job in care consists of providing clear and truthful information to the victim/survivor so that she/he can decide the best actions to take. This while building their coping skills. Also offer psychosocial and legal services sensitive to this type of violence. Remember to maintain strict confidentiality throughout the process.

Care for victims/survivors must also respect their decision-making rhythms. Some people, after a first listening, are able to identify autonomous strategies on their own and, if they feel safe to carry them out and do not identify retaliation or security risks, they should be encouraged to develop them. If this favorable and risk-free situation arises, it is important to plan follow-up actions to ensure that the autonomous intervention has had good results and that the person feels adequately accompanied.

It must be ensured that regardless of the autonomous actions that individuals can develop on their own to confront a situation of violence or discrimination, they also understand that they can activate, simultaneously or subsequent to their own initiatives, the grievance mechanisms of the institution's protocol. In other words, the doors of the complaint management mechanism should always remain open, regardless of the outcome of the autonomous resolution actions.

During the first contact, ask if there is any type of risk to the safety or integrity of the victim/survivor and, if so, develop a safety risk mitigation plan that prevents the situation of violence from escalating or any type of retaliation or new physical and mental harm against her. It is essential to analyze the need to implement protective measures for her.



Each session of attention and investigation of complaints should be recorded in a table that allows systematizing each management and follow-up action until the satisfactory closure of the case. This record should not contain names, positions, or any identification of the persons involved (survivors or persons investigated for possible violence). The case should be identified with a number and should be considered sensitive information and safeguarded with the utmost care, under data protection criteria.

A case management folder containing evidentiary documents and identification of the parties should be kept separately from the case tracking chart in a locked paper file. Both files should be kept separately. The first one will serve for annual accountability on the implementation of the protocol and its results, without jeopardizing the confidentiality of the investigative processes.

10.

Process for investigating complaints of sexual, gender-based or discriminatory violence:

how to do research from a gender perspective?



Ideally, the investigation process should be carried out by an agency specialized in violence based on the following criteria in gender and discrimination. For example:



A **Special Disciplinary Committee** that will be in charge of **investigating and hearing all cases** of and/or sexual violence and discrimination. **It will be activated through the reports of the University Welfare Program** for this purpose. The Committee will investigate and analyze each case and determine the actions to be taken. It may request that the persons involved testify through a hearing, taking care to avoid re-victimizing the complainants by repeating the facts. In this investigation process, both victims and persons under investigation will be recognized as parties to the proceedings and may attend with a person of their trust, support or technical defense.

The parties may request the Committee to take evidence, for example, the collection of testimony from third parties or the compilation of documents to clarify the facts and determine responsibilities.

The gender and human rights perspective must be considered in the investigative process and in the analysis of evidence. It is **essential to consider the victim/survivor's statement** as full evidence that should be analyzed from this perspective. Some sexual violence is very difficult to prove because it happens in private and the victims only have the account of their experience to report it. I

At no time can this be understood as an impossibility to adequately investigate and sanction them.

The Committee **will also supervise the attention actions** developed and may determine the follow-up measures it deems pertinent. It will issue a statement of charges, if necessary, and will guarantee response to any appeals for review. It shall pass the file in strict confidentiality to the body in charge of imposing a disciplinary sanction, when the Committee considers it necessary and sufficiently substantiated. **The file will provide recommendations for the conclusion of the case** by the University Superior Council, or whoever takes its place.

Sanctions in a HEI should be of a **collective pedagogical nature**, not only individually coercive; they may include **learning measures and therapeutic accompaniment** to change violent or discriminatory behavior, or they may entail **consequences such as suspension or expulsion or termination of the employment contract** in the most serious situations and with the highest level of damage and with aggravating factors such as the existence an unequal power relationship.

The objective is for these to be proportional, understandable and generate disincentives for these reprehensible behaviors at the community level. To this end, it is necessary to **understand them in spaces for collective reflection within and outside** higher education institutions. In other words, it is not enough to establish isolated individual responsibilities in the exercise of gender-based violence or discrimination based on sex/gender,

if these sanctions do not affect the symbolic reproduction of the thinking that legitimizes and standardizes these practices.



For this reason, it is not enough to conduct disciplinary processes of sanction, under reserve, and to exempt or suspend the persons responsible in total secrecy, since in this way these processes do not contribute to a broad and deep discussion on the need for a shared ethical horizon. Collective reflections, motivated by the management of a complaint and a possible sanction, must be careful not to violate the confidentiality of the process. Nor are they spaces for social punishment, but rather for thinking about forms of prevention, solidarity with victims/survivors, mutual care and avoiding the repetition of victimizing practices.

The ultimate goal of these processes is not individual sanction, but rather the transformation of the institutional culture of tolerance towards sexual and gender-based violence and discrimination, in which the sanctioning of individual responsibility plays a role, but is not the most relevant. Public debate, community agreements, the creation of collective protection networks, and participatory policy decisions in this regard can contribute much more to the eradication of this type of violence than the mere application of an individual sanction.

During all proceedings, both disciplinary and collective, it is important to consider the victims'/survivors' views and perspectives on justice and reparations. How would they feel that the people who have harmed them could make amends for the harm done?

The scale of severity of behaviors to be sanctioned with different types of measures should be clearly established in student, faculty and work regulations. That is, all disciplinary policy documents should be harmonized with your protocol. Also, these documents should explain your institution's approach to justice and guarantees of non-repetition.

The Committee may consider, with the prior, informed and consented approval of the victim/survivor, establishing a pedagogical process, parallel to the disciplinary investigation, in order to achieve an acceptance of the harm and proposals for reparation. These measures can only be carried out with the consent of those who were affected by the violence or discrimination. They do not replace the disciplinary investigation processes, but they can shorten them and positively affect them.

The investigation process must be thorough, with guarantees of due process for the parties and due diligence for the victims/survivors. It is advisable to establish precise response times.



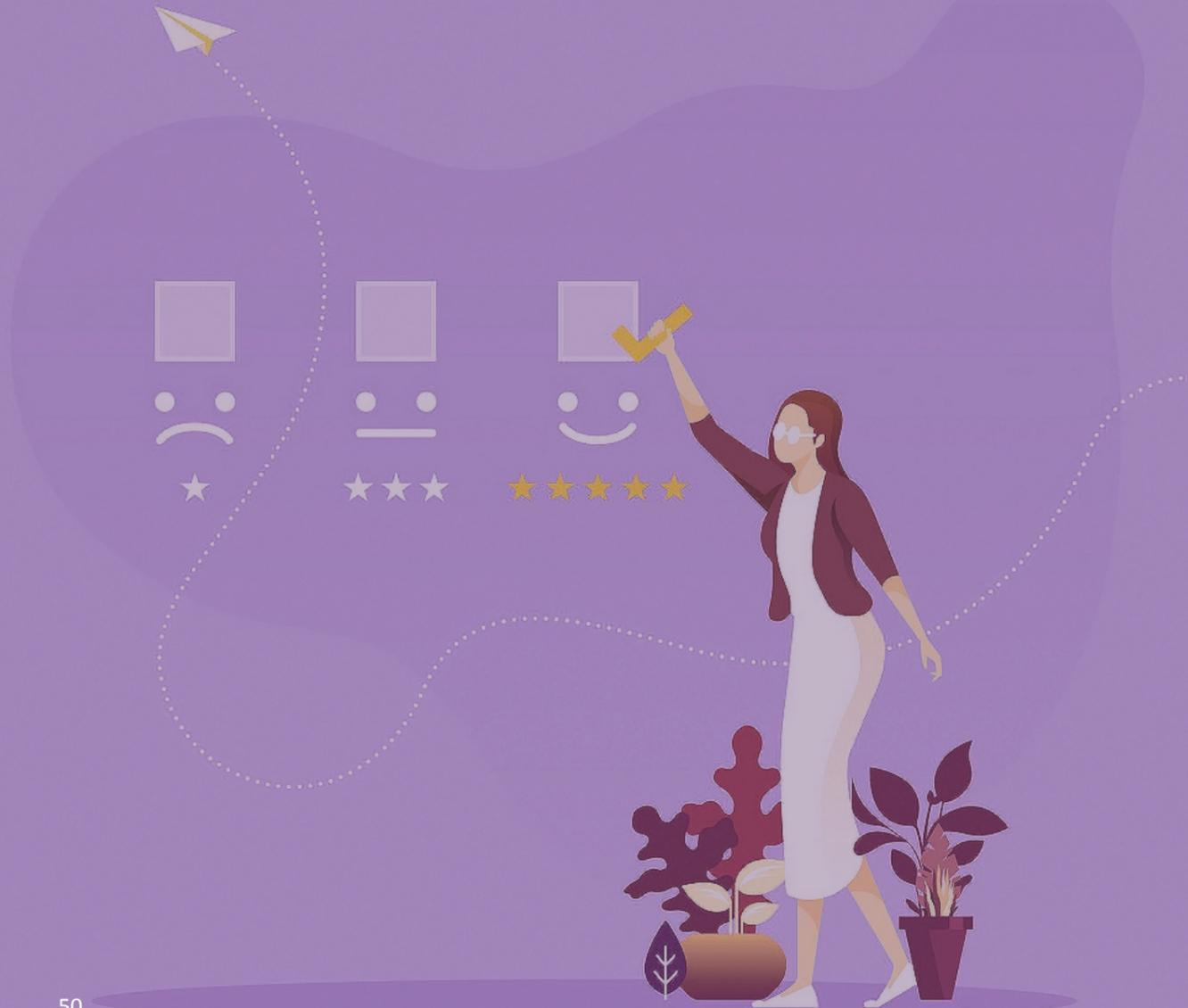
University Superior Council: will be the body in charge of receiving the files of the Special Disciplinary Committee for Attention to Sexual, Gender-Based Violence or Discrimination, or whoever takes its place, and implementing, or not, the sanctioning or other recommendations made by the Committee. The Council may leave the Committee's recommendations in place, or may modify them in whole or in part, and may impose such other measures as it deems appropriate.

The Council shall ensure that there is second instance in the event of an appeal in accordance with the disciplinary rules and regulations. The latter instance shall decide the appeal, if lodged by either party, and its decisions shall be final. If deemed strictly necessary and under extreme necessity, these instances may summon the parties involved again to hear them and expand on the information provided by the Committee.

11.

Learning:

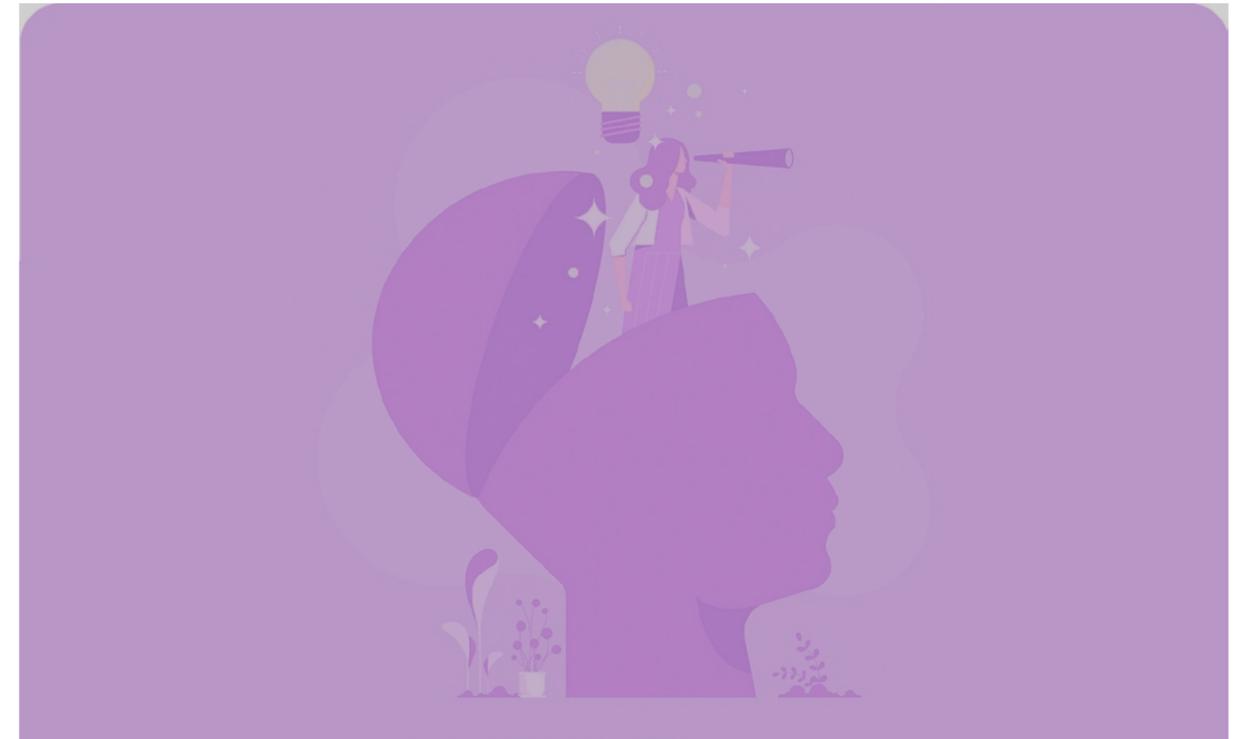
how to make the protocol a living document?



All policies need to be reviewed in the light of the new realities that emerge. They should not be seen as documents set in stone, but as ethical aspirations.

It is important to give the protocol a reasonable trial period (approximately two years) and then return to it to identify problems and suggest modifications.

To this end, it is essential to have complaint management reports that show how the procedures were carried out and the perspective on the quality of the procedures held by those who went through the route. This exercise of inquiry and learning about practices for addressing this type of violence must be constant. It is important that it be a participatory process where the opinions of the entire community can be heard and taken into account.



12. Beyond the protocols: *a path of change*



At this point in the guide you will have discovered the enormous and necessary task of constructing a **care pathway and a protocol** to adequately address the needs of the population.

The problem of sexual and gender-based violence and discrimination on the basis of sex/gender in HEIs. You will have to deal with a problem that has deep political roots, i.e. it has to do with the **exercise of power**.



This type of violence is related to what **Joan W. Scott** called the **primordial relationship of power: the differentiation between men and women**. These are centuries of cultural tradition based on the undervaluation of women and all that is feminized and the prohibition or stigmatization of any expression or sexuality exercised outside of gender binarism and heterosexuality. Despite the recognition of the rights of women, LGBTIQ+ people and sex/gender dissidence, these seem to be a bargaining chip in the policies of States. While some formally recognize them, it seems that they are willing to go backwards in guaranteeing them.

Neoconservative discourses see advances in the human rights of women and LGBTIQ+ people as an attack on Western cultural tradition, and around the world one hears statements such as **"violence has no gender"**. The aim of this is to naturalize once again the mechanisms of subordination on which the minority power status of women and people who break away from the established sexual mandate is based. Our rights are in danger.

For this reason, you may encounter **resistance within your institution** to create a tool that actually **works balance the power imbalance** between men, women and others in providing effective support to victims/survivors of sexual and gender-based violence or discrimination. These are manifestations of the abuse of power, not the result of desire.

Within higher education institutions there are power groups that may consider that a care pathway and a protocol for this type of violence is a form of persecution against them or a reduction of their rights, and may even take actions to hinder the approval and operation of any type of initiative that promotes equity and inclusion. HEIs are a disputed territory.

You must be very clear about the map of actors in your institution and have solid alliances and networks that allow you to move forward collectively and safely on this path. Facing these resistances is exhausting and requires the real commitment of people in positions of power to promote the adoption of a culture of zero tolerance to this type of violence and discrimination. Ultimately, it is a political task.

Beyond the text of the protocol, a firm determination is required not to tolerate, cover up or justify this type of violence, whether it is exercised by prestigious and recognized people in the academic world or by students. It is an ethical horizon that must be understood as a common good.

You also need to guarantee resources for the care and research system to function properly. Approving a protocol with good intentions, but without specialized professionals and the money needed for care is irresponsible. It generates expectations that you will not be able to meet. The commitment to the issue has to be demonstrated in a part of the budget allocated to the operation of the care and investigation route.

We know that at the beginning the road looks very difficult, but remember that many people have already walked it and you can find support in them. A cultural transformation takes time, but step by step we will go through it.

13.

Suggested additional bibliography: *readings that may be useful for the formulation of the protocol.*

Just to fuel the debate I leave you some suggested readings to continue the collective reflection:

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