

PREVENTION OF AND INTERVENTION IN SEXUAL HARASSMENTS AT SCHOOLS AND EDUCATIONAL INSTITUTIONS – SUMMARY

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INTRODUCTION

Under the Constitution of Finland, everyone has the right to life, personal liberty, integrity and security. Sexual harassment violates this fundamental right and may have many types of negative consequences, especially for children and young people's development. Sexual harassment occurs in different areas of society, including schools. Sexual harassment should be prevented, and any cases of harassment that come to light should be intervened in.

It is important that each student in an educational institution's community and every adult working in it is aware of sexual harassment as a phenomenon, identifies its manifestations, and immediately intervenes in any situations in which it occurs.

This summary is based on a Finnish guide on preventing and intervening in sexual harassments at schools and educational institutions published by the Finnish National Agency for Education. The guide explains what sexual harassment means and discusses its prevalence at educational institutions in the light of surveys and studies. It also explores ways in which sexual harassment can be prevented and intervened in on the basis of the Finnish legislation and curricula and through teaching and student welfare services.

The guide focuses on relations between students on the one hand, and between the students and employees of educational institutions on the other, but not on any harassment between the adults working at the institution. Neither does it discuss harassment outside the educational institution.

1. SEXUAL HARASSMENT AS A PHENOMENON

1.1. What is sexual harassment?

According to the Act on Equality between Women and Men, sexual harassment targeting children and young people is about exposing them to sexuality that is not age appropriate. Sexual harassment refers to unwelcome verbal, non-verbal or physical conduct of a sexual nature. Sexual harassment violates a person's psychological or physical integrity by creating an intimidating, hostile, degrading, humiliating or offensive atmosphere. Its motives are often associated with exertion of power, and in its most serious forms, it may turn into sexual violence and a sexual offence. While a repeated nature is typical of sexual harassment, it may also consist of a single act.

Sexual harassment may take at least the following forms:

- gestures or facial expressions characterised by sexual innuendo
- inappropriate sexual talk, suggestive jokes, and remarks or questions about a person's body, clothes or private life
- inappropriate sexual content on different social media channels, WhatsApp, Snapchat and in other messages, text messages, e-mails, telephone calls
- physical touching and molestation
- suggestions or demands concerning sexual intercourse or other sexual acts
- sexual offence, including rape, attempted rape or sexual assault

Ideas of the forms and appropriate limits of physical interaction are cultural and individual. Physical closeness is nurturing and caring and creates a feeling of security in many situations. In a number of subjects, including physical education and crafts, a student may be touched by a teacher or another student as part of the instruction and education. The essential point is that the physical contact is not sexualised, and the target does not experience it as annoying, coercive or unpleasant. The student's personal experience is the key to assessing whether or not the interaction is appropriate. A teacher, for instance, must be sensitive to whether a student finds the teacher's touch, such as a pat on the shoulder, pleasant or unwelcome.

1.2. Prevalence of sexual harassment

Children and young people encounter sexual harassment as early as in the lower grades of basic education. An early start in the efforts to combat sexual harassment is also justified because attitudes, in particular, are shaped at a young age.

Experiences of sexual harassment become more common as pupils move on to the higher grades of basic education, and at the same time, the phenomenon becomes strongly gendered. No major changes take place in the prevalence of sexual harassment experiences when the young people move on to secondary education.

Only a small part of sexual harassment experienced by pupils and students takes place exclusively at school. The majority of harassment experienced by girls occurs by means of mobile devices or in a public space. Sexual harassment at schools appears to target boys as much as girls.

Experiences of sexual violence were significantly less common than sexual harassment.

In most cases, the perpetrator of sexual harassment or violence had been a friend or some other child or young person known to the target, whereas 0-1% of the respondents had been harassed by a teacher or some other adult at school.

Of pupils in basic education grades 4 and 5, only 35% of the boys and 37% of the girls had told some adult about the sexual harassment or violence they had experienced. 11% of grade 8 and 9 pupils would have needed support from the adults in the school in the situation but failed to obtain it. Especially boys were often left without the support they needed.

Members of special groups, including sexual and gender minorities, young people of foreign origin, those with a restricted functional capacity, and young people placed outside their homes reported significantly more experiences of sexual harassment. These groups additionally had more experiences of sexual violence. It would also appear that a significant part of the sexual harassment encountered by these young people takes place at educational institutions.

2. FINNISH LEGISLATION REQUIRES PREVENTION OF AND INTERVENTION IN SEXUAL HARASSMENT

2.1. Right to a safe learning environment

Under the Finnish school legislation, students have the right to a safe learning environment. A safe learning environment is comprised of psychological, social and physical factors.

The obligation to intervene in sexual harassment is statutory. The Pupil and Student Welfare Act obliges educational institutions to prepare a plan for protecting students from violence, bullying and harassment. Sexual harassment constitutes discrimination prohibited under the Act on Equality between Women and Men. Under the Non-Discrimination Act, discrimination on grounds listed in the Act is prohibited, including origin, sexual orientation, language, religion, disability or state of health.

The Health Care Act lays down an obligation to conduct triennial checks on the health and safety of school environments and psychosocial welfare. This check also covers sexual harassment and the practices associated with it.

The right to a safe learning environment extends to the time during which a student takes part in instruction or activities at the educational institution or outside it based on a curriculum or other plan approved by the education provider.

If the studies also include mobility periods abroad, consistent practices should be put in place in international activities and, for example, a contact person should be appointed with whom the students can liaise when encountering sexual harassment. The safety perspectives and instructions should be part of the coaching students receive before departure.

Notwithstanding secrecy provisions, education and social and health care service staff have the obligation to notify the police when they have reason to believe, due to facts that have become known to them while performing their duties, that a child has been exposed to:

- an act punishable as a sex offence under the Criminal Code, or
- an act punishable as homicide or bodily injury under the Criminal Code, the maximum punishment for which is imprisonment for at least two years.

Acts punishable as sex offences under the Criminal Code include rape, coercion into a sexual act, sexual abuse, sexual harassment, sexual abuse of a child, purchase of sexual services from a young person, and solicitation of a child for sexual purposes. Sexual harassment may also constitute the offence of defamation. An assault is an example of an offence in the homicide and bodily injury category referred to in the provision to which the reporting duty applies.

Sexual harassment perpetrated by a staff member at an educational institution constitutes inappropriate conduct that, under the Act on Civil Servants in Local Government and the State Civil Servants Act, may lead to a reprimand, warning or dismissal. An educational institution must have a plan for protecting students from violence, bullying and harassment.

Under the law, each school must have a plan for protecting the students against violence, bullying and harassment.

This plan describes:

- prevention of and intervention in bullying, violence, and harassment
- how these issues are handled at the level of the community, group, and individual
- individual support, requisite care, other measures and follow-up for both the perpetrator and the victim
- cooperation with the guardians
- cooperation with the relevant authorities
- how familiarisation with the plan is arranged and how the staff, students, guardians, and partners are informed of it
- updating, monitoring, and evaluation of the plan.

Familiarisation with the operating model for combating sexual harassment must be organised, and the staff, students, guardians and partners must be informed about it regularly.

The implementation of the plan to combat harassment should be monitored and evaluated. The plan is intended as a practical tool that lives and evolves over time. Updating and discussing it with the staff, for example at the beginning of the academic year, is a proven good practice as it also offers an opportunity to introduce new staff members to the institution's practices. In addition, each individual educational institution must have an equality and non-discrimination plan. The National core curriculum contains regulations on the preparation of this plan.

The educational institution must evaluate the realisation of non-discrimination in its activities and take the requisite measures to promote equity. An educational institution must reserve the students and their guardians the opportunity of being heard about the measures aiming to promote equity.

The equality plan should be prepared in cooperation between the staff and students, and it should contain a report on the institution's equality status, the measures required to improve equality, and an evaluation of the implementation and outcomes of measures contained in the previous equality plan. The plan should pay particular attention to preventing and eliminating sexual harassment, among other things. The plan can be prepared for at most three years at a time.

The Finnish guide also describes in detail other legislation that obliges an educational institution to intervene in sexual harassment.

2.2. Safety and well-being should be promoted at an educational institution

Under the Pupil and Student Welfare Act, all those who work with students at an educational institution, as well as the authorities and employees responsible for student welfare services, must promote in their tasks the welfare of students and the educational institution community as well as cooperation between homes and the educational institution. Primary responsibility for the educational institution community's welfare rests with the institution's staff.

Under the Health Care Act, the health and safety of the learning environment at an educational institution and the welfare of the study community should be promoted, and it should be checked every three years. The check should not only cover the health and safety of the environment but also monitor the community's psychosocial well-being, including sexual harassment and practices associated with it. Actions taken to address any shortcomings found in the checks should be followed up annually.

At health examinations carried out by the pupil and student health service, the pupils and students are asked about any sexual harassment, violence or threat of violence they have encountered in an age-appropriate manner. In the national preliminary information form (National Institute for Health and Welfare) for an extensive health examination carried out in grade 8, all pupils are asked about any sexual harassment or molestation they may have encountered in different environments (home, school, free time, online etc.).

2.3. A workplace must be a safe learning environment

In training provided through practical tasks in a workplace, the employer or the party providing the job under a training agreement is responsible for the student's occupational safety as set out in the Occupational Safety and Health Act. A workplace must also be a safe learning environment. The education provider must inform the employer or the party providing the job under a training agreement about the responsibilities for occupational safety referred to above.

When an employer is informed of any harassment or other inappropriate treatment targeting an employee that harms their health or puts them at risk, under the Occupational Safety and Health Act the employer has the obligation to use all available measures to eliminate the problem. Harassment and inappropriate treatment also include sexual harassment. The employer should attempt to investigate what happened and find systematic actions and solutions for their employees. The Act on Equality between Women and Men also obliges the employer to take all possible action to ensure that an employee is not sexually harassed. Under this Act, the action of an employer shall be deemed to constitute discrimination prohibited under the Act if, upon receiving information that an employee has been a victim of sexual or other gender-based harassment in the workplace, the employer neglects to take the steps available to eliminate the harassment.

The educational institution should instruct the students to report any sexual harassment they have experienced in the workplace.

3. PREVENTION OF SEXUAL HARASSMENT IN CURRICULA AND THE ACTIVITIES OF EDUCATIONAL INSTITUTIONS

In the National core curricula approved by the Finnish National Agency for Education, health and safety themes come up in different sections ranging from the underlying values and school culture to transversal competences and the objectives and contents of different subjects. A local curriculum should contain the entities set out in the national core curriculum.

3.1. Underlying values and school culture lay the foundation

In the description of the *underlying values* of the National core curriculum, each child and young person is seen as unique. Experiences of safety and dignity lay the foundation for the students learning to appreciate themselves. An experience of being heard and included and having the possibility of participating in building the community's well-being together with others is equally significant.

The significance of values education is highlighted in a world where information communicated by multiple forms of media, global information networks, social media and peer relationships shape the value systems of children and young people. Joint reflection on values by the school and the homes creates security and promotes the students' holistic well-being.

The National core curriculum describes *the school culture* as the community's way of acting that is formed over time. While the school culture is shaped by both conscious and unconscious factors, it can be developed and changed. The school culture affects everyone it touches, and the adults' ways of acting communicate the community's values and attitudes to the students. This way, models of interaction and language use as well as gender roles are passed on to the pupils. Jointly reflecting on the impacts of the school culture and recognising and rectifying its undesirable features are an important part of its development.

3.2. Knowledge and skills from transversal competences, subjects and common qualification units

The National core curriculum for basic education defines seven areas of *transversal competence* whose objectives and contents are implemented as part of the instruction in all subjects. Transversal competence refers to an entity consisting of knowledge, skills, values, attitudes and will. Competence also includes an ability to apply knowledge and skills in a given situation.

Of the transversal competence areas, *taking care of oneself and others, managing daily life* highlights the school community's role in guiding the pupils to understand that everyone can through their actions influence both their own and other people's well-being, health and

safety. The pupils are given an opportunity to develop their emotional and social skills, and they grow up to realise the importance of interpersonal relations and taking care of each other. They are taught to anticipate hazardous situations and act in them as well as to protect their privacy and set personal boundaries.

The objective of the transversal competence area of *cultural competence, interaction and expression* is to guide the pupils to appreciate the cultural meanings in their environment and build their own cultural environment and a positive relationship with their surroundings.

Multiliteracy is a transversal competence area that imparts skills in interpreting, producing and evaluating various text types, which will help the pupils understand diverse forms of cultural communication and build their personal identity.

Sexual education is one of the core areas of the *health education* subject. Health education is taught as part of environmental studies in grades 1–6. General upper secondary education for young people contains one compulsory course of health education, in addition to which the provider of general upper secondary education must offer two national specialisation courses in this subject.

Phenomena relevant to health, well-being and safety are examined in an age-appropriate manner as part of the instruction. Young people are offered the knowledge and skills they need to make choices about their own sexuality and an opportunity to reflect on their values and attitudes related to sexuality, their identity and their self-image. As part of sexual education, a young person's sexual rights and the ethical dimension of sexuality are also discussed. Defending the boundaries of privacy and the right of self-determination are an important part of health education in a technologically advancing world.

In the subject of *social studies*, pupils' skills in managing their lives and constructive interaction are built up from grade 4 up. The pupils learn how everyone can influence their own and their local community's safety. Democratic values and basic principles, including human rights, equity, and equality, are examined in teaching and learning.

In the teaching and learning of and selection of learning environments and work methods for the *mother tongue and literature* subject, the pupils' diversity, non-discrimination and gender equality are addressed. Particular attention is paid to describing the pupils' personal experiences and expressing and justifying their opinions, ensuring that each pupil's actions support the creation of a constructive and polite atmosphere for interaction.

In all *worldview subjects*, starting with pre-primary education, the pupils and students familiarise themselves with human rights and the UN Convention on the Rights of the Child in an age-appropriate manner. The objective of all worldview subjects is to guide the pupils and students towards a good life by reflecting on the questions of right and wrong and the rules of communal life.

In *visual arts*, questions related to the pupils' identities and cultural diversity as well as changes in these areas play a key role. The pupils' images are used as the basis for visual expression and interpretation, which offers opportunities for more gender-aware instruction. In teaching and learning, the impacts of visual arts and other forms of visual culture on the pupils' opinions, attitudes, and practices are examined.

In vocational education and training, *common qualification units* contain learning outcomes related to value systems and practices that respect other people and promote well-being. Prevention of sexual harassment can be regarded as being included in these themes. These learning outcomes are part of the qualification unit Citizenship and working life competence.

4. DUTIES OF PROFESSIONALS AT EDUCATIONAL INSTITUTIONS, STUDENTS AND GUARDIANS

Under the Pupil and Student Welfare Act, all those who work with the students at an educational institution as well as the authorities and employees responsible for student welfare services must promote the welfare of students and the educational institution community. *Each member of the educational institution's staff who has observed or been informed of sexual harassment must make sure that an investigation of the matter is started without delay.*

The educational institution should also encourage the students to report any sexual harassment they have observed or encountered to a staff member. Interaction with both the pupils and students and with the guardians is important in creating a culture of cooperation.

Anonymous reports are not a good starting point for investigating sexual harassment. Effective intervention in the situation requires discussing the matter between the parties, and anonymous reports are thus not possible. If anonymous reports of sexual harassment come up in an educational institution's surveys or course feedback, however, the institution should investigate the situation by the available means. It should be made clear to the students that the institution's possibilities of taking action on anonymous reports are limited.

The Finnish guide on preventing and intervening in sexual harassment provides more detailed instructions for each of the stakeholders in Finland:

- **The education provider** (usually the municipality) is responsible in general for the legal operation of the educational institutions it maintains and the adequacy of their resources. The education provider is responsible for seeing to the implementation of equality between the students and the development of joint operating models at the provider level.
- The **principal** is ultimately responsible for the safety of the learning environment at the educational institution they lead. This requires providing guidance for and supervising the staff and intervening in any shortcomings and violations that come to light.
- A **teacher** provides instruction, education and guidance in keeping with the curriculum. The teacher is responsible for safety and well-being in their teaching group and contributes to the school community's welfare.
- The **multiprofessional school-specific welfare group** is responsible for the planning, development, implementation and evaluation of student welfare in each unit. The student welfare group focuses on groups, classes, the community and the learning environment. It addresses issues at the general and community level.
- The tasks of a **student welfare psychologist, social worker, public health nurse and doctor** include communal and individual student welfare work. The psychologist's and social worker's services support the students' learning and welfare as well as their social and psychological capabilities. Pupil and student welfare promotes the students' health, physical and psychological growth and development, well-being and ability to study. Using student welfare services is always voluntary for a student.

- A **student** must behave appropriately, not bully others, and avoid actions that may put the safety of other students, the educational institution community or the learning environment at risk. In the educational institution community, each member's actions also influence other members' experiences of well-being and safety. The students should be informed of where and how they can seek help if they encounter sexual harassment.
- For underage students, instruction and education are organised in cooperation with their **guardians**.

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