

APPROVED
by the Rector of ISM University of
Management and Economics
on 29 April 2021
Order No 01-07-37

ISM UNIVERSITY OF MANAGEMENT AND ECONOMICS
HARASSMENT, SEXUAL HARASSMENT OR STALKING
PREVENTION PROCEDURE

I. GENERAL PROVISIONS

1.1. "ISM University of Management and Economics", UAB (hereinafter referred to as the "**University**") shall be guided by the principle that every member of the academic community of the University (hereinafter referred to as "**Member**") respects the dignity of another Member, interacts with other Members in a courteous and respectful manner, and by his/her behaviour ensures the work environment in which another Member is not subjected to hostile, unethical, degrading, aggressive, abusive behaviour.

1.2 All Members shall be familiar and comply with this Harassment, Sexual Harassment or Stalking Procedure (hereinafter referred to as "**The Procedure**"), which is available on the University's e-learning system. Members must actively participate in the development of working environment which is welcoming, respects human dignity and human rights, and is non-discriminative.

1.3 Harassment, sexual harassment or stalking of Members is prohibited at the University.

II. TERMS USED IN THE PROCEDURE

2.1 For the purposes of this Procedure, the following key terms shall apply:

2.1.1. **Responsible person** is a staff member(s) designated by the Rector to be responsible for carrying out counselling (other than counselling requiring psychological expertise), providing guidance on harassment issues, prevention measures and supervising the implementation of the University's anti-harassment procedure;

2.1.2. **Unfounded report** is a report intended to harm or humiliate the person complained about. Such a report is considered defamatory and the person's actions may be subject to complaint in accordance with the procedures set out in the University Code of Ethics;

2.1.3 **An Aggrieved party** is a Member who has been harassed, sexually harassed or stalked by another Member in the course of University activities;

2.1.4. **Stalking** means treating a Member less favourably than others because the Member has testified, given an explanation, made a complaint/report or assisted in making a complaint/report about a violation of work procedure, norms of academic ethics or current Procedure, etc.;

2.1.5 **Report** is an oral or written submission of information about stalking, harassment, or sexual harassment;

2.1.6 **Harassment** is unwanted behaviour which, on the grounds of sex, race, nationality, citizenship, language, origin, social status, religion, belief or opinion, age, sexual orientation, disability, ethnic origin, religion, or other grounds, is intended to insult or offends the dignity of a Member and is intended to create or creates an intimidating, hostile, degrading or offensive environment;

2.1.7 **Sexual harassment** is harassment that is unacceptable to the person being harassed, or unwanted physical, verbal or non-verbal conduct of a sexual nature, as set out in Article V of this Procedure. The purpose of sexual harassment shall be sexual gratification, humiliation,

demonstration of one's superiority and sexual harassment can be conducted 1) by virtue of the position held (e.g. in a subordinate relationship, hierarchically unequal relationship), 2) in the context of decision-making power (e.g. by means of a decision to recognize achievement, acknowledgement, or promotion), and/or 3) by means of coercive power (e.g. by means of psychological and physical fear) and/or 4) between persons of equal status;

2.1.8. **Complainant** means the person whose conduct is the subject of a report of stalking, harassment or sexual harassment;

2.1.9 **University Community (Members)** are members of the academic community, members of the governing bodies, employees (non-academic members), alumni, members of the University (e.g. emeriti), honorary members (e.g. honorary doctors, honorary professors), patrons, students and free movers, including persons studying or working under exchange or cooperation programmes.

2.2 Members shall act in accordance with the principles of gender equality, non-discrimination and non-harassment, as laid down in the Labour Code of the Republic of Lithuania, the Equal Opportunities for Women and Men Act and other legal acts. This Procedure does not cover sexual harassment as defined in the Criminal Code of the Republic of Lithuania and does not involve criminal prosecution actions. The acts referred to in points 2.1.4, 2.1.6 and 2.1.7 and in Article V of this Procedure do not constitute an exhaustive list.

2.3 The acts referred to in points 2.1.4, 2.1.6 and 2.1.7 of Article V of the Procedure may be performed through personal contact, by telephone, letters, e-mails, social networks or other electronic and written means.

III. SUPERVISING THE IMPLEMENTATION OF THE PROCEDURE, INFORMING AND EDUCATING MEMBERS

3.1. In coordinating and organising the implementation of the Procedure, and informing and educating the Members, the Responsible person shall:

3.1.1. advise Members on the prevention of harassment, sexual harassment or stalking;

3.1.2. monitor compliance with the Procedure on a regular basis;

3.1.3 conduct surveys of Members regarding the application of measures to prevent harassment, sexual harassment or stalking, if necessary;

3.1.4. make recommendations to Members on the protection against harassment, sexual harassment or stalking;

3.1.5. perform a procedure for the prevention of harassment, sexual harassment or stalking and conduct interviews, as appropriate;

3.1.6. provide training on the prevention of harassment, sexual harassment or stalking for Members, as appropriate.

3.2. The following information tools are used at the University to provide information about the University's activities related to harassment, sexual harassment or stalking policies (a non-exhaustive list):

3.2.1. The University's <https://elearning.ism.lt/> system publishes and periodically e-mails to the University community electronic leaflets, which clearly define the elements of sexual harassment or stalking and procedures for dealing with them.

3.2.2. Essential and summarised information on the existing anti-stalking and anti-harassment policies and measures in place, what constitutes sexual harassment, what are the reporting forms and procedures for dealing with them, and contacts for detailed information are published on the University's website.

3.3 The following educational tools are used at the University (a non-exhaustive list):

3.3.1. Training programmes for the prevention of stalking, harassment and sexual harassment;

3.3.2. Knowledge on stalking, harassment and sexual harassment is integrated into the study subjects;

3.3.3. Discussions, forums.

IV. RECOMMENDED BEHAVIOUR OF MEMBERS TO AVOID HARASSMENT, SEXUAL HARASSMENT OR STALKING

4.1 Members are advised to adhere to the following principles:

4.1.1 Evaluate their behaviour and assess whether it is in accordance with the provisions of this Procedure;

4.1.2 Be aware of, know or anticipate what potential behaviour may be considered harassment, sexual harassment or stalking;

4.1.3. Be considerate and sensitive to other Members, respect their privacy, views and beliefs, their physical and mental integrity, and try to perceive whether their acts expressed in words, in writing or in physical action may lead to unpleasant, unwanted or undignified consequences, may disturb another member, which may result in his/her inability to perform his/her functions properly in the working environment.

Such acts may include, but are not limited to:

(a) familiarity of greetings in the work environment;

(b) comments about physical appearance or clothing, features of a person's identity;

(c) unethical comments about a Member's views, weaknesses or strengths, or their private life;

(d) unethical referents (e.g. abbreviated names, nicknames, diminutive address);

(e) jokes or pranks of a sexual nature, offensive or disrespectful;

(f) physical touching, causing physical or psychological discomfort by not maintaining a respectful physical distance;

(g) intrusive displays of attention, scrutiny of physical appearance;

(h) the tone of voice, sounds and movements that may offend, humiliate or embarrass a person or raise associations of a sexual nature;

(i) use of visual aids that degrade honour and dignity (posters, photos, drawings, objects, etc.);

(j) sending messages of an offensive nature, derogatory to honour and dignity, not connected with the work related functions;

(k) dressing in a casual, not appropriate style.

4.1.4. In order to avoid unpleasant and unacceptable behaviour and the negative consequences of such behaviour for the Member, in cases of concern that certain conduct may be interpreted as undesirable or may make the Member feel uncomfortable or undignified, Members are advised to enquire and discuss in advance, whether a particular behaviour, or form of communication is acceptable;

4.1.5. In cases of observing the behaviour that violates this Procedure, not to be a passive observer but take active steps to stop such behaviour. If such behaviour does occur, not to tolerate it, treat it as a joke or encourage such behaviour by smiling, laughing or otherwise supporting it;

4.1.6. Having experienced behaviour that constitutes harassment, sexual harassment or stalking, a Member should communicate in a calm and polite tone of voice, or otherwise notify the perpetrator that the behaviour is unacceptable and must stop. It is advisable to explain what gestures, words, comments, physical behaviour or other actions are unpleasant, create humiliating and offensive working environment;

4.1.7 It is advisable to keep a record of all instances of harassment, sexual harassment or stalking, by recording the time, witnesses and other relevant information;

4.1.8 If the harassment, sexual harassment or stalking took place against another Member, it is advisable to encourage him or her to speak up, to encourage him or her to contact the person who committed these acts and to tell them immediately that such behaviour is undesirable.

V. FORMS OF HARASSMENT, SEXUAL HARASSMENT OR STALKING

5.1. Unacceptable or unwanted physical actions:

5.1.1. touching (e.g. slapping, stroking, caressing, groping, reaching kiss, kissing when the person has expressed clear disagreement);

5.1.2. stalking;

5.1.3. seeking sexual intercourse or having sexual intercourse where the person has expressed his or her explicit disagreement.

5.2 Unacceptable or unwanted non-verbal actions:

5.2.1. displaying, sending or giving sexually explicit footage, photographs, drawings or other visual material;

5.2.2. offensive gestures;

5.2.3. deliberate isolation or not communication with a Member, separating them from social activities.

5.3 Unacceptable or unwanted verbal actions:

5.3.1. sexually explicit statements or innuendo that demean women and men or the sexes because of physical characteristics and manners;

5.3.2. sexually explicit statements intended to ridicule another person;

5.3.3. demanding a date or hug when the person has expressed clear disagreement;

5.3.4. intrusive communication, tracking or gathering information about a Member when it is not related to the Member's functions or activities at the University;

5.3.5. demanding sexual favours (e.g. in exchange for a desired grade or other academic favour);

5.3.6. a demand to satisfy sexual fantasies.

5.4 This list of forms is not exhaustive. Harassment, sexual harassment or stalking may manifest itself in other ways which are not obvious, but which create an intimidating, hostile, humiliating or offensive environment.

VI. PRINCIPLES FOR INVESTIGATING A REPORT OR COMPLAINT

6.1 The University's main anti-harassment, anti-sexual harassment or anti-stalking policy is to respond promptly and fairly to reports received about such actions.

6.2 The investigation of a report or complaint is based on the following principles:

6.2.1. innocence - the complainant shall be presumed innocent until a decision has been made in relation to violation of the Procedure;

6.2.2. promptness - the investigation is carried out in the shortest possible time;

6.2.3. immediacy - the aggrieved party, the complainant, the witness(es) shall be afforded every opportunity to provide explanations and to present their version of the assessment and interpretation of their actions;

6.2.4. assistance to the aggrieved party - in the event of a complaint about a breach of the Procedure, The Member shall be provided with a safe and secure environment for their activities at the University;

6.2.5. taking active preventive measures- in the event of a violation, appropriate preventive measures shall be taken to ensure that Members are provided with a safe and dignified environment to participate in the University activities;

6.2.6. objectivity and impartiality - in the assessment of the circumstances, the investigation shall be impartial and free from bias.

VII. CONSULTATION, REPORTING AND CONSIDERATION PROCEDURES

7.1 A Member who reasonably believes that he or she, or another Member is being harassed, sexually harassed or stalked, has the right to:

7.1.1. consult, without making a formal report, with the University's designated consultant who is qualified to do so (the person appointed may be University staff member or an external psychologist, or any other qualified University employee);

7.1.2. submit a report to the Ethics Committee as soon as possible after such an action, but not later than within 1 (one) week. The University is subject to a one (1) year cancellation period statute of limitations for dealing with cases of harassment, sexual harassment or stalking, from the date of the offence.

7.2 The report may not be anonymous, except in cases where the identification of the person is not necessary for the investigation of the report (e.g. a report of harassment against another person identifying the person who has been harassed and the alleged violator of this Procedure. Also, University alumni and students may report harassment anonymously).

7.3 An investigation may also be opened if the complainant does not know the identity of the victim, so that to respond appropriately to the report, or where there is sufficient evidence on which to base the report, and a fair process for investigating the report can be ensured.

7.4 The Ethics Committee shall examine the information received without delay, in accordance with the procedures and time limits laid down in the Regulations of the Ethics Committee, and in a manner that ensures the completeness, impartiality and confidentiality. These cases shall be dealt with by the Ethics Committee in order of priority and shall be grounds for postponing the consideration of other cases until the case concerning the breach of these Procedures has been dealt with. In the event of reporting the actions of the Rector of the University, the University Management Board shall be informed of the report or the Report shall be forwarded to the Equal Opportunities Ombudsperson.

7.5 Both the aggrieved party and the complainant have the right to decide whether they agree to participate in the proceedings. If one or both parties refuse to participate, the party(ies) concerned shall be informed that the report will nevertheless be examined and a decision taken on the basis of the information available.

7. The Ethics Committee, when dealing with reports of a breach of these Procedures, shall include in the case hearing, with voting rights, the University's legal counsel and a competent psychologist (a University employee or a third party).

7.7 The Ethics Committee shall deal with the report, as far as possible, in a manner consistent with discretion and fairness principles towards both parties, showing them due respect and without violating their dignity. All interviews related to the examination of the report and the collection of data shall be recorded, with prior notification of the persons interviewed of the following procedure.

7.8 Harassment, sexual harassment or stalking shall be assessed in the light of the totality of the circumstances: nature, frequency, intensity, location, context, duration.

7.9 If the initial examination of a report reveals that the report is unfounded or there is insufficient evidence, the examination may be terminated without taking any further action.

7.10. The Ethics Committee shall examine the report and take a decision within 2 (two) months at the latest from the date of its receipt. If the case is very complex (e.g. a large number of witnesses need to be interviewed; the aggrieved party, the complainant and/or the witnesses are difficult to reach; there is a parallel police investigation; the hearing has to be postponed due to the holidays of the persons involved or unforeseen circumstances), the hearing may be extended for an appropriate period of time.

VIII. SANCTIONS AND APPEALS

8.1 The Ethics Committee shall impose a sanction or recommend the imposition of a sanction (where the sanction should be imposed by another competent body/person of the University or the State) on the basis of the provisions of the Labour Code of the Republic of Lithuania or the

Code of Ethics in force at the University and other provisions of internal legal acts. The Rector shall be sanctioned by the University Management Board.

8.2 In the event of an infringement, the Ethics Committee shall immediately inform the Person Responsible for the supervision of this Procedure and the Rector of the University, who shall review the sanction imposed by the Ethics Committee within 5 (five) working days from the date of receipt of the Ethics Committee's decision and shall adopt one of the following decision, which shall be approved by the Rector's order:

8.2.1. approve the sanction imposed by the Ethics Committee;

8.2.2. disapprove the sanction imposed by the Ethics Committee and refer the case to the Ethics Committee for a new hearing;

8.2.3. amend the sanction imposed by the Ethics Committee and adopt a new decision.

8.3 The University shall inform the aggrieved party and the complainant in writing of the Rector's decision and the possibilities of appealing the decision by submitting a complaint to the University's Disputes Committee or in accordance with the procedures laid down by laws (Equal Opportunities Ombudsman's Office, Labour Disputes Commission, or the court, as appropriate).

8.4 An application (appeal) against a decision approved by the Rector of the University may be submitted via a Responsible person appointed by the University, who shall apply to the Disputes Committee of the University, which shall examine the application in accordance with the description of the procedure for submitting and examining applications and appeals.

IX. IMPLEMENTATION OF THE PRINCIPLE OF CONFIDENTIALITY

9.1 The University respects an individual's choice not to make a disclosure and to maintain the confidentiality of a possible harassment. In exceptional cases, in accordance with the law or where there is a significant risk of harm to the health or safety of the reporting person or another person, the Responsible person may address the Rector of the University, who may decide to take one or both of these actions on an exceptional basis:

9.1.1. forward the information received to the Ethics Committee and order an investigation. In this case the person who reported the violation has the right to be excluded from further proceedings;

9.1.2. inform third parties (e.g. Equal Opportunities Ombudsman, police, etc.).

9.2 Consultation and reporting of harassment, sexual harassment or stalking is confidential, except where:

9.2.1 The University is required to disclose the information to external bodies;

9.2.2. there is an immediate threat to the health or safety of the whistle-blower or another person;

9.2.3. several related reports are received in respect of the same person and there are grounds for believing that the health or safety of other persons may be endangered.

9.3 The Ethics Committee and the Responsible persons must ensure the highest level of confidentiality during interviews with aggrieved parties, complainants and witnesses.

9.4 The University shall observe the principle of reasonableness in ensuring confidentiality.

9.5 Members are encouraged to report harassment even if they wish to maintain confidentiality, however, this shall not place the University in a situation where it cannot meet its obligations to prevent further misconduct, or those accused of misconduct will not be able to properly self-defend themselves.

9.6 The University respects the wish of the aggrieved person not to disclose his or her identity, but only in cases where the University can still fulfil its obligation to investigate the harassment and to take action to prevent further misconduct.

X. PREVENTION PROCEDURE

10.1 The Prevention Procedure shall apply where the aggrieved Member wishes only to discipline the complainant and to prevent such actions in the future, but does not wish to initiate investigation or there are insufficient grounds for an investigation.

10.2 The purpose of the Prevention Procedure is, even in the absence of obvious signs of harassment, sexual harassment or stalking, to ensure a safe and respectful working environment at the University.

10.3 Once the Ethics Committee has decided to initiate a Prevention Procedure, the Responsible person shall be instructed to carry it out, and to re-acquaint the complainant with these Procedures, drawing attention to the points for non-compliance with which the Prevention Procedure was initiated.

10.4 The Prevention Procedure shall take the form of an interview with the Responsible person and a person competent to provide psychological counselling. This person has the right to communicate separately with the aggrieved member and the complainant. The aim of these interviews shall be to reach a peaceful settlement to resolve the disagreements between the parties to the dispute.

XI. FINAL PROVISIONS

11.1 The Procedure shall be made available to all Members by publishing it in the e-learning system and, when employing a new employee, by electronic means (the document management system, e-mail, etc.).

11.2 The Procedure shall enter into force on the date of its approval by the University Rector's order and shall remain in force until repealed or amended by order of the Rector of the University.