

**Code of Practice
for the Prevention and Combating of Harassment
and Sexual Harassment at Frederick University**

The right to employment also includes the right to enjoy it peacefully, free from any verbal, physical, sexual, or other form of harassment.

Frederick University is consistent with the fundamental principles of human rights and, in particular, human dignity, gender equality and gender discrimination. Thus, it is clarified that any behavior that constitutes harassment or sexual harassment within the community is considered unacceptable.

Frederick University always strives not only for the well-being of its personnel but also of its students and therefore any protection measures taken definitely include the student community.

For the purpose of preventing and combating harassment and sexual harassment conduct, Frederick University adopts this Code of Conduct and Practice for the Prevention and Combating of Harassment and Sexual Harassment.

The Code is put into force in compliance with article 12 par. 4 of the Equal Treatment of Men and Women in Employment and Vocational Training Law of 2002 (205 (I) / 2002). According to this article, every employer has the responsibility to take immediate, appropriate measures to prevent any act, occurring once or repeatedly, which constitutes harassment or sexual harassment or direct or indirect ill-treatment due to repulsion in any way, harassment or sexual harassment or due to a complaint of harassment or sexual harassment and employers are considered to take such a measure when they introduce a code of conduct to prevent such acts and to take adequate practical measures to enforce what is set out in such a code.

1. Important terms

For the purposes of this Code:

"Competent authorities" are persons who are responsible for dealing with complaints or grievances regarding incidents of harassment or sexual harassment and taking measures to prevent and combat such incidents.

Competent authorities at Frederick University for the possible selection by the complainant at his / her discretion, are the Chair of the Board and Chair of the Scientific

Committee on Gender and Equality Issues, the Rector's Office, the Deans, the Heads of Departments, the Directors of Services and the Student Ombudsperson.

"Gender discrimination" refers to any direct or indirect discrimination, including sexual harassment and any less favorable treatment as the result of the rejection or submission of such conduct or harassment, as well as any less favorable treatment of a woman related to childbirth, breastfeeding, maternity or illness due to pregnancy or childbirth, but not including positive actions, while any instruction or order for discrimination against persons on grounds of gender constitutes gender discrimination. **"Direct gender discrimination"** occurs when one person is treated less favorably because of gender than another one is, has been or would be treated in a similar situation. **"Indirect gender discrimination"** occurs when a provision, a criterion, or a seemingly neutral practice puts individuals of one gender at a particular disadvantage compared to persons of the other gender, unless that provision, criterion or practice can be objectively justified by a legitimate aim and the means to achieve that end are appropriate and necessary.

"Harassment" refers to unwanted gender-related conduct, which aims or results in the violation of a person's dignity, especially when it creates an intimidating, hostile, humiliating, degrading or aggressive environment.

"Sexual harassment" refers to any unwanted conduct of sexual nature, expressed in words or actions, and aims or results in the violation of a person's dignity, especially when creating a intimidating, hostile, humiliating, degrading, aggressive environment during employment or vocational education or training or in accessing employment or vocational education or training.

Whether the conduct that constitutes harassment or sexual harassment is unwanted is judged subjectively and the main criterion is how the recipient perceives it and not how the perpetrator does.

The intent of the perpetrator (male or female), whatever that is, is completely inconsiderable.

Even onetime conduct can be sexual harassment or harassment.

Recipients of this type of behavior may react differently. However, this is not a defense for the perpetrator or a mitigation for the competent authority. It is of importance that one of the recipients of the conduct reasonably perceived it as unpleasant or offensive or intimidating or humiliating or aggressive.

It is noted that women from disadvantaged backgrounds or individuals in the LGBTQI community are even more vulnerable to such conducts.

"Conduct of a sexual nature" refers to any behaviour that has a sexual element or overtone or implication and is expressed in actions or words. Examples of such conduct include (but are not limited to) the following:

- **Verbal conduct**, unnecessary intimacy, sexual comments, jokes and gestures, unethical and offensive comments about gender or sexual orientation, moderating discussions of sexual matters, description of sexual life in the presence of other people, impudence, indiscreet questions about personal or sexual life, sexual innuendos, insults, invitations for dating or sexual intercourse, confession, talk of sexual nature, compliments, flirting.
- **Non-verbal conduct**, unwanted touches on clothes, hair or other parts of the body, stings, caresses, kisses, whistling, unnecessary physical proximity / non-accidental very close physical proximity, sexual movements, gestures of a sexual nature, and generally any unwanted physical contact.
- **Other forms of behaviour**, written notes of sexual nature or letters with erotic and sexual content, related phone calls, text messages and emails, faxes, photo viewing, posting of pictures, posters or films of sexual nature, visual conduct, staring or lustful looking, indiscreet innuendos, stalking of personal life, trying to channel sexual material such as pictures, magazines, videos.

"Quid pro quo sexual harassment" occurs when a supervisor, hierarchically superior or instructor attempts to influence the employment conditions, promotion, training, salary increment, an employee's or candidate's benefits on job vacancy or rank, a student's graduation or a prospective student's admission in exchange for sexual favors.

"Sexual favouritism" occurs when a person in a position of authority rewards only those who respond to his/her sexual advances, while those who do not do so are denied promotion, benefits or advancements.

Sexual harassment **does not occur** provided that sexual contact, flirting, relationship or friendship are mutually acceptable by the concerned parties.

2. Purpose

The purpose of this Code is to provide and enforce preventive and repressive measures in relation to harassment or sexual harassment incidents within Frederick University community, which includes academic, research, administrative staff, of either full or part-time employment, or other staff as well as male and female students.

3. Scope of application

All members of Frederick University community (employers, academic, research, administrative staff, of full-time or part-time employment, male students, female students) are bound by the Code and must comply with it.

Incidents of harassment or sexual harassment are dealt with in accordance with the provisions hereof.

The University ensures that disciplinary sanctions are imposed, as defined in this Code and in accordance with the applicable disciplinary provisions.

4. Prohibition of Harassment and Sexual Harassment

Harassment and sexual harassment constitute gender discrimination, are illegal and strictly prohibited.

Harassment and sexual harassment are prohibited by all members of the university community, in particular: by the employer, a superior, a subordinate, a colleague with the same rank as the victim, or any other employee regardless of rank and hierarchy or prospective employee, as well as from teaching staff to male and female students, but also from students to teaching, administrative or other staff or to other students or prospective students or any University visitor or anyone in any way cooperating or trading with the University.

Harassment and sexual harassment are prohibited in all aspects of work or student life, both at work / university premises and in activities outside work / university premises related to work or study (eg scientific conferences abroad), as well as in staff and student gatherings (eg Christmas event).

Harassment and sexual harassment are prohibited in the context of, inter alia, vocational education, training, apprenticeship and further education, access to employment or job position of any kind, duration and rank, application of the terms and conditions of employment, including the qualifications and requirements for placement, tenure, inclusion, transfer, movement, secondment or promotion, in relation to the terms and conditions of dismissal from any job position, as well as for refusing or reporting harassment or sexual harassment in relation to the abovementioned.

Harassment and sexual harassment are considered offenses regardless of the gender of the involved persons.

5. Measures for the Prevention of Harassment and Sexual Harassment

Members of the university community:

- are informed about the relevant legislation,
- participate in actions, seminars, informative and training programs on combating gender discrimination, harassment and sexual harassment,

- correct their behavior when they realise / are informed that it is annoying or offending the recipient,
- avoid discussions, comments, insinuations, gestures, expressions, which target or have a point of reference one gender or the other, or the sexual orientation or gender identity of anyone,
- express their dissatisfaction when receiving unwanted behavior.
- are encouraged to report incidents of harassment and / or sexual harassment.

Each competent authority:

- ensures a decent, safe, healthy and friendly environment,
- protects against any act that constitutes gender discrimination,
- discloses in writing or in another way this Code,
- organises actions, seminars, informs and trains staff / students on combating harassment and sexual harassment,
- ensures the operation of the Scientific Committee on Gender and Equality Issues,
- encourages reporting of incidents of harassment and / or sexual harassment, even when such conduct has come to their attention even though they themselves are not directly involved.

6. Measures for Combating Harassment and Sexual Harassment - Filing a complaint

All members of the university community are encouraged to report any incident to the competent authority they choose.

Complaints are managed through internal informal or formal procedures in a speedy, serious and completely confidential way.

The competent authority must inform the complainant about the options, and the latter can choose either of the two options at his / her discretion.

The informal procedure may be turned into a formal procedure at any time, provided it is requested by the victim or recommended by the competent authority.

All members of the university community are protected from victimisation, ill-treatment and harmful change of circumstances because of contributing in any way (eg complaint, testimony) to the investigation of a complaint of harassment or sexual harassment.

Every competent authority has an obligation towards the person who has suffered sexual harassment or harassment and / or direct or indirect adverse treatment due to the

rejection of such behavior or the submission of a relevant complaint as soon as it becomes aware of the specific behavior or its consequences to act in accordance with this Code and to take all appropriate measures for its cessation and non-recurrence, as well as for the removal of its consequences. Otherwise, disciplinary responsibility is created for the competent authority.

All members of the university community have a complete confidentiality obligation in the event that evidence for the complaint investigation is submitted. Commenting on confidential information and / or spreading rumors are forbidden.

Anyone who knowingly falsely complains of harassment or sexual harassment is subject to disciplinary action.

7. Internal Informal Procedure

In order to initiate the internal informal procedure, the victim of harassment or sexual harassment appeals to a competent authority of his/her choice.

The competent authority records the facts of the incident and investigates the possibility of direct contact or mediation.

Depending on the events of the incident, the competent authority either

(a) urges the victim to explain to the person engaging in the unwanted conduct that such behaviour is unwanted, offensive, distressing and that it interferes with his / her work / studies, or

(b) undertakes mediation.

The competent authority shall only act if the harassment and / or sexual harassment has occurred for a short period of time, if the perpetrator seems willing to discuss and only if the victim wishes to be mediated.

In case the victim chooses direct communication with the perpetrator, then the competent authority is responsible for monitoring the outcome of such communication.

In case of mediation, the competent authority is responsible for communicating with the perpetrator. The identity of the victim may not be known to the perpetrator, if this is the victim's wish.

In all cases, the competent authority shall handle the case in complete confidentiality and ensure that it is completed within a reasonable time.

If the above procedure is not possible or does not provide satisfactory results, or the incident is serious or the harassing behaviour continues, the case is referred to according to the disciplinary procedure.

8. Internal Formal Procedure

The internal formal procedure for dealing with incidents of harassment or sexual harassment may be the victim's first choice or may be chosen if the victim is dissatisfied with the handling or results of the informal procedure.

Initiating the internal formal procedure is done by a written report submitted by the complainant to any competent authority of his / her choice.

The case is examined according to the procedure provided for in the University disciplinary regulations.

9. Criminal and Civil Procedure

The legal rights of the victim in the context of criminal and civil justice are in no way limited by the University Regulations or the said Code.

10. Formal authorities for filing a complaint

In any case, a complaint of harassment or sexual harassment can be submitted to the following bodies:

- Commissioner for Administration and Protection of Human Rights - for Equality and Anti-Discrimination Body, Era House, 2 Diagorou, 1097 Nicosia, 22405500/501, www.ombudsman.gov.cy , ombudsman@ombudsman.gov.cy

-Gender Equality Committee in Employment and Vocational Training, 9 Klimentos, 3rd Floor, Office 305 & 312, 1061 Nicosia, 22400894/5, www.eif.gov.cy, genderequalitycommittee@mlsi.gov.cy

- Department of Labour Inspectors, Ministry of Labor, Welfare and Social Insurance, 9 Klimentos, 4th Floor, 1480 Nicosia, 22400801/2, director@dl.mlsi.gov.cy

-Police, Police Headquarters, Evangelou Floraki Street, 1478 Nicosia, 1460 (Citizen Communication Line) and 22808080, <http://www.police.gov.cy>, police@police.gov.cy

Code of Conduct approved by Frederick University Council
in the 103rd meeting on the 16th of Dec 2021