



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

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

Frederick University, consistent with the fundamental principles of human rights protection, particularly human dignity, gender equality and the principle of non-discrimination based on gender, makes it clear that any behavior constituting harassment or sexual harassment within its community is unacceptable.

Beyond its employees, Frederick University always seeks the well-being of its students, and any protective measures taken certainly include the student community.

For the purpose of preventing and addressing instances of harassment and sexual harassment, Frederick University adopts the present Code of Practice for the Prevention and Handling of Harassment and Sexual Harassment.

The Code comes into effect pursuant to Article 12(4) of the Equality of Men and Women in Employment and Vocational Training Law of 2002 (205(I)/2002). According to the said article, it is the obligation of every employer to promptly take any appropriate measure to prevent any act, whether isolated or repeated, constituting harassment or sexual harassment or direct or indirect adverse treatment due to rejection in any way of harassment or sexual harassment or due to submission of a complaint for harassment or sexual harassment. Employers are considered to take such a measure when they introduce a code of practice to prevent such acts and take adequate practical measures to implement the provisions of such a code.

### **1. Important Definitions**

For the purposes of this Code:

**"Competent Authorities"** refer to individuals responsible for handling complaints or grievances regarding incidents of harassment or sexual harassment and for taking preventive and remedial measures in such cases. The Competent Authorities at Frederick University, in order for the complainant to have the ability to choose at her/his discretion, are the

President of the Board and President of the Scientific Committee on Gender and Equality Issues, the Rector's Council, the Deans, the Department Heads, the Directors of Services, and the Student Ombudsperson.

**"Gender discrimination"** constitutes any direct or indirect discrimination, including sexual harassment and any less favorable treatment based on rejection of such behavior or submission to it, or harassment, as well as any less favorable treatment of a woman related to pregnancy, childbirth, breastfeeding, maternity, or illness due to pregnancy or childbirth, but excluding positive actions, while any directive or instruction for discrimination against individuals based on gender constitutes discrimination based on gender.

**"Direct gender discrimination"** arises when a person receives less favorable treatment based on gender than another person has received, is receiving, or would receive in a comparable situation.

**"Indirect gender discrimination"** arises when a provision, criterion, or practice that appears neutral places individuals of one gender at a particular disadvantage compared to individuals of the other gender, unless this provision, criterion, or practice can be objectively justified by a legitimate aim and the means of achieving that aim are appropriate and necessary.

**"Harassment"** is unwanted behavior related to a person's gender, which has the purpose or effect of violating a person's dignity, especially when it creates an intimidating, hostile, degrading, humiliating, or aggressive environment.

**"Sexual harassment"** constitutes any unwanted conduct of a sexual nature by the recipient, expressed through words or actions, which has the purpose or effect of violating a person's dignity, especially when it creates an intimidating, hostile, degrading, humiliating, or aggressive environment, in the context of employment, professional training, or in accessing employment, vocational education, or training.

Whether the conduct constituting harassment or sexual harassment is unwanted is judged subjectively, and a critical criterion is how the recipient perceives it, not how the perpetrator perceives it.

The intention of the perpetrator (whether male or female), whatever it may be, is entirely irrelevant. Even isolated conduct may constitute sexual harassment or harassment.

Recipients of such conduct may react differently. However, this does not constitute a defense for the perpetrator of the conduct or a mitigating factor for the Competent Authority. What matters is that one of the recipients of the conduct reasonably perceived it as unpleasant, offensive, intimidating, humiliating, or aggressive.

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

**"Conduct of a sexual nature"** refers to any behavior that contains a sexual element, tone, or insinuation and is expressed through actions or words.

Examples of such conduct include (but are not limited to):

- **Verbal conduct**, unnecessary intimacy, sexual comments, jokes, anecdotes, and gestures, immoral and offensive comments about gender or sexual orientation, steering conversations towards sexual topics, describing sexual life in front of others, unwanted suggestions, hints, or advice, indiscreet questions about personal or sexual life, sexual innuendos, insults, invitations for dates or sexual contact, confessions, compliments, flirtation.

- **Non-verbal conduct**, unwanted touching on clothes, hair, or other parts of the body, pinching, stroking, kissing, whistling, unnecessary physical proximity/ not coincidental very close physical proximity, sexual movements, gestures with a sexual connotation, and generally any kind of unwanted physical contact.

- **Other forms of conduct**, written sexual advances or letters with sexual content, relevant phone calls, text messages and electronic messages, faxes, displaying photos, posting images, posters or movies of sexual content, visual conduct, persistent or lascivious glances, indiscreet innuendos, stalking of personal life, attempting to channel sexual material, such as images, magazines, videos.

**"Quid pro quo sexual harassment"** occurs when a supervisor, hierarchically superior, or instructor attempts to influence the working conditions, promotions, training, salary increases, benefits of an employee or job applicant, or a student's graduation or admission of a prospective student in exchange for sexual favors.

**"Sexual favoritism"** occurs when a person in a position of power rewards only those who respond to their sexual advances, while those who do not comply are deprived of promotion, benefits, or grades.

Any consensual sexual contact, flirting, relationship, or friendship, mutually accepted by the involved parties, does not constitute sexual harassment.

## **2. Purpose**

The purpose of this Code is the enactment and implementation of preventive and punitive measures regarding incidents of harassment or sexual harassment within the academic community of Frederick University, which includes academic, research, administrative, full-time or part-time staff, or other staff, as well as female and male students.

## **3. Scope**

All members of the academic community of Frederick University (employers, academic, research, administrative, full-time or part-time staff, or other staff, female and male students) are bound by the Code and must comply with it. Incidents of harassment or sexual harassment are addressed in accordance with the provisions of this Code.

The University ensures that disciplinary sanctions are imposed, as defined in this Code and in accordance with 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 from being exercised by all members of the university community, especially by the employer, superior, subordinates, colleagues at the same level as the victim or any other employee regardless of rank and hierarchy, or prospective employee, as well as by instructors to students, but also by students to instructors or administrative or other staff or to other students or prospective students or to any visitor or individual in any way cooperating or transacting with the University.

Harassment and sexual harassment are prohibited in all manifestations of work or student life, both in the workplace/university setting and in activities outside of it that concern work or study, as well as in meetings of employees and students (eg.Christmas event).

Harassment and sexual harassment are prohibited in the context, among others, of vocational training, training, apprenticeship, and education, regarding access to employment or any form of job position, duration, and rank, regarding the determination and application of terms and conditions of employment including qualifications and placement criteria, permanence, inclusion, transfer, relocation, secondment, or promotion, regarding the terms and conditions of dismissal from any job position, as well as due to rejection or reporting of harassment or sexual harassment in relation to the above.

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

#### **5. Preventive Measures**

Members of the university community should:

- be informed about relevant legislation,
- participate in actions, seminars, information and training programs, related to combating harassment and sexual harassment,
- correct their behavior when they realise or are informed that it bothers or offends the recipient,
- avoid discussions, comments, innuendos, gestures, expressions targeting or referencing gender, sexual orientation, or gender identity of any individual,
- be encouraged to express their dissatisfaction when they are the recipients of unwanted conduct,
- be encouraged to report incidents of harassment and/or sexual harassment.

**Each Competent Authority should:**

- ensure a dignified, safe, healthy, and friendly environment,
- protect against any act constituting gender discrimination,
- publicise in writing or otherwise the present Code,
- organise awareness actions, seminars, inform, and train staff/students regarding combating harassment and sexual harassment,
- collaborate with the Scientific Committee on Gender and Equality Issues,
- encourage reporting incidents of harassment and/or sexual harassment.

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

All members of the university community are encouraged to report any incident of harassment or sexual harassment to any Competent Authority they desire.

The handling of complaints by the Competent Authority takes place through an internal informal or formal procedure in a prompt, solemn and confidential manner.

The Competent Authority must inform the complainant about the informal and formal procedures, and the latter may choose, at their discretion, whichever procedure they prefer.

The informal procedure may at any time be converted into a formal procedure if requested by the complainant or upon recommendation of the Competent Authority.

All members of the university community are protected from victimisation, adverse treatment, and detrimental changes in conditions because they contributed in any way (e.g. reporting, testifying) to the investigation of a harassment or sexual harassment complaint.

Each Competent Authority is obligated towards the person who has experienced sexual harassment or harassment and/or direct or indirect adverse treatment due to rejecting such behavior or submitting a relevant complaint as soon as the specific behavior or its consequences become known, to take action in accordance with this Code and to take all appropriate measures to cease and prevent its recurrence, as well as to remedy its consequences. Otherwise, disciplinary responsibility lies upon the Competent Authority.

All members of the university community are obligated to maintain complete confidentiality when providing information for the investigation of a complaint. Commenting on confidential information or spreading rumors is prohibited. The details of the investigation and the names of the complainant and the accused should only be disclosed on a "need-to-know" basis. Breaching confidentiality may result in disciplinary actions under the applicable

disciplinary provisions, as well as under the current national data protection legislation (Law 125(I) 2018).

Data protection and processing are carried out in accordance with the provisions of the applicable data protection legislation.

All complaints, whether formal or informal, even if withdrawn, will be filed in a record accessible only to the President of the University Council and the University Rector. The filing procedure ensures that if one of these two persons is personally involved in the incident, he or she is automatically excluded from the right of access to the complaint and the Competent Authority informs only the other person, maintaining the integrity and objectivity of the complaint handling procedure.

The file includes information related to the complaint, the recording of the outcome, and any notes or other documents prepared during the process. These are processed in accordance with our Data Protection Policy as well as the current national data protection legislation (Law 125(I) 2018).

Anyone who falsely accuses someone of harassment or sexual harassment knowingly is subject to disciplinary action and may be subject to the corresponding sanctions under the provisions of the Criminal Code.

## **7. Internal Informal Procedure**

For initiating the internal informal process, the person intending to make a complaint may, at their discretion, address any Competent Authority they choose. The Competent Authority records the incident's history and investigates the possibility of communication or mediation. Depending on the incident's history, the Competent Authority either

- (a) encourages the complainant to explain to the person causing the unwanted conduct that this behaviour is unwelcome, offensive, distressing, and interferes with their work/studies, or
- (b) undertakes mediation. The Competent Authority undertakes mediation if the alleged perpetrator appears willing to discuss the matter, and only if the complainant wishes to proceed with mediation.

If the complainant chooses direct communication with the perpetrator, then the Competent Authority is responsible for monitoring its outcome.

In case of mediation, the Competent Authority is responsible for communicating with the alleged perpetrator. The identity of the complainant may not be known to the alleged perpetrator, if this is the complainant's wish. In any case, the Competent Authority handles the matter with complete confidentiality and ensures its completion within a reasonable timeframe.

If the above procedure is not feasible or does not achieve satisfactory results, or if it is a serious incident or the harassing behaviour persists, the case is referred according to the disciplinary procedure.

## **8. Internal Formal Procedure**

The internal formal procedure for addressing incidents of harassment or sexual harassment may be the complainant's first choice or may be selected if the complainant is not satisfied with the handling or results of the informal procedure.

To initiate the internal formal procedure, a written report must be submitted by the complainant to any Competent Authority they choose at their discretion. The case is examined according to the procedure provided by the applicable disciplinary regulations.

## **9. Criminal and Civil Procedure**

The legal rights of the complainant, within the framework of criminal and civil justice, are in no way limited by the University's Regulations or the present Code.

## **10. Formal authorities for filing a complaint**

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

- 24-hour Helpline (SPAVO): 1440
- Police Helpline (Citizen Communication Line): 1460
- 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](http://www.ombudsman.gov.cy), [ombudsman@ombudsman.gov.cy](mailto: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](http://www.eif.gov.cy), [genderequalitycommittee@mlsi.gov.cy](mailto: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](mailto:director@dl.mlsi.gov.cy)
- Police, Police Headquarters, Evangelou Floraki Street, 1478 Nicosia, 1460 and 22808080, <http://www.police.gov.cy>, [police@police.gov.cy](mailto:police@police.gov.cy)

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