



R U L E S
ON THE DEFINITION AND PERFORMANCE OF ACTIVITIES TO COMBAT
SEXUAL HARASSMENT, OTHER FORMS OF HARASSMENT AND BULLYING

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Cc:

- all members of the wider academic community via email
- publication on the website

	Name/body	Date
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Approved by:	Governing Board	22 November 2022
Adopted by:	Professor Boštjan Golob	30 November 2022

On 22 November 2022, pursuant to Article 47 of the Employment Relationships Act (ZDR-1, Uradni list RS, 21/2013, 78/2013 [corrigenda] and 47/2015 [ZZSDT]), Article 24 of the Occupational Health and Safety Act (ZVZD-1, Uradni list RS, 43/2011) and Article 7b of the Higher Education Act (ZVis, Uradni list RS, 32/12 [official consolidated version], 40/12 [ZUJF], 57/12 [ZPCP-2D], 109/12, 85/14, 75/16, 61/17 [ZUPŠ], 65/17, 175/20 [ZIUOPDVE], 57/21 [Constitutional Court Decision] and 54/22 [ZUPŠ-1]), and with the prior consent of the Senate, the Governing Board of the University of Nova Gorica adopted the following

R U L E S

ON THE DEFINITION AND PERFORMANCE OF ACTIVITIES TO COMBAT SEXUAL HARASSMENT, OTHER FORMS OF HARASSMENT AND BULLYING

1. General provisions

Article 1

These Rules lay down in detail the methods used to identify and prevent violence, sexual harassment, other forms of harassment and bullying at the University of Nova Gorica, and the measures to be taken to prevent, eliminate and manage them.

The provisions of these Rules shall apply to all members of staff at the University regardless of whether they work at the University on the basis of an employment contract or on any other legal basis. The provisions of these Rules shall apply by analogy to all persons who study at the University and all persons who take part in activities organised by the University (hereinafter: 'the wider academic community').

All persons who are involved in procedures conducted in line with these Rules or who have been apprised of these procedures on account of the nature of their work shall consistently protect all personal data relating to such procedures in accordance with the applicable regulations.

All procedures under these Rules shall be conducted with tact and in confidence so as to ensure that the personal dignity and privacy of parties to the procedure are fully protected.

The terms used in the feminine gender in these rules shall apply as gender-neutral terms equally to men, women and persons of any other gender identity.

2. Definition of terms

Article 2 (sexual harassment)

Sexual harassment is verbal, non-verbal or physical conduct or behaviour of a sexual nature having the intention or effect of violating a person's dignity, in particular where this creates an intimidating, hostile, degrading, humiliating or offensive environment.

Verbal sexual harassment may include the following types of conduct:

- making advances to a person or attempting to seduce them;
- making sexual suggestions to a person or coercing them to engage in sexual activity;
- making repeated unwelcome requests for social activities and dates;
- making sexually suggestive remarks, observations and insinuations;
- making statements and comments about a person's clothing, body or appearance;
- addressing a person using diminutive, endearing or similar terms inappropriate to the situation;
- using obscene phrases or gestures (e.g. whistling);
- changing academic or business topics into sexual ones;
- telling stories or jokes with a sexual content;
- bragging about sexual exploits;
- asking personal questions about a person's social or sexual life;
- engaging in similar types of verbal conduct or behaviour.

Non-verbal sexual harassment may include the following types of conduct:

- sending or distributing emails, letters, faxes and other material with a sexual content;
- displaying pornographic or sexually suggestive pictures or text;
- sending lewd glances or engaging in unwelcome flirting;
- making sexually suggestive gestures or leering at a person's body;
- standing too close to a person;
- engaging in similar types of non-verbal conduct or behaviour.

Physical sexual harassment may include the following types of conduct:

- deliberate touching of a person's clothing, hair, body and personal items;
- embracing;
- kissing;
- sexual assault;
- forced sexual intercourse;
- engaging in similar types of physical conduct or behaviour.

Article 3 (other forms of harassment)

Other forms of harassment shall include any unwanted conduct or behaviour related to any kind of personal circumstance with the effect or intention of violating the dignity of a person or of creating an intimidating, hostile, degrading, humiliating or offensive environment. Personal circumstances shall include, *inter alia*, gender, nationality, race or ethnic origin, religious or other beliefs, disability, age and sexual orientation.

Conduct or behaviour that constitutes harassment as referred to in the previous paragraph shall be all actions based on differing social and/or organisational power in relation to the victim, including, in particular:

- ridicule;
- humiliation;
- intimidation;
- physical aggression;
- defamation or denigration;

- insults on account of a person's personal circumstances;
- other similar types of conduct or behaviour.

Article 4 (bullying)

Bullying is any recurring or systematic and long-term reprehensible or clearly negative, inhumane, unethical or offensive verbal or non-verbal behaviour by one or more persons that is directed towards another person or persons with the aim of causing social exclusion or that has the effect of threatening the psychological, physical or social health of the victim or victims. Bullying shall include, in particular, oppression, humiliation, threats, insults and other encroachments on an individual's dignity.

Examples of such conduct shall include, in particular:

- Attacks on expression and communication
 - limiting a person's opportunity to communicate;
 - interrupting and talking over a person;
 - shouting;
 - abuse;
 - constant criticism of a person's work;
 - harassment by any channel of communication;
 - verbal threats and pressure;
 - written threats;
 - avoidance of direct contact with a person;
 - dismissive gestures and looks;
 - the giving of vague comments;
- Threats to personal social contacts
 - refusal of a group to communicate with a person;
 - ignoring a person when they are addressed by them;
 - moving a person to a working area away from their own academic community;
 - prohibiting members of the wider academic community from talking to a person.
- Attacks on personal reputation
 - slandering a person behind their back;
 - spreading rumours about a person;
 - attempting to ridicule a person;
 - expressing assumptions that a person is mentally ill;
 - mocking a person's personal characteristics;
 - imitating a person's typical patterns of behaviour in order to make someone laugh;
 - making fun of a person's political, religious or other beliefs;
 - ridiculing a person's nationality, ethnicity, cultural origin, etc.;
 - evaluating a person's performance at work incorrectly or in an offensive manner;
 - expressing unfounded doubts about a person's professional decisions;
 - using swear words or obscene terms in relation to a person.

- Attacks on workplace quality
 - failing to give a person work to do;
 - removing work from a person with the aim of humiliating them;
 - assigning a person meaningless or unjustified tasks;
 - assigning a person tasks that offend their dignity.
- Attacks on health
 - assigning a person tasks harmful to their health;
 - making threats of physical violence;
 - using physical violence;
 - deliberately causing psychological damage to a person;
 - sexual assault.
- E-mobbing
 - deliberately sending infected files with the aim of harming the recipient;
 - entering computer or data systems without a justified reason;
 - changing entry codes without explanation, or disabling access to files;
 - communicating in an inappropriate way in group emails;
 - delegating urgent tasks via email just before the end of the working day with clearly negative intent;
 - communicating in an offensive way via email;

engaging in other conduct or behaviour carried out in an unacceptable way (raised voice, facial expressions, generally using an approach that incites fear, actions carried out at an inappropriate time) and, as such, constitute degradation or damage to a person's reputation.

3. Measures to prevent sexual harassment, other forms of harassment and bullying

Article 5 (prevention, information and awareness-raising)

All members of the wider academic community shall be apprised of the content of these Rules via email and via publication on the rules and forms section of the website.

Every member of the wider academic community shall familiarise themselves with the provisions of these Rules, respect the dignity of other members of the wider academic community, and not engage in violence, sexual harassment, other forms of harassment or bullying.

The University shall encourage members of the wider academic community to take part in events that raise awareness of sexual harassment, other forms of harassment and bullying.

The management may also determine other methods of raising awareness and providing information in relation to protection against sexual harassment, other forms of harassment and bullying.

4. Measures in response to sexual harassment, other forms of harassment and bullying

Article 6 (advice and assistance to members of the wider academic community)

The following principles and facts shall apply to the provision of assistance to victims:

- steps taken to address sexual harassment, other forms of harassment or bullying shall be designed to put an end to the abuse, provide effective assistance to victims and encourage the perpetrator to take responsibility for the abuse;
- the victim cannot be held responsible for the perpetrator's abusive conduct or behaviour;
- the victim and perpetrator shall not be made to meet while an accusation of sexual harassment, another form of harassment or bullying is being investigated or dealt with;
- due regard shall be paid to the fact that these types of abuse lead to an imbalance in the psychological power between victim and perpetrator, and therefore that procedures that attempt to share the blame for the abuse between all parties involved or that treat the abuse as a conflict between parties with equal power can have harmful consequences for the victim;
- steps taken to deal with a report of sexual harassment, other form of harassment or bullying should not proceed from one's own or past experiences, should not be judged in accordance with one's own feelings and emotions, and should not minimise or belittle the abuse committed, but should instead proceed from the individual nature of each case and the individuality of the person who has experienced the abuse;
- because of the varying levels of organisational and/or social power, a victim is often, even with less severe forms of sexual or other types of harassment, unable to request that a certain type of conduct or behaviour stop, nor shall they be required to do so;
- because of the specific dynamics and consequences of abuse in relation to bullying, a victim is often unable to request that a certain type of conduct or behaviour stop, nor shall they be expected or required to do so;
- victims may not be forced to accept a solution, but shall have their needs and decisions taken into account and supported during the process of finding a solution;
- no decisions shall be taken in place or on behalf of a victim;
- the victim shall be kept informed of the activities that follow their report.

Article 7 (duties and responsibilities of management)

The duties and responsibilities of management and management staff shall be:

- to ensure that activities are carried out to protect members of the wider academic community from sexual harassment, other forms of harassment and bullying;
- to prevent sexual harassment, other forms of harassment and bullying in the academic environment;
- to take part in training in non-violent conflict resolution, management of the wider academic community and the prevention and treatment of violence, sexual harassment, other forms of harassment and bullying in the academic environment;

- to support anyone who files a report about sexual harassment, another form of harassment or bullying in the academic environment;
- to put in place measures to ensure that reports of sexual harassment, other forms of harassment and bullying are dealt with and resolved quickly, efficiently and justly.

Article 8 **(obligations of members of the wider academic community)**

Every member of the wider academic community shall endeavour to create an abuse-free environment in which the dignity and integrity of all members are protected and respected.

Every member of the wider academic community shall, to the best of their ability, endeavour to help a victim exit from an abusive situation.

Article 9 **(trusted person)**

A victim may choose a trusted person to accompany them in all procedures at the University relating to the abuse they have suffered.

The trusted person may be anyone who is chosen by the victim, accepts the role of trusted person, and is willing to have a trusting and supportive relationship with the victim.

The rector shall, at the proposal of the Equality Committee, appoint two or more employees of the University who enjoy the trust of the members of the wider academic community (hereinafter: trusted persons) to provide support and assistance to victims at the University. A trusted person's term of office shall be five years. They may be reappointed to the position after their term of office ends. The University shall publish the list of trusted persons on its website. All members of the wider academic community shall be informed of the appointment of the trusted persons by email.

A trusted person shall undergo training for trusted persons and shall attend regular specialist training organised by the University.

A person who is part of the management of the University (rector, vice-rector) or the management of an organisational unit (e.g. dean, head of an institute, laboratory or centre) may not be appointed as a trusted person.

A trusted person may not be nominated to the commission referred to in Article 14 of these Rules.

The tasks of a trusted person shall be, in particular:

- to provide psychological support and assistance to a victim;
- to talk to the victim in confidence, provide them with important information and help them find appropriate solutions and measures during the period in which their report of sexual harassment, another form of harassment or bullying is being dealt with;

- to be present, should the victim wish, at informal and/or formal processes dealing with the sexual harassment, other form of harassment or bullying they have reported;
- to be in a relationship of trust with the victim, which means that they may not disclose the content of their discussions to third parties or, without the victim's consent, refer during formal proceedings to information they have obtained in the course of confidential discussions with the victim.

A trusted person shall safeguard as confidential all data and evidence made known to them during communication with the victim. Such data and evidence may only be disclosed to third parties if the victim gives their consent. The trusted person may not act as a witness in procedures based on these Rules unless the victim gives their consent.

Article 10 (prohibition of retaliatory measures)

Victims of sexual harassment, other forms of harassment or bullying and persons helping them exit from an abusive situation may not be subject to any consequences as a result of steps taken to prevent sexual harassment, other forms of harassment or bullying.

A person who claims to have been subjected to retaliatory measures may request in writing that the rector take action. The rector shall provide a person subjected to retaliatory measures with a safe academic environment free of such measures.

A person who claims to have been subjected to retaliatory measures may file a report against the person carrying out these measures in accordance with the provisions of these Rules.

5. Dealing with cases of sexual harassment, other forms of harassment and bullying

Article 11 (informal resolution)

If a victim so wishes, they may opt for the informal resolution of an issue relating to sexual harassment, another form of harassment or bullying.

The informal resolution of cases of sexual harassment, other forms of harassment and bullying means that the victim requests that the person they believe is engaging in such conduct stop that conduct. The victim may do this themselves or with their chosen trusted person.

Article 12 (keeping notes/a diary of events on unacceptable conduct)

If possible, a victim shall keep a record/diary of the events that they believe constitute unacceptable conduct. The record should contain the date, time, perpetrator, a description of the event, and any witnesses or onlookers.

A record of unacceptable conduct may serve as evidence in the case of a formal investigation of sexual harassment, another form of harassment or bullying.

Article 13 (formal resolution)

Where informal resolution is not possible or is unsuccessful or when the victim of sexual harassment, another form of harassment or bullying does not opt for informal resolution, the victim, the appointed trusted person or any other person acting for the victim under their written authorisation shall notify the head of the organisational unit to which the victim is assigned and the rector of the University, orally or in writing, of the sexual harassment, other form of harassment or bullying. If one of the appointed persons is involved in the unacceptable conduct, notification to the other shall suffice.

If the victim is a student, they, a trusted person or any other person acting for the victim under their written authorisation shall notify the dean of the faculty at which they study and the rector of the University orally or in writing. If one of the appointed persons is involved in the unacceptable conduct, notification to the other shall suffice.

Notification shall be made as soon as possible and not later than one year after the event or events in question.

Notification shall contain specific details of the suspected perpetrator and a description of the unacceptable conduct. Notification may be made by the victim themselves or, under written authorisation of the victim, by their trusted person or any other person acting for them. They may also file a request for temporary measures to secure an environment free of sexual harassment, other forms of harassment or bullying.

The head of the organisational unit and the rector of the University shall take all necessary temporary measures to secure an environment free of sexual harassment, other forms of harassment or bullying as quickly as possible and no later than within eight working days. Within the same period, the rector shall also appoint a commission to establish the circumstances relating to the suspected harassment.

If the person suspected of committing the sexual harassment, other form of harassment or bullying is the rector, the rector's tasks under these Rules shall be performed by the vice-rector for education.

Article 14 (committee)

In order to establish the circumstances relating to the suspected sexual harassment, other form of harassment or bullying, the rector shall appoint a five-member commission for each case separately. The committee shall have equal gender representation, a balanced composition in terms of age, and a suitable composition in terms of hierarchy of positions at the University. If the victim or suspected perpetrator is a student, one member of the commission shall be appointed by the University's Student Council.

No person involved in the case of sexual harassment, other form of harassment or bullying in question may serve as a member of the commission. No person who is personally connected to the perpetrator, such as a spouse or relative, may serve as a member of the commission.

The commission shall perform its work at meetings closed to the public.

The commission's tasks shall include, in particular, assessing the statements of the victim and perpetrator, and doing everything in its power to put an end to the harassment or bullying.

After receiving the report, the commission shall first invite the victim to a one-to-one discussion, followed by the suspected perpetrator. The victim and perpetrator shall not meet at these discussions. The commission shall examine any records of events kept by the victim, as well as any other material evidence of abusive conduct and behaviour. The commission may also talk to any witnesses about the events in question. In the course of discussions, the commission shall, in particular, take steps to protect the victim and ensure that their integrity is safeguarded.

The commission shall, as quickly as possible and no later than within three months of its appointment, produce a position on the established sexual harassment, other form of harassment or bullying in the form of a written opinion, which shall be made known to the victim and the perpetrator.

If the victim or the perpetrator do not agree with the commission's opinion, they shall have five working days in which to submit comments thereon.

The commission shall send its position, together with all documents and any comments thereon, to the rector of the University within five working days of the expiry of the deadline for comments. The commission may make its own suggestions for resolving the situation, and may also propose measures to put an end to the abuse and protect the victim. If the commission adjudges that the case contains elements of a criminal offence, they shall say so in their report and propose that the case be referred to the appropriate authorities.

Article 15 (measures)

If the rector finds that there are grounds for suspecting that sexual harassment, another form of harassment or bullying has taken place, they shall take measures against the person who has been found to have committed the sexual harassment, other form of harassment or bullying as quickly as possible and no later than five working days after receiving the commission's position. These measures may include:

- reassigning the person found to have committed sexual harassment, another form of harassment or bullying to another location if the Employment Relationships Act so allows;
- the issuing of a written warning of the requirement to fulfil employment-related obligations and the possibility of terminating an employment contract in the event of a repeat violation, the ordinary termination of an employment contract due to misconduct under the Employment Relationships Act, or a warning prior to ordinary termination of a civil law contract;
- the extraordinary termination of an employment contract under the Employment

Relationships Act (when the violation bears the hallmarks of a criminal offence) or termination of a civil law contract;

- the reallocation of teaching or mentoring duties;
- a ban on taking part in organised teaching activities;
- the reassignment of a person found to have committed sexual harassment, another form of harassment or bullying to another location if this option exists with regard to organised teaching duties.

In every case, the rector shall ensure that measures are in place to prevent further harassment or bullying and to remove any consequences of harassment or bullying already committed.

If there are grounds for suspecting that the prohibition on sexual harassment, other forms of harassment or bullying defined as criminal offences in the Slovenian Criminal Code has been violated, the police or competent state prosecutor's office shall be notified without delay regardless of the provisions of these Rules.

The person making the complaint, the person suspected of sexual harassment, another form of harassment or bullying, and the Equality Committee shall be notified of the measures introduced.

Article 16 (malicious or false reporting)

The University may initiate a procedure to terminate an employment contract under the Employment Relationships Act or a procedure to terminate a civil law contract of a member of the wider academic community who files a report alleging sexual harassment, another form of harassment or bullying in order to harm another person. In the case of a student, it may initiate a procedure to expel them from the University.

Article 17 (record-keeping)

The Equality Committee shall keep a record of formal proceedings in relation to sexual harassment, other forms of harassment and bullying at the University.

Article 18
(transitional and final provisions)

These Rules shall enter into force on the day they are adopted by the Governing Board.

Rector

Professor Boštjan Golob