

Policy and Code of Practice for Combating Harassment and Sexual Harassment at the University of Cyprus

In compliance with the Equal Treatment of Men and Women in Employment and Vocational Training Law of 2002 (N.205(I)/2002) and guided by its core organisational values, the University of Cyprus (hereinafter “UCY”) adopts rules and procedures for the prevention and/or management of incidents of harassment or sexual harassment through the Code of Practice for Combating Harassment and Sexual Harassment at the University of Cyprus (hereinafter the “Code”). Being aware of the seriousness of such offence, UCY will not tolerate any conduct that constitutes harassment or sexual harassment. Such conduct shall constitute a disciplinary and criminal offence.

UCY also acknowledges that harassment or sexual harassment is based on the abuse of power and gender discrimination. More specifically, it constitutes a form of gender-based violence which is perpetuated by the prevailing power relations, the dominant perceptions regarding the role of men and women and social tolerance. It is considered as an additional form of gender discrimination and UCY takes a zero-tolerance approach towards the issue, acknowledging that sexual harassment impedes the implementation of equality in employment and education. Gender-based violence goes against UCY Legislation and Regulations and its core values.

1. SCOPE OF THE CODE

The scope of the Code is to properly inform about, prevent and manage incidents of harassment or sexual harassment at UCY, providing the required procedures for managing the problem and preventing its recurrence. It applies to all academic, research, teaching, administrative and hourly-paid UCY staff and to all students.

2. POLICY DECLARATION

UCY is strongly committed to maintaining a working, teaching and learning environment in which the individuals’ dignity is protected, and the personality of each UCY employee, student, and/or candidate is respected.

This Policy provides for the following:

2.1. All employees and students must comply with the UCY Policy and Code.

2.2. “Gender discrimination”, “harassment” and “sexual harassment” are strictly prohibited:

- (1) by all UCY members (academic, research, teaching, administrative and hourly-paid employees, and students), irrespective of their rank, position and gender, as well as towards any UCY visitor
- (2) in the context, inter alia, of vocational education, training and apprenticeship
- (3) concerning access to employment or job vacancies, of any kind, duration and level
- (4) when determining and applying the terms and conditions of employment, including the qualifications and criteria for appointment, tenure, integration, transfer, movement, posting or promotion
- (5) concerning the terms and conditions of dismissal from any employment position
- (6) as a result of submitting a complaint of harassment or sexual harassment or having rejected such behaviour in relation to points (1) and (5).

2.3. Anyone working or studying or seeking employment at UCY, has the right to be treated with dignity.

2.4. Gender discrimination, harassment and sexual harassment are illegal and shall be strictly punished.

2.5. Complaints of harassment or sexual harassment shall be managed promptly, in a serious manner and with complete confidentiality.

2.6. All employees and students must maintain complete confidentiality in case they have to provide information as part of the investigation of a complaint. Commenting on confidential information and / or spreading rumours will not be tolerated.

2.7. All members of the university community shall be protected from victimisation, mistreatment or any adverse change in conditions resulting from their contribution, in any way (e.g. reporting, testifying), to the investigation of a complaint of harassment or sexual harassment.

3. TERMS AND CONCEPTS

- (1) **“Gender Discrimination”** refers to any direct or indirect discrimination, including sexual harassment or less favourable treatment as a result of the rejection of or submission to such conduct. “Gender discrimination” involves any less favourable treatment of a woman which relates to pregnancy, childbirth, breastfeeding, maternity or sickness due to pregnancy or childbirth, while any instruction or command for discrimination against people due to gender constitutes discrimination.
- (2) **“Harassment”** refers to unwanted gender-related conduct which aims at or results in the violation of the recipient’s dignity, especially when it creates an intimidating, offensive, degrading, or hostile environment.
- (3) **“Sexual Harassment”** refers to unwanted conduct of a sexual nature which aims at or results in the violation of the recipient’s dignity, especially when it creates a humiliating, intimidating, offensive, degrading or hostile environment during employment, vocational education or training, and it is expressed in words or actions.

The terms “harassment” and “sexual harassment” include:

- I. Unwanted conduct
- II. Gender-based conduct and conduct of a sexual nature respectively
- III. Behaviour that can reasonably be regarded, in the circumstances, as offensive, intimidating and humiliating for the recipient, and which creates a hostile work environment.

“Unwanted Conduct” refers to all behaviour that is unpleasant and offensive for an individual, irrespective of whether such behaviour is repeated or concerns a single incident. Regardless of how the perpetrator perceives his/her behaviour towards the recipient or what the perpetrator’s intention was, the recipient of such behaviour does not need to inform the perpetrator that his/her behaviour is unwanted.

Provided that, although such behaviour might be welcomed by other employees or it might have been previously considered welcomed within the work environment, this does not annul the term “unwanted conduct” as defined above.

“Conduct of a Sexual Nature” refers to all behaviour that has a sexual element, overtone or implication and is expressed in actions and words. Examples of such conduct include (but are not limited to) the following:

- **Conduct expressed by actions** refers to all unwanted physical contact, with the aim of assaulting or pressuring someone to engage in sexual relations.

- **Verbal conduct** refers to unnecessary or unwelcome familiarity, sexual, unethical or offensive comments or obscene communications, jokes or gestures, unethical or offensive comments regarding someone's gender or sexual orientation, moderating discussions on sexual matters, describing sexual life in front of other people, unwanted and unethical suggestions, propositions or pressure to engage in sexual acts, indiscreet questions about personal or sexual life, sexual innuendos or lewd comments, insults, indecent remarks, annoying and inappropriate flirting, and constant suggestions for social activity outside the workplace, while it has been made clear that such suggestions are unwelcome.
- **Non-verbal Conduct** includes the display of pornographic magazines, indecent pictures or objects, whistling, leering or staring, gestures with the eyes, hands or the tongue, unnecessary approaching or unnecessary close physical proximity, sexually explicit messages via mobile phones or other electronic means.
- **Quid Pro Quo Sexual Harassment** occurs when a director, superior or professor attempts to influence the employment conditions, the promotion, training, salary increment or other benefits of an employee or candidate for a job vacancy or advancement, as well as a student's graduation or a candidate's admission to university in exchange for sexual favours.
- **Sexual favouritism** occurs when a person who is in a position of authority rewards only those who respond to his/her sexual advances, while those who do not (but deserve to) are denied promotion, benefits or advancement.

Provided that, sexual harassment is not the sexual contact, flirting or friendships which are mutually acceptable by concerned parties.

- (4) "Competent Authority" refers to people who are responsible for dealing with complaints or grievances related to incidents of harassment or sexual harassment and for taking measures in order to prevent and manage such incidents. It is the responsibility of the competent authorities to provide adequate training for preventing and managing incidents of harassment or sexual harassment.

The competent authorities of the University of Cyprus are:

- Rectorate
- Deans of Faculties
- Chairpersons of Departments
- Director of Administration and Finance
- Library Director
- Heads of Services
- Ombudsperson or Head of the Office of Diversity, Inclusion and Equality.

4. APPLICATION OF THE CODE

All members of the University community are bound by this Code and Policy and UCY shall ensure that all available disciplinary sanctions are applied in the event that the former is not implemented. Incidents of

gender discrimination, harassment or sexual harassment shall be managed in accordance with the above Policy Declaration.

4.1. **Measures for the Prevention of Harassment and Sexual Harassment**

A. Employees and Students

- Seek comprehensive and objective information on the legislation provisions
- Participate in actions, seminars, information and training programmes on combating harassment and sexual harassment
- Correct their own behaviour when realising that it is annoying or offending towards a colleague or fellow student
- Express their dissatisfaction when receiving unwanted behaviour.

B. The Competent Authority must

- Communicate the Code and the Policy in writing or in any other way
- Organise activities and seminars, and/or inform, train staff/students on combating harassment and sexual harassment
- Encourage reporting of incidents of harassment and/or sexual harassment, even when these have simply come to the attention of an employee or student and do not concern the student or the employee themselves.

4.1.1. **Information**

The University ensures that copies of the existing policy (both in hard copy and electronic format) are available to all UCY staff and students. At regular intervals, the University community will be informed regarding new policies or actions taken by the University towards ensuring a friendly, safe, fair and pleasant environment for the University community.

4.1.2. **Education**

- In collaboration with the Office of the Ombudsperson and/or the Office of Diversity, Inclusion and Equality, UCY organises training and educational programmes in the form of seminars, events, announcements, information leaflets etc., regarding prohibited discrimination, the importance of combating and eliminating such discrimination along with the stereotypes that perpetuate and reproduce it, gender-based violence, sexual harassment, inequality at work, as well as regarding the relevant legal provisions and the benefits of complying with and implementing them.

4.2. **Measures for Combating Harassment and Sexual Harassment**

A. Employees and Students

- Avoid any tolerant, defensive and/or harmful attitude towards the perpetrator.
- Report the incident immediately to the competent authority

B. The Competent Authority must:

- Maintain confidentiality.
- Investigate the incident.

- Assess the incident and suggest ways to manage it.
- Educate the perpetrator.
- Ensure that the perpetrator apologises to the victim.

5. PROCEDURE FOR SUBMITTING A COMPLAINT/GRIEVANCE

Complaints of harassment or sexual harassment incidents may be managed through internal informal or formal procedures. The competent authority is responsible for informing the complainant of the options. The employee and/or student is free to choose either of the two options, under no duress or threat. The informal procedure may, at any time, turn into formal, namely into disciplinary action, if requested by the victim or recommended by the Competent Authority.

A. Internal/Informal Procedure

The internal procedure aims to investigate and manage incidents within the organisation.

- The victim of harassment appeals to a competent authority of his/her choice.
- The competent authority records the facts of the incident and examines the possibility of direct contact or mediation.
- Depending on the incident, the competent authority either (a) urges the victim to explain to the person engaging in the unwanted conduct that such behaviour is unwelcome, offensive, distressing and interferes with his/her work/studies, or (b) undertakes mediation.
- The competent authority shall only act if 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.
- If the victim chooses to communicate directly 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.
- In all cases, the competent authority shall manage the incident in complete confidentiality, and ensure that the procedure is concluded within a reasonable period of time.

If the above is not possible, or if this informal approach has not provided satisfactory results, or if the incident is serious, or this harassing behaviour is repeated, the case shall be referred to the Competent Disciplinary Committee for Disciplinary Action.

B. Internal/Formal Procedure

The formal procedure may be the victim's first choice for dealing with incidents of harassment or sexual harassment, or it may be chosen if the victim is not satisfied with the management of the informal procedure.

In this case, the victim shall contact a competent UCY authority and/or formal external authorities.

The communication may initially be made orally, in writing, or by telephone and shall be concluded by drafting a written report.

Subsequently, the statutory procedures for investigating possible disciplinary offence are followed, as provided for in the UCY Regulations in force at the time, R.A.A. 162/1990, R.A.A. 282/99 and R.A.A. 172/2006, as amended or replaced.

B.1. Disciplinary Procedures

(a) Disciplinary procedures shall comply with the UCY Regulations applicable at the time, R.A.A. 162/1990, R.A.A 282/99 and R.A.A 172/2006, as amended or replaced.

(b) Disciplinary procedures shall also apply with regard to retaliation against individuals who, in good faith, submitted a complaint of or witnessed an incident of sexual harassment that was not eventually found to be a sexual harassment incident.

(c) In the event that a complaint of harassment or sexual harassment cannot be satisfactorily resolved through the internal procedures set forth above, either party may submit a grievance with the authorities of the State.

B.2. Criminal and Civil Procedure

A victim of sexual abuse has the right to press criminal and civil charges against an alleged perpetrator. The legal rights of the victim are in no way limited by the UCY Disciplinary Regulations and this Policy.

B.2.1. Formal Authorities for Submitting a Grievance

Grievances about harassment or sexual harassment may be submitted with the following institutions:

Commissioner for Administration and the Protection of Human Rights (Ombudsperson) – Equality and Anti-Discrimination Body

Address: Era House, 2 Diagorou, 1097, Nicosia

Tel. No.: 22405500/501

Website: www.ombudsman.gov.cy

Email: ombudsman@ombudsman.gov.cy

Gender Equality Committee in Employment and Vocational Training

Address: 9, Climentos, 3rd Floor, Office 305 & 312, 1061, Nicosia

Tel. No.: 22400894/5

Website: www.eif.gov.cy

Email: genderequalitycommittee@mlsi.gov.cy

Labour Department Inspectors, Ministry of Labour, Welfare and Social Insurance

Address: 9, Climentos, 4th Floor, 1480, Nicosia

Tel. No.: 22400801/2

Website: director@dl.mlsi.gov.cy

Police

Address: Police Headquarters, Evangelou Floraki Street, 1478, Nicosia

Tel. No.: 1460 (Citizen Communication Line) and 22808080

Website: <http://www.police.gov.cy>

Email: police@police.gov.cy

Sources

Electricity Authority of Cyprus (2015). *Code of Practice on Combating Harassment/ Sexual Harassment in Employment*

Commissioner for Administration and the Protection of Human Rights (Ombudsman) – Equality and Anti-Discrimination Body (2018). *Code of Practice on Preventing and Combating Harassment and Sexual Harassment in Public Service.*

Pilavaki, Anna (2012). *Code of Practice on Preventing and Combating Sexual Harassment Incidents in the Workplace. Gender Equality Committee in Employment and Vocational Training, Nicosia.*

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