

Equal Opportunities and Dignity at Work Policy

1.1 Purpose and Scope

The University is committed to providing equal opportunities through employment including recruitment, training and promotion of employees, and to eliminating discrimination in the work place and in the services it provides.

This Policy applies to all employees.

1.2 The Law

It is the University's aim to ensure that the talents and resources of employees are used to the full, free from discrimination or harassment, and that neither employees or job applicants receive less favourable treatment on unlawful grounds or are disadvantaged by conditions or requirements which cannot be shown to be relevant to the requirements of the job.

It is also the University's aim to ensure that no individuals for whom the University is providing a service, or is in a business relationship with, receive less favourable treatment on unlawful grounds or are disadvantaged by discrimination.

The principles of non-discrimination and equality apply to the way in which staff treats colleagues, visitors, clients, customers, suppliers and former members of staff.

All staff at the University should familiarise themselves with the law in the area of discrimination, to ensure that they are not unlawfully discriminating against a colleague through their decisions or behaviour, and to ensure they are not unlawfully discriminating against an individual for whom the University is providing a service, or is in a business relationship with. It is every employee's responsibility to act within the law.

It is unlawful to discriminate directly or indirectly on the grounds of the following characteristics – sex; age; gender reassignment; maternity or pregnancy; colour; race; nationality; political beliefs; ethnic or national origin; sexual orientation; religion or belief; marital or civil partner status; disability; or, fixed term or part- time status.

Discrimination may be direct or indirect and it may occur intentionally or non-intentionally.

Direct discrimination occurs where an individual is treated less favourably than another individual in comparable circumstances because of one or more of the protected characteristics set out above. For example, rejecting a job applicant on the grounds of their race because they would not "fit in" would be direct discrimination.

Indirect discrimination occurs where an act, decision or practice has the effect of disadvantaging a group of individuals who share a protected characteristic, and

cannot be objectively justified as a proportionate means of achieving a legitimate aim.

1.3 Dignity at work

The University is committed to creating a work environment free of harassment, bullying and victimisation, where everyone is treated with dignity and respect.

1.4 Bullying

Bullying is offensive, intimidating, malicious or insulting behaviour, or an abuse or misuse of power, which is meant to undermine, humiliate or injure the recipient. Examples of bullying could include picking on someone, or making threats or comments about someone's job security without good reason.

1.5 Harassment

Harassment is unwanted conduct related to any of the protected characteristics which:

- has the purpose of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that person; or
- is reasonably considered by the recipient to have the effect of violating his or her dignity or of creating an intimidating, hostile, degrading, humiliating or offensive environment for him or her, even if this effect was not intended by the person responsible for the conduct.

For further details regarding issues of harassment, including the procedure on how to file a complaint, please refer to the Sexual Harassment Policy.

Sexual Harassment Policy

In compliance with The Equal Treatment in employment and Vocational Training Law 205 (I) 2002 as amended, the University is committed to protecting all employees against harassment and sexual harassment in the workplace. The policy provides appropriate procedures to address these issues and prevent their occurrence.

UCLan Cyprus makes it clear that such phenomena are unacceptable and that all such incidences will be dealt with the appropriate degree of seriousness and urgency.

1. DEFINITIONS

1.1. Sexual Harassment: Unwanted conduct of a sexual nature. The unwanted nature of sexual harassment distinguishes it from behaviour that is welcome and mutual. Sexual attention becomes sexual harassment if:

- (a) The behaviour is persisted in, although a single incident of harassment can constitute sexual harassment; and/or
- (b) The recipient has made it clear that the behaviour is considered offensive; and/or
- (c) The perpetrator should have known that the behaviour is regarded as unacceptable

1.2. Harassment: Any unwanted by the recipient behaviour related to the sex of an individual, expressed by words or actions and it aims or results in violating the dignity of a person in particular when creating an intimidating, hostile, degrading, humiliating or offensive environment.

1.3. Investigating Officer: The designated person to whom employees can turn to for filing a complaint, guidance and confidential advice. The names and contact details of the Investigating Officers will be communicated to all employees from time to time.

2. FORMS OF SEXUAL HARASSMENT

2.1. Sexual harassment may include, unwelcome physical, verbal or non-verbal conduct as follows (the list is not exhaustive):

- (a) Physical conduct of a sexual nature including all unwanted physical contact, ranging from touching to sexual assault and rape. Sexual assault and rape are criminal offences according to the criminal code.
- (b) Verbal forms of sexual harassment include unwelcome innuendoes, suggestions and hints, sexual advances, comments with sexual overtones, jokes of a sexual content, or insults or unwelcome graphic comments about a person's body made in their presence or directed toward them,

unwelcome and inappropriate enquires about a person's sex life, and
unwelcome whistling directed at a person or group of persons.

- (c) Non-verbal forms of sexual harassment include unwelcome gestures, indecent exposure and the unwelcome display of sexually explicit pictures and objects.
- (d) *Quid pro quo* sexual harassment occurs where an owner, employer, supervisor, member of management or co-worker, undertakes or attempts to influence the process of employment, promotion, training, discipline, dismissal, salary increment or other benefit of an employee or job applicant, in exchange for sexual favours.

Sexual harassment **is not** the sexual contact, flirting or friendships which are welcome or mutual.

3. FORMS OF HARASSMENT

3.1. Harassment focuses on the abilities, stereotypes and capabilities of a specific gender, and some examples are listed as follows:

- (a) Making comments about how women are unable to perform certain duties.
- (b) Teasing a male nurse that he is gay.
- (c) Dropping constant out-of-context gender references in work conversations.

4. APPLICATION OF THE POLICY

4.1. The policy applies to all University employees. The perpetrators and victims of harassment and sexual harassment may also include: Employers, Job applicants, Students, Suppliers, Contractors and others dealing with the University.

4.2. A non-employee who is a victim of harassment or sexual harassment by a University employee may lodge a grievance where the harassment has taken place at the University or in the course of the harasser's employment.

5. POLICY STATEMENT

5.1. Harassment and sexual harassment in the workplace are neither permitted nor tolerated and will be strictly punished (see section 6.3).

5.2. All employees are obliged to comply with the University's policy on harassment and sexual harassment.

5.3. All employees must act in complete confidence concerning other colleagues, in case they are required to provide information as part of the investigation of a complaint. The spreading of rumours or confidential information is prohibited.

- 5.4. All employees, job applicants and anyone who has dealings with UCLan Cyprus, have the right to be treated with dignity.
- 5.5. People who are harassed or sexually harassed in the workplace have the right to submit a complaint in accordance with this policy.
- 5.6. Complaints regarding harassment/sexual harassment will be treated immediately, in a serious manner, with sensitivity and complete confidentiality.
- 5.7. Employees will be protected from victimization, retaliation and false accusations.

6. PROCEDURES

6.1. Advice and guidance

Because harassment and sexual harassment are sensitive issues and the victim may feel unable to approach the perpetrator or to lodge a formal grievance or turn to colleagues for support, the University has appointed Investigating Officers (see 1.3 above) to whom people can go to for guidance and confidential advice.

6.2. Options to resolve a problem

There are two options for the solution of a problem that concerns harassment and sexual harassment: The unofficial/informal way and the official/formal way.

The employee should be under no duress to accept one or the other option.

(a) Informal procedure

It is **recommended** that the victim explains to the person engaging in the unwanted conduct that the behaviour in question is not welcome, that it offends him/her or makes him/her uncomfortable, and that it interferes with his/her work. If, for any reason the victim feels uncomfortable with the direct personal contact for dealing with the perpetrator then he/she may contact a manager or the Head of the Department (if the perpetrator is the manager).

The person who received the complaint (mediator) should act with complete confidence and try talking with both sides to resolve the problem in an informal way.

The mediator should act only if the harassment and/or sexual harassment occurred for a short period of time, if the perpetrator seems open for discussion and only if the victim wishes to be mediated.

If this is not possible or if the informal approach has not provided a satisfactory outcome, or if the case is severe or if the conduct continues, it may be more appropriate to embark upon a formal procedure.

(b) Formal procedure

When the aggrieved chooses to go with the formal process, or if he/she is not satisfied with the handling of the informal procedure, then he/she must contact an Investigating Officer describing the nature of the grievance. The contact may be made orally, in writing, by telephone or email. The Investigating Officer will immediately contact the Rector, who will assign a second person to assist in the investigation ("Investigating Committee"). The Investigating Committee will examine the case with objectivity and with sensitivity for the rights for both the person who submits the grievance and the accused, with seriousness, speed and confidentiality. Alternatively, if an employee wishes to submit a complaint for harassment anonymously, they may do so through the suggestion box or otherwise.

(a) Testimony from the aggrieved person

The Investigating Committee will receive testimony in writing from the person who submitted a complaint in order to detect and record with accuracy as many details as possible concerning the incident(s).

(b) Testimony from the alleged perpetrator

The Investigating Committee will take testimony in writing from the person who was accused in order to detect and record with accuracy as many details as possible concerning the incident(s).

(c) Testimony from third parties

The Investigating Committee may take written testimonies from third parties who are likely to further enlighten aspects of the case.

(d) Conflicting testimonies

The testimonies of the aggrieved person and alleged perpetrator are likely to be in conflict. If there are no witnesses to confirm one or the other story, the Investigating Committee, should look for evidence that enhance the one or the other version. If no such evidence is detected then the Investigating Committee should decide based on the balance of probabilities. They need to identify which of the two is more likely to be telling the truth. In order to reach to this conclusion, the Investigating Committee will rely on the credibility of each party.

(e) Deadlines for submission and examination of complaints

The University encourages the people affected by harassment or sexual harassment to activate either the formal or the informal procedure as soon as possible. However, due to the sensitivity of the issue and acknowledging the hesitations about submitting the grievance, limitations or other deadlines are not set.

Examination of complaints may take no more than five working days.

(f) Confidentiality

The University and the employees must make sure that grievances about harassment and sexual harassment are investigated and handled in such a way that it is ensured that identities of the persons involved are kept confidential.

Confidentiality is ensured during the disciplinary investigation. Only appropriate members of management as well as the aggrieved person and the alleged perpetrator and witnesses must be present in the disciplinary enquiry.

The University shall notify to parties any information that may be reasonably necessary to enable the interested parties to prepare themselves for any procedure resulting from the application of this policy.

The Investigating Officer asks from all persons that are involved in the procedure, to sign the following statement:

“I understand and acknowledge that the complaint investigation process of Mr/Ms against Mr/Ms regarding alleged harassment/sexual harassment perpetration, is strictly confidential. I assume the responsibility not to mention anything to anyone, inside or outside work, either regarding elements of the complaint, the existence of the complaint or any aspects of the ongoing process now or anytime in the future. I also assume responsibility to prevent, in any way I can, the leakage of any clue regarding the above. In case I do not honour this commitment disciplinary measures will be taken against me, not excluding dismissal.

Date:

Signature: “

Alternatively the aggrieved person can submit the complaint to any of the institutions listed in section 7.

6.3. Investigation and disciplinary action

- (a) During the investigation at both the formal and informal procedures it is ensured that the aggrieved person is not disadvantaged, but also that the position of the alleged perpetrator is not prejudiced if the grievance is found to be unwarranted.
- (b) Disciplinary sanctions also apply to any retaliation to those persons who in good faith made a complaint regarding harassment or sexual harassment that was not deemed as such.
- (c) The disciplinary actions that may be taken are Strict Warning and Disciplinary Transfer, or Strict Warning and Demotion which will be included in the personnel file, or Dismissal (in line with the University’s Disciplinary Procedure). In case the

harassment includes physical or bodily violence then the disciplinary action will be dismissal.

- (d) The Rector, or his representative, is responsible for deciding on the course of disciplinary action.
- (e) If after the investigation it is proved that the alleged perpetrator has not harassed or sexually harassed the person who submitted the complaint, then the case closes without taking further action. However, if it is proved that the complaint was intentionally unfair, disciplinary measures will be taken against the person who submitted the grievance, not excluding dismissal.
- (f) After completion of the investigation, both sides are informed in separate meetings about the conclusions made and the decisions taken.

The University is committed to protecting all employees from any discriminatory behaviour or retaliation or other unfavourable treatment arising from the fact that they have submitted a sexual harassment complaint.

6.4. Criminal and civil charges

A victim of sexual assault has the right to press separate criminal and/or civil charges against an alleged perpetrator, and the legal rights of the victim are in no way limited by this policy.

7. INSTITUTIONS FOR SUBMITTING GRIEVANCES

Gender Equality Committee in Employment and Vocational Training

Address: 9 Klimentos Street

1061 Nicosia

Tel.: 22 400895

E-mail: genderequalitycommittee@mlsi.gov.cy

Website: www.eif.gov.cy

The Department of Labour of the Ministry of Labour, Welfare and Social Insurance

Address: 9 Klimentos Street,

1061 Nicosia

Tel: 22 400847

E-mail: director@dl.mlsi.gov.cy

Equality Authority of the Commissioner for Administration (Ombudsman)

Address: Era House

2 Diagorou Street

1097 Nicosia

Tel: 22 405500

E-mail: ombudsman@ombudsman.gov.cy