

## **Policy of countermeasures against discrimination and mobbing**

§ 1. 1. The College of Europe in Natolin follows a general attitude of zero tolerance for any acts of discrimination or mobbing, it being a violation of dignity of an individual, and expects mutual respect and courtesy in all interactions between the students, faculty and staff of the College of Europe in Natolin. Zero tolerance also applies to mobbing in relations between employees.

2. The awareness of different forms of unequal treatment, as well as preventing mobbing, intolerance and stalking, along with the concern for empathetic approach in the relations between members of the College of Europe in Natolin Community are crucial for the well-being of each and every Member of that Community and the community as a whole.

3. This policy identifies the rules protecting the atmosphere of trust and collegiality within the Community of the College of Europe in Natolin.

4. The Policy is also a source of relevant procedures of seeking a remedy to those, who believe that have been exposed to any discriminatory act (the Subject, the Person Filing the Complaint) at the same time providing the accused of the violation (alleged offender, Person Complained Against) a fair opportunity to be heard.

§ 2. 1. **Discrimination** occurs when people are treated less favourably than others in a comparable situation only because they belong or are perceived to belong to a certain group or category of people. Discrimination can take a form of unequal treatment, in particular based on sex, age, disability, race, religion, nationality, political belief, ethnicity, religious denomination, language and culture, sexual orientation, parental status, fixed-term or indefinite employment, full-time or part-time employment. Employees should be treated equally as regards entering into and terminating employment, terms of employment, promotion and access to training to improve their professional qualifications.

**Equal treatment** means non-discrimination in any way, directly or indirectly.

**Direct discrimination** exists when a given person, for one or more of the reasons set out above, was, is, or could be treated in a comparable situation less favourably than other persons.

**Indirect discrimination** exists when, as a result of a seemingly neutral provision, criterion applied or action taken, there are or could occur unfavourable disproportions or a particularly unfavourable situation with regard to all or a significant number of persons belonging to a group distinguished due to one or more of the reasons specified above, unless the provision, the criterion or action is objectively justified in terms of the lawful aim to be achieved, and the means of achieving that aim are appropriate and necessary.

A manifestation of discrimination is also an action consisting in encouraging another person to breach the principle of equal treatment or ordering another person to violate this principle.

**Harassment** is a form of discrimination.

2. **Mobbing** means actions or behaviours concerning an employee or directed against an employee, consisting in persistent and prolonged harassment or intimidation of an employee, causing him/her to a lowered assessment of his or her professional suitability, causing or aimed at humiliating or ridiculing the employee, isolating the employee or eliminating this person from the team of co-workers. Mobbing is a long-term, persistent,

deliberate activity and, unlike discrimination, it does not have to refer to a legally protected characteristic (such as age, disability, sex).

3. **Intolerance** is a lack of respect for practices or beliefs other than one's own, including the rejection of people whom we perceive as different, for example people who are different in political or sexual orientation. Intolerance can manifest itself in a wide range of actions, from avoidance through hate speech to aggressive behaviours.

4. **Stalking** is persistent harassment of another person or their closest person, which gives rise to a sense of threat justified by circumstances, or which significantly violates their privacy. It can take the form of an action consisting of repeated phone calls, leaving voice messages or sending electronic messages or posts, tracking or following, as well as harassing in order to obtain information about the private life of the harassed person as well as impersonating another person, using his/her image or his/her other personal data in order to cause him or her financial or personal damage.

§ 3. 1. As far as harassment is concerned, it can take various forms.

2. Personal harassment is a lack of tolerance of personal difference, including ridiculing based on personal circumstances or appearance.

3. Moral harassment is any repeated behaviour to the purpose or with the effect of undermining the dignity of another person or creating an intimidating, hostile, humiliating or offensive conditions.

4. Racial harassment is an offensive action aimed at one's racial or ethnic origin. It may manifest by racially motivated display of images in any form, as well as intimidating behaviour, such as offensive or threatening gestures.

5. Sexual harassment is a behaviour, which may include, but is not limited to unwanted touching, jokes of sexual nature, inappropriate use of suggestive visual displays or pressing for sexual actions in return for a positive result of a certain situation.

6. Harassment based on the grounds of one's sexual orientation is an offensive treatment, including comments and remarks concerning one's sexual orientation or threats to reveal one's sexual orientation against the will of the person concerned.

7. Harassment based on one's disability is an action that undermines personal dignity of a disabled person, which may include but is not limited to staring, offensive questions or disrespectful remarks.

8. Age based harassment is an action that unjustifiably dismisses one's commitment, competence, dutifulness and professional suitability on the grounds of age.

9. Bullying is a form of psychological or/and physical harassment, which is represented by intimidation, including gossiping, spreading of rumours, unmerited criticism or social isolation of the person concerned.

**§ 4.** 1. In the event of being the Subject to any of the behaviour categories mentioned in § 2 and § 3, this person (the Subject) will be guaranteed a fair procedure for seeking remedy and, at the same time, the person whose behaviour is in question (Person Complained Against) will be afforded a fair opportunity to be heard.

2. All proceedings related to a specific case are confidential. Disclosure of any information related to a case by a person involved may be subject to disciplinary actions.

**§ 5.** 1. At the beginning of each academic year, by the joint decision of the Vice-Rector, Director General, Director of Studies together with the Director of the Finance and Accounting Office, two members of the staff will be chosen to serve as Confidants. The nomination will be announced to the students, faculty, and staff.

**§ 6.** 1. Any student or a member of the faculty or staff of the College of Europe in Natolin, who believes that can be considered as the Subject of any of the behaviour categories mentioned in § 2 and § 3, or has been a witness to such behaviours or actions (the Witness) may seek assistance with the Confidant to discuss the situation.

2. The Confidant immediately invites the Subject or the Witness to a meeting. During the first meeting, the Confidant hears the account of the Subject and / or the Witness as to the course of events; the Confidant also hears explanations of the Person Complained Against.

**§ 7.** After hearing the persons referred to in § 6.2, the Confidant may decide to initiate one of the following two procedures::

- a) the Mitigation procedure,
- b) the Formal procedure.

**§ 8.** 1. As part of the Mitigation procedure, the Confidant assesses the probability of violation of § 2 or § 3 of the Policy and the seriousness of such violation.

2. After the assessment referred to in section 1, the Confidant proposes an amicable settlement to the dispute or initiates a formal procedure. The refusal of the Subject or the Person Complained Against to submit to an amicable settlement of the dispute is tantamount to the obligation to initiate a formal procedure.

3. Amicable settlement of the dispute may end in particular by:

- a) an apology,
- b) an agreed plan of action to avoid further incidents,
- c) in case of students, separate course assignments, separate groups during study trips and separate extracurricular activities,
- d) a request to the Vice-Rector or the Director General to issue an instruction or admonition.

The measures referred to in § 8.3 may be applied jointly.

4. The Mitigation procedure should be completed in 21 working days from the first meeting referred to in § 6. 2.

**§ 9.** 1. The formal procedure is initiated by the Confidant on the basis of a formal complaint by way of a decision that contains charges against the alleged offender.

2. The Confidant shall immediately inform the Subject and the Person Complained Against (the Parties) about the initiation of the formal procedure by sending them by e-mail a copy of the decision to initiate the formal procedure.

3. The parties to the procedure may take a position on the allegations contained in the decision no later than within 2 weeks from the date of receipt of the decision.

4. Upon the expiry of the deadline for the parties to the procedure to take the position, the Confidant immediately calls the Committee. The Committee should meet within 3 working days from the call.

5. The meetings of the Committee may be held online.

**§ 10.** 1. The Committee's composition is as follows.

2. Where the Parties are students:

- a) the Confidant as the Chair,
- b) one Student Representative,
- c) the Student Confidant,

each having one vote.

3. Where Parties are a faculty or a staff member and a student:

- a) the Confidant as the Chair,
- b) one Student Representative,
- c) the Student Confidant,
- d) Head of HR of the College of Europe,

each having one vote; if the votes are evenly split the Chair has a casting vote.

4. Where Parties are faculty or staff members:

- a) the Confidant as the Chair,
- b) the second Confidant,
- c) Head of HR of the College of Europe,

each having one vote.

**§ 11.** 1. The Committee takes its decision at the meeting after deliberation. Only the Committee members are present for the final deliberations.

2. At the first meeting of the Committee, the Chairman presents to its members the content of the complaint and the response to the complaint, provides documents for inspection by members of the Committee. These documents may not be copied or removed from the meeting room by members of the Committee. If the meeting is held online, the presented documents may not be printed or copied by members of the Committee.

3. On the request of the Committee, the Chair may invite the Subject and the Person Complained Against for separate meetings with the Committee.

4. The purpose of the hearings of the Parties is to determine the facts in the most objective manner possible; in this respect, each Party can submit requests for admission of evidence documents or witness testimonies.

5. The Chair will make every effort to guarantee the objectivity and impartiality of the work of the Committee.

6. Information relating to the proceedings is strictly confidential.

7. The Committee can reach the following final conclusions:

a) it can uphold the complaint, finding that events occurred substantially as they are described in the complaint,

b) it can find that there is no basis for the complaint and that events described in the complaint did not occur,

c) it can find that there is insufficient information to uphold or to refute the complaint,

d) it can find that there is no basis for the complaint because the events described in the complaint did not occur and the complaint is malicious or frivolous.

8. If the Committee determines that the acts mentioned in § 2 and § 3 have occurred or that the complaint is malicious or frivolous the Committee can propose solutions or sanctions which may include:

- a) sincere apology,
- b) an agreed plan of action to avoid further incidents,
- c) in case of students, separate course assignments, separate groups during study trips, separate extracurricular activities,
- d) a warning issued to the employee,
- e) a reprimand issued for the employee,
- f) a recommendation to penalize by expulsion of the student from the College in accordance with Article 9 of the Study Regulations, or termination of the contract of employment with an employee of the College of Europe in Natolin due to a gross breach of the employee's duties towards the employer or termination of another contract binding the Party with the College,
- g) in case of the mobbing, if the Committee finds that events occurred substantially as they are described in the complaint, only sanctions can be recommended, including recommendation to penalize by termination of the contract of employment with an employee of the College of Europe in Natolin due to a gross breach of the employee's duties towards the employer or termination of another contract binding the Party with the College.

9. The Chair of the Committee prepares minutes about the conclusions of the Committee's final deliberations and proposed solutions and sanctions.

10. Within 21 working days from the submission of the formal complaint the procedure should be completed.

11. The Chair of the Committee informs the Vice-Rector or/and the Director General or the Executive Board of the College, depending on their competence, about the conclusions of the proceedings as well as the recommended solutions and sanctions.

12. Vice-Rector or/and the Director General or the Executive Board of the College immediately decides whether to apply the recommended solutions and sanctions and informs the Parties about this decision at the joint meeting or at two separate meetings.

**§ 12.** If the Committee conclusions, recommended solutions and sanctions concern an expulsion of the student from the College, the Vice-Rector presents this recommendation to the Academic Council in order for it to make a final decision on the expulsion of a student, pursuant to Article 9 of the Study Regulations.

**§ 13.** In the event that it is necessary to supplement the composition of the Committee due to the exclusion of a member (conflict of interest) or other situations not provided for in this Policy, the missing member of the Committee shall be selected by the remaining members of the Committee from within the same representative group.

**§ 14.** In matters not covered by this Policy, the Study Regulations of the College of Europe, the Work Regulations of the College of Europe in Natolin, and the provisions of the Polish and international law shall apply. The provisions of these Regulations and legal provisions also apply when the Parties fail to implement or comply with the procedures provided for in this Policy.

§ 15. 1. Every student, faculty member and employee of the College of Europe in Natolin is required to read the Policy on Countermeasures against Discrimination and Mobbing.

2. The employee's statement on having become familiarized with the Policy on countermeasures against discrimination and mobbing is attached to the employee's personal files.