



## **Policy of countermeasures against discrimination and harassments** /consolidated text<sup>1</sup>/

### **I. General rules and definitions**

§ 1. 1. The College of Europe Natolin campus follows a general attitude of zero tolerance for any acts of discrimination, it being a violation / abuse 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 Natolin campus.

2. The awareness of different forms of unequal treatment, as well as the empathic approach in the relations between members of the College of Europe Natolin campus Community are crucial for a well-being of each and every Member of that Community and the community as a whole.

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

The Policy is also a source of a relevant procedure of a process of seeking a remedy to those, who believe that have been exposed to any discriminatory act at the same time providing those accused of a violation a fair opportunity to be heard.

§ 2. 1. Discrimination<sup>2</sup> 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 because of age, disability, ethnicity, origin, political belief, race, religion, sex or gender, sexual orientation, language and culture.

2. Intolerance<sup>3</sup> 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.

§ 3. 1. As far as harassment is concerned, it can take various forms. The same behaviour may be inoffensive to one person and deeply offensive and intimidating to another one. Unintentional or misinterpreted behaviour may cause feelings of harassment.

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<sup>1</sup> The present consolidated text incorporates the content of Order No. 2017/VI/01/Z of the Executive Board of the College of Europe of 2 June 2017 regarding the policy of countermeasures against discrimination and harassment, which constitutes Appendix no. 1 to Resolution No. 24 of the Executive Board of the foundation College of Europe of 2 June 2017 regarding the policy of countermeasures against discrimination and harassments and regarding amendments to the Work Regulations, as well as amendments introduced by Resolution No. 3 of the Executive Board of the College of Europe of 10 December 2018 on the introduction of amendments to the policy of countermeasures against discrimination and harassment, and amendments introduced by Resolution No. 11 of the Executive Board of the College of Europe adopted on 7 June 2019 regarding amendments to the Policy of countermeasures against discrimination and harassments.

<sup>2</sup> <http://www.coe.int/en/web/compass/discrimination-and-intolerance>

<sup>3</sup> *ibid.*

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

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

4. Racial harassment is a racially or ethnically offensive action about racial or ethnic origin, racially motivated display of images in any form, as well as intimidating behaviour, such as offensive or threatening gestures.

5. Sexual harassment is an unwanted, intimidating behaviour, such as asking for sexual favours in return for a positive result of a given situation. Examples include unnecessary touching, jokes of a sexual nature, inappropriate use of suggestive visual displays.

6. Harassment on grounds of sexual orientation is an offensive treatment, including homophobic comments or remarks, threats to reveal sexuality against the will of a person.

7. Harassment of disabled people is an action that undermines personal dignity of disabled people, including staring, unwanted touching, offensive questions about the impact that the disability has on the life of the disabled person.

8. Age harassment is an action that unjustifiably dismisses the commitment, competence, dutifulness and professional suitability on the grounds of the age of the person. Examples of such harassment include age-related remarks.

9. Bullying is a form of psychological or/and physical harassment, which is represented by intimidation, including gossiping, spreading of untrue stories, unmerited criticism or isolation.

10. Stalking is an unwanted action consisting of repeated or alarming phone calls, voice or @mail messages, following people or becoming a nuisance in order to obtain information about the private life of a person.

**§ 4. 1.** In the event of reporting behaviour which may be qualified as discrimination or harassment, a person who considers himself/herself to be a victim of such action (the Plaintiff) will be guaranteed an effective procedure for seeking remedy and, at the same time, the person accused of the commission of an act of discrimination or harassment (the Defendant) 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.** The College of Europe Natolin campus appoints two members of the staff to serve as confidants, namely:

- a) The Director responsible for coordination of student affairs, and
- b) An academic assistant designated by the Vice-Rector in consultation with the Director of Studies

2. A student or a member of the staff of the College of Europe Natolin campus, who believes that she/he has been discriminated against or harassed (the Plaintiff), or has been a witness to such behaviours towards a third party may request first a meeting with the external psychological counsellor (contact: [counsellor1.pl@coleurope.eu](mailto:counsellor1.pl@coleurope.eu)) to discuss the situation and ways to proceed about it, or directly contact the Confidants to discuss the situation and ways to proceed about it.

If the Person informing of the behaviour/situation is a witness to the situation, and confirms her/his wish to file a complaint in discussion with the Confidant, the Confidant will contact the person who was indicated as being subject to discrimination or harassment, discuss with her/him the situation, and ask that person whether and/or what solution would be appropriate for her/him. If the person who was subject to this behaviour upholds the complaint of the witness, the Confidants continue with the Procedure. However, if the Person does not wish to uphold the complaint of the witness or suggests another solution, who was subject to this behaviour does not wish to uphold the complaint, or suggests a different solution – the Procedure is not taken forward.

3. During the first meeting, the confidant:
- a) listens to the Plaintiff's account of events,
  - b) gives the Plaintiff information about the policy described herein, and - if appropriate and requested by the Plaintiff - sets the date of a second meeting.

§ 6. Following the first meeting with the Plaintiff, the confidant informs the other confidant of the Plaintiff's account of events. The topic presented by the Plaintiff is discussed by both confidants and they agree upon the recommendation to be made to the Plaintiff at the second meeting. No-one communicates at this point with the person complained against (the Defendant).

§ 7. 1. During the second meeting with the Plaintiff, the confidant presents three possible solutions concerning the submitted complaint:

- a) an informal procedure to educate the Defendant complained against;
- b) submission of a formal complaint;
- c) waiver to lodge a complaint because: basic facts may not be verified; something clearly occurred but it doesn't fall under the discrimination or harassment definition; there is not enough evidence to pursue a charge.

2. The confidant informs the Plaintiff that both in the case of a choice of the informal procedure and lodging a formal complaint, this fact and the Plaintiff's name will be revealed to the Defendant, unless some elements of the complaint indicate that doing so would put the Plaintiff in danger. The Plaintiff decides what course she/he wishes to pursue.

3. If the Plaintiff decides to pursue an informal procedure or lodge a formal complaint, she/he is obliged to provide a written statement of facts. Such statement can be prepared by the Plaintiff during the second meeting with the confidant or sent via @mail to the confidant within 2 days of the date of that meeting.

4. If the Plaintiff decides to lodge a formal complaint, it needs to be delivered to the confidant together with the statement of facts within 2 days of the date of the second meeting.

5. If the formal complaint and the statement of facts are not received within the set deadline by the confidant, the confidant contacts the Plaintiff in order to find out why the formal complaint has not been lodged.

## **II. Informal procedure**

§ 8. 1. If, during the second meeting, the Plaintiff chooses to start the informal procedure, the confidant initiates it by contacting the Defendant. The confidant contacts the Defendant via @mail, describes to her/him the general nature of the complaint without revealing the Plaintiff's name, and sets up a meeting with the Defendant within 7 days of the date of the first contact with the Defendant.

2. During the meeting with the Defendant which occurs in the presence of both confidants:

- a) the complaint is presented,
- b) the Defendant is informed that the procedure she/he participates in is an informal procedure and is made aware of the rules related thereto,
- c) the Defendant is asked for a written response to the submitted complaint, giving her/him the option of responding in the course of the meeting or within 2 working days.

§ 9. 1. The relevant explanations and statement by the Defendant in this regard is sent via @mail to both Confidants within 2 days of the date of the meeting. These explanations are then communicated by the Confidant to the Plaintiff. Depending on the explanations of the Defendant, one of the following procedures may be implemented in the matter:

- a) the Defendant complained against, can confirm the facts presented in the complaint or present them in a different light, but at the same time admit that she/he was unaware of the impact of her/his behaviour/actions against the Plaintiff and therefore she/he commits to changing the behaviour which formed the grounds for lodging the complaint. In such case, the Plaintiff informs the confidants within 2 days of the date of receipt of the explanations of the Defendant whether she/he accepts them. If so, the case is closed.
- b) If the Plaintiff does not accept the explanations of the Defendant or if the facts presented by the Defendant differ significantly from the Plaintiffs account of the facts and if there is no other solution reached that would be accepted by both sides, the Plaintiff has a right to lodge a formal complaint.

### **III. Formal complaint**

§ 10. 1. If, as a result of the second meeting with the confidant, the Plaintiff chooses to lodge a formal complaint, the confidant initiates the formal complaint procedure by contacting the Defendant. The formal complaint procedure is also instituted in the event that informal proceedings do not result in the amicable settlement of the case between the parties. In such circumstances, the provisions of sections 2 and 3 do not apply.

2. When the formal complaints is lodged, the confidant contacts the Defendant, describes to her/him the nature of the complaint without revealing the Plaintiff's name, and sets up a meeting within 5 days of the date of submission of the complaint.

3. The meeting with the Defendant takes place in the presence of two confidants. During the meeting:

- a) the Plaintiff's complaint is presented to the Defendant,
- b) the Defendant is informed that the procedure she/he participates in is a formal procedure and is made aware of the rules related thereto,
- c) the Defendant is asked for a written response to the submitted complaint, giving her/him the option of responding in the course of the meeting or within 2 working days.

4. A formal complaint is considered by a Committee composed of four members, covering the following persons who have a right of vote:

- a) one student representative with a right of 1 vote,
  - b) one academic assistant or staff member with a right of 1 vote,
  - c) one permanent professor or director of studies with a right of 1 vote,
- and one of the confidants as a non-voting chair.

5. The composition of the Committee is each time approved by the Vice-Rector of the College of Europe Natolin campus.

6. The committee members holding the right of vote are informed by the Chairman of the Committee of the background of the case before the hearing of the parties.

7. The Chairman of the Committee will make every effort to guarantee the objectivity and impartiality of the Committee. The parties are entitled to apply for replacement of specific members of the Committee by other persons from the same representation group.

8. The parties may have with them another student or a members of the staff of the College of Europe to act as a support during the hearing before the Committee, provided that they specify the names of the supporting student and member of staff at least a day before the hearing of the party.

9. The personal data of the Plaintiff and the Defendant remain confidential both during and after the end of the proceedings.

**§ 11.** 1. The purpose of the hearing of the parties is for the Committee to determine the fact in the most objective manner possible. In this regard, each party has a right to submit requests for admission of evidence, both in the form of documents (e.g. @mail or text messages print-outs) and in the form of witness testimonies.

2. Any statements, explanations and requests must be submitted by the parties in writing. An @mail message will also be considered a written form.

3. Only the Committee members are present for the final deliberations.

**§ 12.** 1. The Committee can reach the following final conclusions:

- a) it can uphold the Formal Complaint, finding that events occurred substantially as the complaint describes them;
- b) it can find that there is no basis for the complaint and that events did not occur as described in the complaint;
- 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 did not occur as described in the complaint, and the complaint is malicious or frivolous.

2. If the Committee determines that an act of discrimination or harassment has occurred or that the complaint is malicious or frivolous, the members of the Committee agree on the level of sanction they wish to recommend in writing to the Vice-Rector.

3. The Committee should strive for unanimity, but where unanimity cannot be achieved, an ordinary majority of votes can decide.

4. The Committee may recommend in particular the prohibition of further contact between the parties concerned, expulsion from the College in accordance to Section 1.4 entitled "Ethics" of the Study Regulations, or terminate the contract of employment with a member of the staff of the College of Europe Natolin campus due to a gross breach by the employee of her/his duties towards the Employer.

**§ 13.** 1. The parties are informed by the Committee orally of the results of its findings, but not of the wording of the recommendation.

2. The Committee reports its findings, recommendation for sanctions and its justification, as well as the votes' allocation in writing to the Vice-Rector. The Vice-Rector has an insight into the votes.

3. The received recommendations are presented by the Vice-Rector to:

- a) the Academic Council of the College of Europe, if they concern the expulsion of a College student,
- b) the Executive Board of the College of Europe Natolin campus, if they concern the termination of contract of a member of the College staff.

**§ 14.** The parties are informed by the Committee orally of the results of its findings, but not of the wording of the recommendation.

**§ 15.** A decision on the matter of execution of the recommendations mentioned in § 13.3 above is taken by:

- a) the Academic Council of the College of Europe, if they concern the expulsion of a College student,
- b) the Executive Board of the College of Europe Natolin campus, if they concern the termination of contract of a member of the College staff.

**§ 16.** In all matters not governed by this Policy of Countermeasures against Discrimination and Harassment, the provisions of the Study Regulations of the College of Europe and the provisions of the Polish and international law on countermeasures against discrimination and harassment shall apply.