

UNIVERSITY IN NOVI SAD  
FACULTY OF PHILOSOPHY  
Ref. Number: 02-185 / 1  
Date: 5 April 2021

Pursuant to Article 75 of the Statute of the Faculty of Philosophy, University of Novi Sad, the Teaching and Scholarly Council, at the electronic session held from 2 April 2-5, 2021, hereby adopts the following

## **POLICY ON PREVENTION AND PROTECTION FROM SEXUAL HARASSMENT AND BLACKMAIL**

### **Article 1**

The Policy on Prevention and Protection from Sexual Harassment and Blackmail (hereinafter: the Policy) specifies the concept of sexual harassment and blackmail, the measures that the Faculty will implement in the prevention and prohibition of this behaviour, the procedure for protecting an individual in the event of a violation of the individual's integrity on the basis of gender or sexual orientation, all with the aim of building and respecting the principles of the rights and freedoms of the individual, free expression of gender and sexual orientation, the protection of the dignity of all persons – participants in the process of higher education.

### **Article 2**

The provisions of this Policy apply to all employees and students at the Faculty of Philosophy, University of Novi Sad.

An employee, within the meaning of this Policy, is a person under a contract of employment or a person contracted to work outside the employment relationship at the Faculty, in accordance with the laws governing employment and the process of higher education.

A student, within the meaning of this Policy, is a person who has the status of a budget-financed or self-financing student, in accordance with the Law on Higher Education.

The provisions of this Policy apply to all the forms of classes, including those within which students are sent to practice with the aim of implementing the curriculum under the jurisdiction of the Faculty of Philosophy.

### **Article 3**

The employees and students who do not respect the prohibition of conduct defined by this Policy commit a violation of work discipline and the code of conduct at the Faculty.

## **CONCEPT OF SEXUAL HARASSMENT AND SEXUAL BLACKMAIL**

### **Article 4**

Sexual harassment, within the meaning of this Policy, is any verbal, non-verbal or physical behavior of a sexual nature that aims to cause fear or create a hostile, degrading or offensive environment or constitutes a violation of the dignity of a person working, studying or enrolling in a study programme at the Faculty, or a person attending a knowledge innovation programme organized by the Faculty, or a person sent to practice for the implementation of the curriculum of the Faculty of Philosophy, based on gender or sexual orientation.

Forms of sexual harassment are manifested in: unwanted sexual remarks or suggestions, various unwanted contacts (by phone, messages, electronic communication, through social networks and platforms), unwanted physical touches and inappropriate gestures, physical assault, repeated unwanted gender-marked jokes and remarks, including allusions, mocking, and ridicule that is gender-oriented.

#### **Article 5**

Sexual blackmail is any behaviour of a person who, in order to obtain a service of a sexual nature, blackmails another person claiming that in case of refusal of the requested services, he or she will expose something or undertake something against that other person or a person close to them, which could bring harm to honour and reputation, or claiming that the other person would not obtain something or exercise the right they are entitled to in the regular course of events.

#### **Article 6**

All the employees and students of the Faculty are obliged to behave in such a way as to enable the unhindered implementation of teaching activities and the work process, while creating an atmosphere of a safe working environment, developing collegiality and respect for diversity.

#### **Article 7**

Given that the teachers and associates of the Faculty perform a special type of work that requires a high degree of professional and moral responsibility, and that in relation to students they act from a position of authority, behaviour contrary to the provisions of this Policy is a serious violation of the code of conduct and work discipline.

### **SEXIST DISCRIMINATION**

#### **Article 8**

The Faculty does not allow any sexist discrimination, i.e. verbal and non-verbal acts which express or propagate sexual prejudices related to sexual orientation and lead to discrimination based on gender or sexual orientation.

### **OBLIGATIONS OF THE FACULTY**

## **Article 9**

In order to recognize and prevent sexual harassment and blackmail, the Dean organizes the activity of informing the employees and students about the prohibition of these forms of behaviour, as well as about measures and procedures for prevention and protection, at the beginning of each academic year through the Faculty website.

In terms of Paragraph 1 of this Article, this Policy will be published on the website of the Faculty.

## **PROCEDURE FOR PREVENTION AND PROTECTION AGAINST SEXUAL HARASSMENT AND BLACKMAIL**

### **Article 10**

The procedures for protection against sexual harassment and blackmail are the consultative procedure and the procedure for stopping sexual harassment and blackmail.

## **COMMISSION**

### **Article 11**

The Commission that conducts the consultative procedure and the procedure for stopping sexual harassment consists of the members of the Faculty Task Force in charge of raising awareness and developing innovative mechanisms for victim support, who are appointed by the decision of the Teaching and Scholarly Council of the Faculty of Philosophy. The list of the Commission members is published on the Faculty's website.

In case the injured party and the perpetrator are both employees, the Dean appoints a replacement for student members of the Commission by appointing employees as members.

One member of the Commission must be a person employed at the Faculty of Philosophy with a degree in law.

The mandate of the members of the Commission is 12 (twelve) months, with the possibility of re-election.

The number of re-elections / mandates is not limited.

In case of the need for exemption of a member of the Commission, the Dean will appoint a replacement by a decision.

## **CONSULTATIVE PROCEDURE**

### **Article 12**

The Commission will perform the procedures of consultations, advising and mediation, in accordance with the Policy.

A person who considers that he/she has been exposed to sexual harassment or blackmail can contact the Commission in writing, through the clerk's office of the Faculty ("to be sent to the Commission for Prevention of Sexual Violence") or by e-mail, through the Faculty's SOS platform.

In accordance with their personal decision, the person requesting the consultation will perform the consultation procedure with one elected member of the Commission or with the full Commission.

### **Article 13**

The consultation procedure with the support person/the Commission is informal and no official records are kept.

The procedure is conducted in a confidential form, the personal data of the person who believes that he/she was exposed to sexual harassment, i.e. blackmail, may remain secret, at the request of that person, and is obligatory for the support and assistance person/the Commission.

### **Article 14**

The person providing assistance and support shall conduct an interview with the person referred to in Article 12, paragraph 2 of this Policy and provide adequate assistance and support.

In the event of sexist discrimination or sexual harassment, the support and assistance person will notify the Dean and, together with the Dean, interview the potential perpetrator of the prohibited conduct, while protecting the identity of the person he/she believes has been sexually harassed or blackmailed.

After the interview and in agreement with the injured party, the Commission will decide on further procedures which may be:

- advice to the employee or the student on how to react if the harassment is repeated;
- a proposal to the Dean of the Faculty that the forms of teaching should be performed in different circumstances;
- a separate conversation with the person who committed sexual harassment;
- the submission of a report to the Dean of the Faculty with the facts about the sexual harassment.

The Commission, i.e., the individual member of the Commission who performs the procedure of assistance and consultation, once a year submits to the Dean a work report which contains the number and types of committed violations.

If the persons for help and support while working came into contact with information on the basis of which it can be reasonably assumed that sexual blackmail was committed, they are obliged to inform the Dean of the Faculty about that information.

All participants in the consultation procedure are obliged to respect the principle of the confidentiality and protection of privacy and personal data.

## **PROCEDURE OF STOPPING SEXUAL HARASSMENT**

### **Article 15**

The initiation of the procedure of stopping sexual harassment or blackmail is not conditioned by a previously initiated or completed consultative procedure.

The process of stopping sexual harassment or blackmail is urgent.

### **Article 16**

A person who considers that he/she has suffered sexual harassment or blackmail, submits a written request to the Dean to start the procedure of stopping sexual harassment or blackmail, no later than 6 (six) months from the day when the prohibited behaviour was committed, or no later than 4 (four) months in case the conduct relates to the student as the perpetrator.

A written request to stop sexual harassment or blackmail may be submitted by an employee, a student who learns about the behaviour that he/she justifiably believes to be sexual harassment or blackmail with the consent of the person considered to have suffered harassment or blackmail.

During the procedure of stopping sexual harassment and blackmail, a person who considers that he/she has suffered sexual harassment or blackmail, may choose a person of trust to provide support during the procedure.

A person of trust may be present during the giving of any testimony of a person who considers that he/she has suffered sexual harassment or blackmail.

### **Article 17**

The written request from Article 16 is submitted to the Dean through the office of the Faculty and must contain:

1. Name and surname of the applicant;
2. Name and surname of the person listed as the perpetrator of sexual harassment or blackmail;
3. Date when the sexual harassment or blackmail was committed;
4. Venue;
5. Description of the event;
6. Names of the witnesses;
7. Other information that the applicant deems relevant;
8. Signature of the applicant;
9. Date of submission of the request.

If the request does not contain the data referred to in Paragraph 1, items 1, 2, 3, 4, 5, 8 or 9 of this Article, the request shall be considered irregular.

The requested person will invite the applicant to complete the irregular request alone or with the support of the assistance and support person.

In case the applicant does not complete the request within 7 (seven) calendar days from the receipt of the invitation, it will be considered that he/she has given up the request.

### **Article 18**

Immediately upon receipt of a proper request, the Dean shall determine and implement the measures aimed at reducing the contacts between the applicant and the person named in the request as the perpetrator to the minimum, until the end of the procedure.

In the event that the Dean is designated as the executor of prohibited conduct in a proper request, the Dean shall immediately and without delay upon receipt of the request recuse himself/herself from further action and transfer his/her powers from this Policy to a Vice-Dean.

### **Article 19**

The Commission that determined the facts and circumstances of the event keeps minutes or official notes on all actions taken.

The Commission will conduct interviews with all the persons appointed in the procedure and gather evidence in other ways.

The Commission may establish that there was sexual harassment or blackmail, that sexual harassment or blackmail did not occur, or that there is insufficient evidence that sexual harassment or blackmail occurred.

The Commission shall act by consensus.

If the Commission cannot reach a decision by consensus, a qualified majority of all members of the Commission is required to reach a full decision.

The Commission informs the Dean about their finding in writing and hands over to him/her all the written documents that they produced and that they came in contact with within 15 (fifteen) days from the day of receiving the decision on appointment.

In case of the Dean's exemption from the procedure, the Commission shall submit the notifications and documentation referred to in Paragraph 6 of this Article to the authorized Vice-Dean.

#### **Article 20**

Upon receipt of the notification of the Commission referred to in Article 19 of this Policy, the Dean (authorized Vice-Dean) shall, within 7 (seven) days, write to the person listed as the perpetrator of sexual harassment or blackmail, informing him/her of the report and collected evidence, and invite him/her to submit a written statement within 8 (eight) days.

#### **Article 21**

If the procedure determines that sexual harassment or blackmail was committed by an employee, the Dean takes the appropriate measures in accordance with the Labour Law and general acts of the Faculty of Philosophy.

If the procedure determines that sexual harassment or blackmail was committed by a student, the Dean takes the appropriate measures in accordance with the general acts of the Faculty and the University which regulate the disciplinary responsibility of students.

In case the procedure determines that sexual harassment or blackmail was committed by the Dean, all the material, including the statements of the parties and evidence collected in the procedure, is submitted to the Faculty Council, which will decide on imposing disciplinary measures, in accordance with the Labour Law and general acts of the Faculty.

#### **Article 22**

If the procedure determines that no sexual harassment or blackmail was committed, the employee or the student who submitted a false report will be sanctioned in accordance with the applicable regulations governing employment or the general acts of the Faculty and the University that regulate disciplinary responsibility.

False or malicious reporting is reporting with the intent to harm or damage another's personal or professional reputation.

A justified suspicion of sexual harassment or blackmail that has not been proven will not be considered a false report.

### **Article 23**

The Faculty and all the participants in the procedure undertake to be guided by the principles of the confidentiality and protection of privacy and personal data.

The members of the Commission sign a statement on the obligation to maintain the confidentiality of data, for each individual procedure separately.

### **Article 24**

The Faculty shall ensure that the employees and students are kept up to date through the Faculty's website about their rights and the obligation of the Faculty to provide protection to anyone who believes that their gender rights or integrity have been violated, in accordance with this Policy, including legal charges against the perpetrator, in case of the existence of legal conditions or obligations.

## **TRANSITIONAL AND FINAL PROVISIONS**

### **Article 25**

This Policy enters into force 8 (eighth) days from the day of its publication on the notice board of the Faculty.

**Dean of the Faculty of Philosophy**

**Prof. Dr. Ivana Živančević Sekeruš**