

**DESCRIPTION OF PROCEDURE FOR PREVENTION OF SEXUAL
HARASSMENT AND GENDER-BASED VIOLENCE AT VYTAUTAS MAGNUS
UNIVERSITY**

I. GENERAL PROVISIONS

1.1. The Description of Procedure for Prevention of Sexual Harassment and Gender-Based Violence at Vytautas Magnus University (hereinafter referred to as the “Description”) shall regulate the intolerable forms of sexual harassment and gender-based violence, the procedure for informing and educating the University’s Community, the principles of submitting a report of (potential) sexual harassment and/or gender-based violence, the procedure for reviewing the reports, the procedure for dealing with the reports.

1.2. The Description has been prepared in accordance with the Labour Code of the Republic of Lithuania, the Law on Equal Opportunities for Women and Men of the Republic of Lithuania, the Statute of the University and other relevant legal acts of the Republic of Lithuania, the internal documents of the University and the guidelines and recommendations of the responsible institutions.

1.3. The objectives of this Description and the University’s policy on the prevention of sexual harassment and gender-based violence shall be the following:

1.3.1. To create a safe, healthy environment based on respect, consideration and tolerance. Any form of sexual harassment or gender-based violence is not tolerated at the University. The University is guided by the principle that each Member of the University Community shall ethically conduct themselves, shall respect each other, shall ensure the safety and dignity of each other, and shall not use hostile, aggressive, intimidating, degrading, humiliating, abusive, disparaging, derogatory, and/or insulting actions or words.

1.3.2. To make the entire Community and its Members widely aware of the internal and external communication tools, the University’s policy on the prevention of sexual harassment and the Description and the principles of case management. The guiding principle of the University’s anti-sexual harassment programme is to respond promptly and appropriately to reports on (possible) sexual harassment and/or gender-based violence. When implementing the prevention of sexual harassment, the University shall facilitate the reporting and disclosure of information by all Members of the Community in a manner that ensures impartiality and complete confidentiality. All members of the University Community are encouraged to take individual and collective

responsibility, ensuring that working/professional relationships are based on mutual respect and sensitivity to power balances.

II. BASIC CONCEPTS

2.1. **Responsible Person** – an employee appointed by the Rector of the University, entrusted with coordinating and organising the implementation of the Description, ensuring the correct handling of cases, organising preventive measures and administering the Helpline. The responsible Person is obliged to sign confidentiality and impartiality pledges.

2.2. **Community Member** – staff members of the academic community, administration and non-academic departments, alumni. The Academic Community of the University consists of students, teachers, researchers, other research workers, professors emeritus, rectors emeritus, associate lecturers and researchers, and other persons directly involved in studies and scientific and artistic activities.¹

2.3. **Commission** – VMU Ethics Commission, which deals with reports of (alleged) sexual harassment and/or gender-based violence in accordance with the procedures for dealing with the notification set out in these Regulations and the Commission’s Regulations.

2.4. **Victim** – a member of the University Community who may have experienced sexual harassment or gender-based violence.

2.5. **Helpline** – an internal communication channel (email) for reporting and seeking help, managed by the Responsible Person. It is the primary place for consultations, questions and reports.

2.6. **Report** – submitting information about (possible) sexual harassment and/or gender-based violence to the Helpline or directly to one of the persons receiving the Reports.

2.7. **The Person receiving the reports** – the Responsible Person managing the Helpline and at least one of the appointed Commission members (up to three members), to be appointed by the Commission of the new term of office, in agreement with the Responsible Person, at its first meeting, taking into account the requirement² of gender and departmental diversity and giving priority to expertise in the fields of psychology and law. Information about the persons who receive Reports is published on VMU website and the page of the Commission of Ethics.

¹ Resolution of the Seimas of the Republic of Lithuania on the Approval of the Reorganisation of the University of Education of Lithuania and the Aleksandras Stulginskis University of Lithuania by merging into Vytautas Magnus University and the Approval of the Statute of the Vytautas Magnus University of 5 June 2018, No XIII-1229 (https://www.vdu.lt/wp-content/uploads/2019/01/Statutas_2018_VDU.pdf)

² The persons receiving the Reports shall include representatives of both genders and from different units of the University.

2.8. **Sexual harassment** – unwanted verbal, written and/or physical abuse of a person of a sexual nature, where such abuse is motivated by the intention and/or effect of such abuse to violate a person’s dignity, in particular by creating an intimidating, hostile, degrading and/or humiliating environment.³

2.9. **A Complainee** – the Person whose behaviour is the subject of a report of (possible) sexual harassment and/or gender-based violence.

2.10. **Gender-based violence** – violence directed against a person because of that Person’s gender, gender identity and/or gender expression.⁴ Gender-based violence can take the form of sexual harassment, physical, sexual and/or psychological violence, stalking, crimes and/or criminal offences, as defined in the Criminal Code of the Republic of Lithuania, against a person’s freedom and/or integrity of sexual decision-making.

III. DEFINITIONS OF SEXUAL HARASSMENT AND GENDER-BASED VIOLENCE

3.1. Sexual harassment is unwanted behaviour of a sexual nature, which can be expressed verbally, in writing or by physical action. Such behaviour can be unpleasant, abusive, humiliating, offensive or even intimidating to the Person experiencing it. Different people in the same situation may view the same actions differently: some may find them tolerable or even desirable, while others may find them distressing and stressful, so the list of forms of sexual harassment is not definitive or complete but merely recommended. However, more often than others, some actions are seen as intolerable and need to be addressed. Sexual harassment can be verbal, written and/or visual, through electronic means of communication and/or *cyber sexual harassment*. Sexual harassment can take the following forms but is not limited to:

3.1.1. Unacceptable and/or undesirable physical, verbal or non-verbal contact of a sexual nature;

3.1.2. Written and/or verbal humiliation (jokes, persistent remarks and/or reproaches, hate speech, gossip, defamation, etc.);

3.1.3. Undesirable behaviour of a sexual nature, language and bullying;

3.1.4. Sexual statements and/or innuendo that demean a person and/or gender based on physical characteristics and/or manners;

³ Law on Equal Opportunities for Women and Men of the Republic of Lithuania of 1 December 1998, No VIII-947, Vilnius.

⁴ European Institute for Gender Equality definition (<https://eige.europa.eu/lt/thesaurus/terms/1153>).

3.1.5. Requests for dates, hugs, sex or other close physical contact, where the Person has expressly refused;

3.1.6. Demand for sexual favours and/or sexual fantasies (e.g., in exchange for a desired grade, academic or professional opportunity and/or other favours);

3.1.7. Display of genitalia;

3.1.8. Inappropriate virtual communication – sending and/or displaying offensive and/or sexually explicit messages and visual material (images, footage, links);

3.1.9. Insulting, obscene gestures, touching various parts of the body (legs, buttocks, chest, neck, torso, etc.), allegedly inadvertently or covertly;

3.1.10. Talking about the body of the Person being sexually harassed;

3.1.11. Stalking, which can take the form of unwanted and/or repeated surveillance of another person (e.g., unwanted attention, regular deliveries of flowers, invitations to dates, waiting outside home/work, etc.). In many cases of stalking, unwanted contact is actively sought with the Person being stalked, his or her private life is disturbed, constant tension and anxiety are created, his or her freedom of action is restricted, and the social, personal and professional life of the Person being stalked suffers. Stalking can have detrimental effects on the mental health of the Person being stalked due to the tension that is continuously built up and not dissipated until the stalking is stopped.⁵

3.2. Other forms of sexual harassment.

3.3. Several types of sexual harassment may occur within the University Community:

3.3.1. *Quid pro quo* (“you to me, I to you”) is a type of sexual harassment in which a harasser is a person with more power (e.g., teacher, senior staff member, scientific advisor, etc.) who uses his/her position of power to coerce a subordinate staff member and/or a student into performing sexual acts. Failure to comply may result in threats of unfavourable working conditions, dismissal, failure to pass an exam, failure to complete a project, interference with (research) activities, etc. The situation can also be reversed when better conditions are offered in return for sexual favours (e.g., passing an exam, promotion, etc.). In many cases, the exploitative relationship is made possible by a power imbalance between the harasser and the Person being harassed (e.g., lecturer vs student, supervisor vs subordinate, etc.).

⁵ Explanatory Memorandum to the Project of the Law on Supplementation of the Criminal Code of the Republic of Lithuania with Article 167 (2019) (<https://e-seimas.lrs.lt/portal/legalAct/lt/TAK/53318c90aec411e9b43db72f2154cfa0?positionInSearchResults=11&searchModuleUUID=3f9a64b0-ba23-4f94-9b40-c1c467a0f27f>).

3.3.2. Creation of a hostile environment where unwanted sexual attention and/or gender-based harassment is more likely to come from someone with the same status or less power (e.g., other staff or students). Such behaviour ranges from direct unwanted advances, derogatory sexual or other jokes and comments about appearance, creating a sexualised environment or direct harassment.

3.4. Gender-based violence is defined as violence directed against a person based on that Person's gender, gender identity and/or gender expression and/or having a disproportionate impact on persons of a particular gender. Gender-based violence can be physical, psychological and/or sexual and can take the following forms:

3.4.1. Derogatory comments about the abilities of representatives of a particular gender;

3.4.2. Hostile comments about women's or men's behaviour or competences as a group, and not just sexual behaviour (e.g., "men won't get it");

3.4.3. Insulting a person solely on the basis of their gender, gender identity or sexual orientation rather than on the basis of the actions and/or characteristics of a particular person;

3.4.4. Seeking sexual intercourse or other close contact without consent.

3.5. In order to assess whether certain conduct may be unacceptable, it is important to consider that the purpose of sexual harassment and/or gender-based violence is sexual gratification and/or to humiliate a person or to demonstrate one's superiority. These unauthorised acts may include:

3.5.1. Having power by the position held (e.g., in a subordinate relationship, in a hierarchically unequal relationship);

3.5.2. Having decision-making power (e.g., a decision on performance assessment, recognition and/or promotion);

3.5.3. Exerting power and using coercion (e.g., by causing psychological and/or physical distress);

3.5.4. Using pressure and/or coercion between equals, as well as between people of higher or lower status.

3.6. In order to assess whether a situation constitutes sexual harassment and/or gender-based violence, the following aspects are examined:

3.6.1. whether the actions taken are conduct that undermines the Person's dignity (makes them feel uncomfortable or uncomfortable);

3.6.2. whether the acts constitute behaviour that creates an intimidating, hostile, degrading and/or offensive environment;

- 3.6.3. whether the behaviour, such as verbal, written or physical conduct, is unwanted or abusive;
- 3.6.4. whether the behaviour, oral, written or physical, is of a sexual nature.

IV. PRELIMINARY EXAMINATION OF REPORTS

- 4.1. Each Member of the Community shall have the right to submit a preliminary Report by contacting the Helpline or directly to one of the Persons receiving Reports (at the Member's choice).
- 4.2. The preliminary Report may be given orally or in writing.
- 4.3. A victim shall submit the following with the Report:
 - 4.3.1. Provide a detailed explanation of the incident or situation, including the situation, manifestations and circumstances of the (possible) sexual harassment and/or gender-based violence experienced;
 - 4.3.2. Indicate the specific misconduct of the Complainee;
 - 4.3.3. Identify possible witnesses;
 - 4.3.4. Provide any other information and evidence available (messages, emails, letters, notes, audio/video recordings, correspondence, diaries kept by the Victim, etc.).
- 4.4. The University undertakes to ensure the confidentiality of the circumstances set out in the Victim's Report. The University also undertakes to rely on the Victim and to provide promptly any necessary assistance that the University may provide.
- 4.5. The Person receiving the Report shall ensure a prompt response to the Report and shall advise the Injured Person on all the circumstances of the incident or situation, guaranteeing complete confidentiality and arranging the necessary assistance.
- 4.6. Depending on the specifics of the incident or situation, the Person receiving the Report may, *inter alia*, initiate an interview with the Complainee, initiate mediation, warn the Complainee of the possible consequences of failure to stop the misconduct or recommend that the Complainee be referred to the Commission for consideration.
- 4.7. If the Person receiving the Report decides to forward the Report to the Commission, the Person receiving the Report shall, at the request of the Victim, become the representative of the Victim during the examination of the Report by the Commission. If the Person receiving the Report is a member of the Commission, his/her membership of the Commission shall be terminated during the examination of the Report.
- 4.8. There is no obligation to go through the pre-examination procedure for the Report, and the Report can be addressed to the Commission immediately. However, it is recommended

that you first contact the Helpline or one of the persons receiving the Report directly (by personal choice).

V. HEARING REPORTS BEFORE THE COMMISSION

5.1. The Commission shall deal with reports in accordance with the procedures laid down in the Commission's Regulations unless these Regulations provide for different regulations which shall take precedence.

5.2. Upon receiving a Report, the Commission shall initiate a reading of the Report as soon as possible but no later than 10 (ten) working days from the date of receiving the Report.

5.3. The Commission shall examine the Report in accordance with the following procedures:

5.3.1. Assess the evidence provided, gather additional information relevant to the Report, if necessary, clarify additional details and circumstances of the incident, interview the Victim and the Complainee (the parties shall be interviewed separately), and, if necessary, invite any other person, including the Person receiving the Report, who may be able to provide additional information;

5.3.2. Consult and seek advice and assistance from other professionals at the University and/or other organisations working in the fields of employee protection, professional ethics, psychological health, equal opportunities or other areas, where necessary, subject to mandatory confidentiality;

5.3.3. Taking into account all the circumstances recommend to the Rector of the University or his/her delegates to make it possible for the Victim to stay away from his/her place of work/study while the Report is being investigated, and shall coordinate with the University's Human Resources or the Department of Studies to this end, subject to mandatory confidentiality if necessary;

5.3.4. Make recommendations to the Human Resources Department to ensure that, to the extent possible, the Victim is protected from hostile treatment and/or adverse consequences if he/she files a Report of Sexual Harassment and/or Gender-Based Violence or if he/she is involved in a case of Sexual Harassment and/or Gender-Based Violence.

5.3.5. Make other recommendations to the Rector of the University and the Human Resources Department for further actions.

5.4. Where the Commission decides that the Complainee has committed sexual harassment and/or gender-based violence and/or that his or her conduct has the characteristics of

sexual harassment and/or gender-based violence, the Commission may, in addition to the powers conferred on it by the Commission's Regulations:

5.4.1. Contact enforcement authorities to report a possible criminal offence, criminal and/or administrative offence (violation);

5.4.2. Where possible, take steps to facilitate the Victim's reintegration into the University;

5.4.3. Offer psychological consultations to the Victim;

5.4.4. Offer training to the Complainee;

5.4.5. Where appropriate, initiate the University's provision of legal and/or financial assistance to the Victim, where possible, in seeking redress and/or criminal liability for the Complainee.

5.5. A Community member shall be liable for false reporting in accordance with the procedure established by the legislation of the Republic of Lithuania.

5.6. After assessing the investigation findings, the Commission and/or the Person investigating the Report may advise the Victim on further action to be taken externally by the University.

VI. INFORMATION AND EDUCATION FOR THE UNIVERSITY COMMUNITY

6.1. Each Member (s) of the University Community shall:

6.1.1. be responsible for contributing to a respectful and safe working environment;

6.1.2. analyse his/her behaviour and assess whether it is in accordance with the provisions of this Description and the procedures established by the University;

6.1.3. seek to understand and recognise what behaviour may constitute sexual harassment, to be considerate and sensitive to each other, to respect privacy, views, beliefs, physical and mental integrity, and to try to understand whether behaviour expressed verbally, in writing and/or in a physical act is likely to cause unpleasant, unwanted, undesirable, undignified, or disruptive effects and/or disturbance to the other Person's well-being and/or functioning.

6.2. The University aims to facilitate communication, information dissemination, early and effective prevention of sexual harassment and intervention in cases of sexual harassment and gender-based violence.

6.3. Information and education of the University Community shall be carried out by the Responsible Person who is responsible for the implementation of the programmes for the

prevention of sexual harassment and gender-based violence and the observance and enforcement of the Description.

VII. FINAL PROVISIONS

7.1 This Description shall apply to all members of the University Community.

7.2 The Description, its amendments and/or additions shall be approved by the University Senate.
