



# GUIDELINES FOR RESOLVING SEXUAL HARASSMENT INCIDENTS AT MASARYK UNIVERSITY

(as in force from 1<sup>st</sup> December 2023)

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## 1 Sources for the guidelines

These guidelines were created according to the recommendations of the Konsent organization for the resolution process and its necessary requirements. Below are the main points of the recommendations on which the guidelines are based.

- the person reporting an incident should be informed of how the incident was recorded after the submission
- a different person should deal with each party to the incident – it is important to keep in mind the right to unbiased hearing of both parties to the incident and the direct conflict of interest that may arise if the contact person or institution hears (or reads) the incident report and subsequently is supposed to deal with the accused party
- it is vital that both parties to the incident: receive contact for both internal and external assistance and support, receive detailed information about the upcoming process, are regularly informed about the process and its outcomes
- the university dealing with the incident should publish a statement defining inappropriate behaviour and making it clear that it will not be tolerated; we also recommend communicating clearly that the safety of the person reporting the incident is a priority for the university and its representatives
- at the same time, the advice is to formulate what is considered to be relevant evidence provided as a basis for filing a complaint / reporting inappropriate behaviour and the potential sanctions that result from such behaviour
- making it clear that the process is not a substitute for police investigation or court proceedings and therefore has different requirements
- all communication on this issue must be linguistically inclusive and publicly available to all, including people with various disadvantages

## 2 Definition of sexual harassment

Sexual harassment is **any form of unsolicited verbal, non-verbal or physical conduct of a sexual nature** which has as its objective or effect the interference with human dignity, especially when it creates an intimidating, hostile, degrading, humiliating or offensive environment [\[1, p. 22\]](#). Sexual harassment includes sexual coercion, unwanted sexual attention and sexist behaviour (application of gender stereotypes) [\[2, p. 11\]](#), [\[3\]](#). In academic environment, it can occur between students, between staff members, or be directed from staff members to students or from students to staff members.

In a university environment, it can take various forms, such as [\[2, pp. 11–15\]](#), [\[4\]](#):

- uninvited repeated sexual suggestions,
- enforcing sexual behaviour for a consideration (e.g. better examination conditions),
- inappropriate comments on an individual or group based on sex, gender or sexuality,
- unsolicited e-mails, photographs or messages of a sexual nature,
- inappropriate jokes about sex and obscene gestures,
- exposing of breasts, buttocks or genitals in public,
- rape or attempted rape,
- unsolicited touches.

The effects of sexual harassment on its victims include, but are not limited to [\[1, p. 21\]](#), [\[2, p. 9\]](#):

- fear, anxiety, shame, anger,
- reduced productivity,
- impaired attendance,
- reduced self-confidence,
- weaker performance,
- avoiding teachers,
- early termination of studies,
- termination of employment,
- carrying the experience throughout life.

Every member of the academic community (students and staff) participates in creating a safe, respectful and dignified environment free from sexual harassment. Masaryk University does not tolerate any of its forms. It respects the rights of students, teachers and other employees at the university and ensures a safe and dignified environment for development and cooperation. If a sexual harassment incident occurs at the university, it provides support and assistance to the victim in resolving it.

In addition to the applicable legislation, sexual harassment is identified as **unacceptable** also in the **following documents** that apply at Masaryk University:

1. [Disciplinary Code](#) (binding on students),
2. [Code of Ethics](#) (binding on employees),
3. [MU Employment Code](#) (regulation binding on employees with enforceable labour-law implications).
4. [MU Directive on the Protection of rights](#) (regulation binding on employees and students, governing, among other things, the reporting of sexual harassment).

The university does not tolerate sexual harassment and is ready to use adequate means to prevent this negative behaviour and at the same time to apply adequate sanctions. Outside of the criminal law domain, the university may use **sanctions ranging from reprimands to termination of employment** as an adequate means in relation to university **employees**. In relation to **students**, the university may, outside of the criminal law domain, use **a reprimand, conditional expulsion from study or unconditional expulsion from study** after discussion in the disciplinary committee of the faculty. The same **means** can be used in the case of **intentionally false allegations** of sexual harassment.

## Basic principles applied by Masaryk University to dealing with sexual harassment incidents

Sexual harassment is **a very serious form of inappropriate behaviour** and **is not tolerated** at Masaryk University. The university applies **the following principles** to **dealing with** sexual harassment:

### Available assistance

Masaryk University provides **counselling to victims, witnesses and those accused of sexual harassment**, approaches them with an **offer of assistance** and provides relevant information. All the necessary information and contacts are available on the website so that anyone can access them without having to explain their situation to anyone first. Contact persons provide information on possible solutions and assistance both inside and outside the university, so that the person making a report can choose the solution that suits him/her best. If the announcer contacts the contact persons, they offer to **listen with understanding; they will not downplay** the situation and will not push this person in any way. Psychological counselling is also available as part of university assistance.

### Victim protection

The **safety** of the person reporting the incident is a **priority** for MU and its representatives. The contact person who primarily communicates with this person remains the same all the time. The number of people involved in the resolution process is minimized. All persons involved are bound to maintain confidentiality. We prevent **secondary victimization** of the victim. The protection of the victim continues even after the resolution of the incident at all levels of working or study life.

### Prevention of bias

Any **persons** who could have a **personal interest** in the outcome of the resolution process **are excluded** from the resolution of the case (e.g., colleagues who do not want to harm their colleague). This protects both sides of the incident from bias.

### Maintaining the objectivity of the resolution

A **different person** deals with **each party** to the incident. These persons communicate with each other only to the extent of communicating the facts found.

### Principle of confidentiality

All **persons involved** in the resolution process are bound by **confidentiality obligations**. Information, contact point, information channels. Contact persons, investigator and executor before sharing any information about the case must always instruct the announcer, the reported person and other persons involved in the investigation process about the obligation to maintain confidentiality of all information that these persons learn about the case.

Information on the processing of personal data at MU are available on the [official board](#). More information for data subjects to exercise their rights can be found [here](#).

### 3 Persons involved in the resolution process

The aim is to provide potential victims of sexual harassment with relevant **information on the topic** in a scope and form so that they consider the **resolution system as safe** and do not feel discouraged from reporting any incident. The main information source for the topic of sexual harassment is currently the website of the Student Advisory Centre (<https://www.muni.cz/studenti/sexualni-obtezovani>), MU official notice board and information on the protection of rights (<https://www.muni.cz/o-univerzite/uredni-deska/ochrana-prav>) and MU official notice board. Information may be subsequently also published on faculty websites. The websites currently provide basic information about the topic, available assistance, resolution options, contact persons, etc.

The **role of the contact persons is described** in detail on the website (what advice and assistance the contact person can provide) and the individual contact persons are presented in the form of brief profiles so that the person faced with a situation involving sexual harassment can decide who to contact (whether a woman or a man, whether a contact person at the faculty or at the Rector's Office) The aim of the information channel is also **preventive action** (taking a clear stance against such behaviour at university level, examples of applicable sanctions, etc.).

In cooperation with the CERPEK centre, Students' advisory board and the University-wide rights protection workplace an offer of workshops for employees and students has been prepared in order to increase awareness of the topic of sexual harassment and how to deal with it within MU.

We also work on ensuring that **information** about where a potential victim can turn within and outside MU to find appropriate help **is available across the university**, such as an effective setting of the information channel with regard to the Students' Chamber of the Academic Senate and other trusted places at MU that students or employees may contact.

#### 3.1 Contact persons

Contact persons have been **trained** to provide **individual consultancy** concerning sexual harassment (to victims, witnesses as well as those accused) and **help the victim to report the incident** within MU, provided the announcer agrees with this procedure. There are contact persons available at MU Student Advisory Centre, contact persons from individual faculties and selected economic centres and a contact person from amongst the members of the Student Chamber of the Academic Senate. The contact person is also the MU ombuds. The announcer, whether they are a student or staff member, can therefore freely choose the contact person to turn to. They can choose whether to contact a woman or a man or whether to use a contact from the faculty or a contact person outside of the faculty.

If the announcer turns to another person, e.g. a clerk of the Office for Studies, HR specialist or a member of the Student Chamber of the Academic Senate, this person will pass to the announcer the contact details of the contact person who has been trained for this purpose. If the announcer subsequently refuses to contact the contact person, the person in whom the announcer has confided will contact the contact person without providing any personal details and they proceed in

cooperation. The contact person will explain to this person the possible next steps and will present the possibilities of assistance. Furthermore, if the **announcer has given his/her consent**, a document recording the announcer's testimony will be created, which will be **handed over** by the contact person to **the investigator**.

If the announcer agrees, a psychologist may be present at the meeting between the contact person and the announcer.

### 3.2 Investigator

The investigator is the **person to whom the case is referred** by the contact persons if the victim wishes to resolve the incident. The investigator will **arrange for an investigation** of the case.

The [Masaryk university ombuds](#) is the investigator.

### 3.3 Executor

Executors (usually deans or heads of relevant economic centres) are persons authorized to **execute a decision adopted in connection with an incident**. Other persons, such as personnel department staff, can also be involved in the execution itself. If possible, information on the outcome of the investigation is passed on to the announcer by the contact person. However, the contact person does not have the necessary powers to execute the decision.

## 4 Resolution process

The resolution process within MU is not a substitute for police investigation or court proceedings, and therefore it has different requirements.

### 4.1 Counselling

Contact persons provide **counselling to victims, witnesses and persons accused** of sexual harassment **on the basis of the principles** set out above. People who want to receive individual counselling can contact the contact persons (see information on the website). For meetings, all contact persons can, if necessary, use the counselling room of the Students' Advisory Services at Komenského náměstí 2 (must be booked through the MU Students' Advisory Services).

The contact person **listens to** the reporter, tries to **empathetically** understand his/her needs specific to the situation and **presents the offer** of internal (university psychological counselling) and external assistance (primarily Persefona). The contact person actively asks the announcer about his/her idea of the outcome of the investigation of the whole case (the so-called order principle). If the announcer does not have such an idea, this is not an obstacle to further handling of the case. Based on the information provided, the contact person **presents possible solutions** and **the resolution process** within MU. The contact person will explain to the announcer the individual steps that would follow and the announcer will **decide whether he/she wants to proceed with resolving the case or not**.

If the contact person learns that a **crime has been committed** or attempted, he or she **may be subject to a reporting obligation**, in which case the contact person must contact the Legal Office of the Rectors' Office and consult the situation without providing any personal details.

## 4.2 Decision to proceed / not to proceed with resolution

### 4.2.1 Decision to proceed with resolution

The announcer confirms that he/she understands the next steps and wants to resolve the incident within MU using the process outlined in these guidelines. (→ see **The victim wishes to seek a specific resolution of the incident**)

### 4.2.2 Decision not to proceed with resolution

If the announcer has contacted a contact person but has decided that he or she does not want to proceed with resolving the incident, such a **decision** needs to be respected by the contact person. However, because we also want to build a safe environment at the university and prevent the repetition of such behaviour, the contact person will pass the information on such cases **to the investigator and the incident will be recorded anonymously or non- anonymously** (at the request of the announcer) in the electronic record of submissions, as an incentive for targeted prevention, etc.

## 4.3 Resolution process within MU

### 4.3.1 The announcer has decided to seek a specific resolution of the incident

The contact person **will enter the information provided in the reporting document**: name, surname of the accused person and the alleged victim, description of the act, time period and place where it occurred / repeatedly occurred, if the victim has taken some stance against the behaviour, whether there are witnesses or evidence. As part of the reporting document, the contact person will attach any existing evidence. By signing the reporting document, the announcer agrees to the referral of the incident for resolution and to the wording of the recorded testimony. The **announcer can decide** whether he or she wants to receive **interim or final information** or whether he or she has only reported the incident and considers it closed and does not want to be further informed.

Subsequently, the **contact person will forward the complaint with details and documents to the investigator** – Masaryk university ombuds, to initiate the internal resolution/investigation process; **the investigator chooses an appropriate procedure within the scope of possibilities** in accordance with the above principles.

If there are **no evidence** or witnesses at the beginning, this does not **reduce the credibility** of the report and the incident needs to be properly investigated.

**Based on the results of the investigation**, a **specific measure** is established to be **executed by the executor**.

The announcer may ask the contact person for information on how the matter was handled by the executor/executrix. **The announcer is, also in agreement with the solver, informed of the conclusion of the investigation** – the same contact person should always communicate with the announcer, however, the announcer should be initially informed that at the moment of execution of specific measures adopted in accordance with the results of the investigation other persons with executive powers may become involved in the process, nevertheless in a confidential manner (the person with executive powers does not have to be informed about the specific details of the case, is bound by confidentiality, etc.).



## 5 References

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