



Co-funded by
the European Union

*Erasmus+KA2 DEFEP project
Distance Education for Future: best EU practices in response
to the requests of modern higher education seekers and labor market*

A MODEL STANDARD ON RESPONDING TO CASES OF BULLYING (HARASSMENT), SEXUAL HARASSMENT AND DISCRIMINATION (in the distance higher education)



UNIVERSITÄT
DES
SAARLANDES



Universidad
Rey Juan Carlos



PREAMBLE

- The Model Standard is not an original text and the compilers do not claim authorship and original source.
- The Model Standard was developed within the framework of the Erasmus+KA2 DEFEP project "Distance Education for Future: best EU practices in response to the requests of modern higher education seekers and labor market".
- The Model Standard was created on the basis of existing European and domestic practices, regulatory documents, methodological developments of individual institutions of higher education, as well as materials and cases of the Ministry of Education and Science of Ukraine, the National Agency for Higher Education Quality Assurance, etc.
- The Model Standard takes into account the experience of partner universities in the DEFEP project from Ukraine, Moldova, Germany, Spain, Italy, the results of a sociological survey, an analytical report and a monograph carried out within the framework of the project.

- The Model Standard is applicable to distance higher education.
- The Model Standard takes into account the peculiarities associated with digital technologies and the distance format of the educational process in the distance learning. At the same time, the main mechanisms for responding to cases of discrimination, violence and bullying described in the Model Standard are universal for all forms of higher education.
- On the basis of the Model Standard, a higher education institution develops its own Standard on responding to cases of bullying (harassment), sexual harassment and discrimination (hereinafter referred to as the Standard) or implements the provisions of the Model Standard relating to distance learning in the relevant provisions of the higher education institution.

CONTENT

1. 4
2. 7
3. 8
4. 9
5. 11
6. 13
7. 13

1. GENERAL PROVISIONS

1.1. This Standard is adopted in pursuance of and in accordance with the legislation of Ukraine in the field of gender equality, combating discrimination, violence and bullying (harassment) and defines the mechanism for responding to such cases at the University. The University condemns discrimination, sexual harassment and violence at the workplace and during the educational process and undertakes to help counteract these phenomena.

1.2. Higher education seekers and employees of the University (hereinafter referred to as participants of the educational process) have the right to protection from discrimination, any form of violence, humiliation of honor and dignity, and bullying (harassment) during the educational process and at work.

1.3. The terms used in this Standard have the following meanings:

- **offender** is a participant of the educational process who commits bullying (harassment) or actions related to sexual harassment and discrimination against another participant of the educational process;
- **victim** is a participant in the educational process who has been subjected to acts of discrimination, any form of violence, sexual harassment, humiliation of honor and dignity, or bullying (harassment) by another participant of the educational process;
- **observers** are direct witnesses of a case of bullying (harassment) or actions related to sexual harassment and discrimination;
- **parties to the conflict** are offender, victim, observers (if any).

Other terms are used in the meanings given in the Laws of Ukraine "On Education", "On Social Services", "On Social Work with Families, Children and Youth", "On Ensuring Equal Rights and Opportunities for Women and Men", "On Principles of Prevention and Combating Discrimination in Ukraine".

1.4. Cases of bullying (harassment), sexual harassment and discrimination at the University include situations that occur during distance education and include interaction between participants of the educational process during virtual sessions, consultations, final control and other forms of education and communication.

1.5. Manifestations of bullying (harassment), sexual harassment, discrimination in distance education are systematic acts committed by participants of the educational process against other participants of the educational process, namely

- obstruction in obtaining educational services, coercion to labor and other economic offenses;
- insults, threats, including those against third parties, humiliation, harassment, intimidation, and other actions aimed at restricting the will of a person;
- any form of unwanted verbal or non-verbal communication of a sexual nature, including derogatory looks, gestures, offensive body movements, nicknames, verbal abuse, jokes, threats, spreading offensive rumors during sessions and consultations in synchronous online mode or outside of session time;

- bullying or insults in email messages or comments; dissemination via video conferencing, distance learning support platforms, social media or chat rooms;
 - any restrictions on the recognition, exercise or enjoyment of rights and freedoms in any form on the grounds of race, color, political, religious or other beliefs, sex, age, disability, ethnic or social origin, citizenship, family or property status, place of residence, language or other characteristics;
 - electronic violence, including unwanted electronic messages, cyberbullying, or other forms of digital influence;
 - non-compliance with the principles of regulatory and legal regulation of distance learning, including violation of online etiquette rules and other cases that may limit the safety and comfort of participants of the educational process;
 - other violent offenses.
- 1.6. Signs of bullying include:
- an act (action or inaction) in the form of psychological, economic or sexual violence committed with the use of electronic communications;
 - systematic (repeated) nature of the act, i.e., committing it for the third time or more;
 - consequences in the form of physical or mental harm, humiliation, fear, anxiety, subordination to the interests of the offender, social isolation of the victim;
 - an intentional form of guilt;
 - the goal of achieving submission, control, and power over the victim through violence by taking advantage of the victim.
- 1.7. Signs of discrimination in distance education include:
- systematic restriction of access to educational opportunities: providing limited opportunities to participate in relevant educational programs or courses; exclusion from certain educational initiatives or resources;
 - participation in discriminatory actions in the online environment: offensive comments aimed at the characteristics of the victim; promoting or supporting discriminatory statements in the virtual environment, both during online synchronous classes and outside of session time;
 - unlawful restriction of participation opportunities: exclusion of a person from a community, group or other forms of interaction in the online environment (attempts to exclude a seeker from group projects or virtual discussions; isolation from participation in online events or group work); creation of conditions that prevent the full use of educational opportunities;
 - consequences that restrict rights and freedoms: reduced academic or social mobility due to discriminatory practices; deterioration of psychological well-being and health of participants of the educational process due to systematic humiliation;
 - intentional form of guilt and motive: deliberate actions or refusal to act in order to restrict the rights of a particular person or group of persons;

discriminatory actions motivated by intolerance to specific characteristics of a person;

- discrimination on the basis of specific characteristics (race, gender, religion, age, social and other characteristics); identifying a person or group of persons on certain grounds and providing them with fewer opportunities in education.

1.8. Signs of sexual harassment in distance education include:

- acts as verbal or non-verbal sexual acts unwanted by the victim; distribution of obscene messages, images or videos via e-mail or online communication platforms;
- systematic (repeated) nature of the act, i.e., committing it for the third time or more;
- the purpose or effect of causing humiliation, fear, anxiety, or violation of the dignity of women and men during their studies or work;
- an intentional form of guilt.

Sexual harassment is a form of gender-based discrimination.

Sexual harassment includes, in particular, gestures and movements, proposals, direct or indirect inducements to have sexual intercourse, coercion to have sexual intercourse, sexually offensive comments and jokes, unwanted discussions on sexual topics, etc.

1.9. Types of violence in distance education:

- *psychological violence* can manifest itself in the form of electronic actions, such as verbal abuse, threats, intimate and emotional abuse through electronic means of communication, isolation from groups or communities, blackmail, etc;
- *economic violence* can be manifested in the form of extortion, theft or damage to digital property, as well as any other actions aimed at causing material damage;
- *sexual violence* can include indecent remarks, electronic harassment, sending indecent content, and threats of a sexual nature through electronic communication channels;
- *cyberbullying* (digital terrorism) as electronic and internet-based violence, including harmful comments, insults, threats and other aggressive actions via social media and other digital platforms;
- *technical violence*: hacker attacks; attempts to hack into accounts of higher education seekers or University staff; attempts to interfere with seekers during sessions or exams in a synchronous online mode; deletion of work of seekers without their permission.

1.10. The responders in case of an incident related to sexual harassment, bullying and discrimination are:

- University officials;
- Ministry of Education and Science of Ukraine;
- territorial bodies (subdivisions) of the National Police of Ukraine.

1.11. Responders to cases related to sexual harassment, bullying and discrimination at the University act within the powers provided by law and this Standard.

1.12. The responders take measures to prevent and counteract situations related to sexual harassment, bullying and discrimination at the University in accordance with the Action Plan for Preventing and Counteracting Sexual Harassment, Bullying (Harassment) and Discrimination at the University approved by the Academic Council.

1.13. Scientific-pedagogical staff and other employees of the University are obliged to report bullying (harassment), sexual harassment, discrimination if they detect it:

- take immediate measures to stop the dangerous exposure;
- to notify the relevant body or committee of the University of the identified cases of violence or discrimination;
- if possible, provide the necessary support and assistance to the victims; if necessary, contact the unit responsible for social and psychological support of participants of the educational process at the University to provide timely psychological assistance;
- facilitate investigations into the identified cases and participate in measures aimed at bringing the perpetrators to justice;
- ensure the confidentiality of information and at the same time ensure transparency of the investigation process for all stakeholders;
- if necessary, contact the territorial bodies (units) of the National Police of Ukraine.

2. FILING STATEMENTS OR REPORTS OF CASES OF BULLYING (HARASSMENT), SEXUAL HARASSMENT, DISCRIMINATION AT THE UNIVERSITY

2.1. Participants of the educational process may report an incident of sexual harassment, bullying and discrimination that they have been a party to or witnessed.

2.2. A higher education seeker or employee of the University has the opportunity to submit an appeal to resolve the situation on their own behalf, from an anonymous email address to the email address of the director of the educational and research institute / dean of the faculty, vice-rector or rector, or by filling out a specialized online appeal form available through the official website of the University to identify and combat cases of bullying, sexual harassment and discrimination in distance education.

The online form allows for anonymous or identified applications. Participants of the educational process can choose the anonymity option to not disclose their name or other personal data. The entered data is separated from other information flows to prevent possible cases of abuse or disclosure of personal data. The person responsible for processing requests through the form is the University lawyer.

2.3. In case of receipt of an application or report of a case of bullying (harassment), sexual harassment, discrimination, the persons specified in clause 2.2

shall consider the appeal and, if it is impossible to resolve the conflict within their competence, request the Rector to establish a temporary commission to consider the case of bullying (harassment), sexual harassment, discrimination (hereinafter referred to as the commission) no later than three working days from the date of receipt of the application or report.

3. COMPOSITION OF THE COMMISSION, RIGHTS AND OBLIGATIONS OF ITS MEMBERS

3.1. The temporary commission for consideration of appeals regarding these cases at the University is created and approved by the order of the rector.

3.2. The composition of the commission is formed considering the main tasks of the commission. The commission consists of a chairperson, deputy chairperson, secretary and at least five members.

The commission consists of scientific-pedagogical staff and university employees, including a representative of the unit responsible for social and psychological support of participants of the educational process at the university and a lawyer. When considering an application where one of the parties to the conflict is a foreign seeker, the commission must include the head of the international department. If necessary, a specialist from the IT Department may be involved.

3.3. The chairperson of the commission may be the rector of the university or the director of the educational and research institute / dean of the faculty, vice-rector may be appointed.

3.4. The chairperson of the commission organizes its work and is responsible for fulfilling the tasks assigned to the commission, presides over its meetings and determines the list of issues to be considered.

3.5. The chairperson of the commission determines the functional responsibilities of each member of the commission. In the absence of the chairperson of the commission, the deputy chairperson of the commission shall perform his/her duties.

3.6. In the absence of the chairperson and deputy chairperson of the commission, one of the commission members elected by the commission on the proposal of its secretary shall act as chairperson of the commission.

3.7. In the absence of the secretary of the commission, his/her duties are performed by one of the commission members, who is elected upon the proposal of the chairperson of the commission or the deputy chairperson of the commission.

3.8. The secretary of the commission shall ensure preparation of meetings of the commission and materials to be considered at the meetings of the commission, and shall keep the minutes of meetings of the commission.

3.9. A member of the commission has the right to:

- to familiarize themselves with materials related to cases of bullying (harassment), sexual harassment, discrimination, and participate in their review;

- submit proposals and express their own opinions on the issues under consideration;
 - participate in decision-making by voting;
 - express a dissenting opinion orally or in writing;
 - make proposals to the agenda of the commission meeting.
- 3.10. A member of the commission is obliged to:
- personally participate in the work of the commission;
 - not to disclose to third parties the information that he/she has become aware of in connection with participation in the work of the commission and not to use it in his/her own interests or in the interests of third parties;
 - to fulfill the instructions of the chairperson of the commission within the limits provided for by law and his/her official duties;
 - participate in voting.

4. PROCEDURE OF THE WORK OF THE COMMISSION

4.1. The purpose of the commission is to stop bullying (harassment), sexual harassment, discrimination at the University; restore and normalize relationships, create favorable conditions for further education in the group (unit) where the incident occurred; finding out the reasons that led to the case of bullying (harassment), sexual harassment, discrimination and taking measures to eliminate such reasons; assessing the needs of the parties to bullying (harassment), sexual harassment, discrimination in social and psychological and pedagogical services and providing such services.

4.2. The activities of the commission are based on principles:

- legality;
- the rule of law;
- respect for and observance of human rights and freedoms;
- impartiality towards the parties to bullying (harassment), sexual harassment, and discrimination;
- openness and transparency;
- confidentiality and protection of personal data;
- emergency response;
- a comprehensive approach to the case;
- intolerance to bullying (harassment), sexual harassment, discrimination and recognition of its social danger.

4.3. In its activities, the Commission ensures compliance with the Laws of Ukraine "On Information" and "On Personal Data Protection".

4.4. The commission's tasks include:

- collecting information on the circumstances of the case of bullying (harassment), sexual harassment, discrimination for an objective review of the appeal;
- reviewing and analyzing the collected materials on the circumstances of the case of bullying (harassment), sexual harassment, discrimination and

making a decision on the presence/absence of circumstances substantiating the information provided in the statement.

4.5. If the commission decides that there are circumstances that substantiate the information provided in the appeal, tasks of the commission also include:

- assessing the needs of the parties to bullying (harassment), sexual harassment, and discrimination in obtaining social, psychological, and educational services and providing such services;
- identifying the causes of bullying, sexual harassment, discrimination and the necessary measures to eliminate such causes;
- determining educational measures for the parties to bullying (harassment), sexual harassment, and discrimination in the group (structural unit) where the incident occurred;
- monitoring the effectiveness of social, psychological and pedagogical services, measures to eliminate the causes of bullying (harassment), sexual harassment, discrimination, educational measures and adjusting (if necessary) relevant services and measures;
- providing recommendations for academic staff and employees of the University on appropriate methods of implementing the educational process and communication with parties to bullying (harassment), sexual harassment, and discrimination.

4.6. The form of work of the commission is meetings, which are held when necessary. The date, time and place of the meeting shall be determined by its chairperson.

4.7. A meeting of the commission shall be valid if at least two-thirds of its members participate in it.

4.8. The secretary of the commission shall notify the commission members, as well as the seeker and other interested parties, of the agenda of the scheduled meeting, the date, time and place of the meeting, and provide/send the commission members and the said persons the necessary materials in electronic or paper form no later than seventeen o'clock on the day preceding the day of the commission meeting.

4.9. Decisions on issues considered at a meeting of the commission shall be made by open voting by a majority of the approved members of the commission. In case of an equal distribution of votes, the vote of the chairperson of the commission is decisive.

4.10. During the meeting of the commission, the secretary of the commission shall keep minutes of the meeting of the commission in the form according to the appendix to this Standard, which shall be executed by order of the rector.

4.11. Persons involved in meeting of the commission are obliged to adhere to the principles of activities of the commission, in particular, not to disclose to third parties the information they have learned in connection with their participation in the work of the commission and not to use it in their own interests or the interests of third parties.

4.12. Persons involved in the meeting of the commission have the right to participate in the meeting of the commission:

- familiarize themselves with the materials submitted for consideration by the commission;

- ask questions on the merits of the case;
- submit proposals and express their own opinions on the issues under consideration.

4.13. The chairperson of the commission shall notify the participants of the decisions of the commission in accordance with the minutes of the meeting and monitor their implementation.

4.14. The term for consideration by the Commission of an application or report of a case of bullying (harassment), sexual harassment, discrimination at the University and the fulfillment of its tasks shall not exceed ten working days from the date of receipt of the application or report by the Rector of the University.

5. PREVENTION AND COUNTERACTION TO BULLYING (HARASSMENT), SEXUAL HARASSMENT, DISCRIMINATION AT THE UNIVERSITY

5.1. The key priority for the university community is to prevent and combat bullying (harassment), sexual harassment, and discrimination, aimed at:

- identifying and implementing the necessary measures, ways and methods to prevent bullying (harassment), sexual harassment, discrimination and (or) potential risks of their occurrence;
- identification of bullying (harassment), sexual harassment, discrimination and (or) potential risks of their occurrence;
- identifying and implementing the necessary measures, ways and methods to address situations of bullying (harassment), sexual harassment, discrimination and/or eliminate potential risks of their occurrence.

5.2. Activities to prevent and counteract bullying (harassment), sexual harassment, and discrimination in an educational institution are based on principles:

- non-discrimination on any grounds;
- non-violent behavior in interpersonal relationships;
- partnership and support between all participants of the educational process;
- development of social and emotional intelligence of participants in the educational process;
- gender equality;
- participation of participants of the educational process in decision-making in accordance with the provisions of the legislation and constituent documents of the University.

5.3. The objectives of activities to prevent and counteract bullying (harassment), sexual harassment, and discrimination at the University in distance education are:

- creating a safe educational environment: ensuring the psychological and physical safety of participants of the distance education process, including the use of modern technologies to monitor and ensure security in the online environment;

- analysis and identification of the causes of the spread: conducting a systematic analysis of the state, causes and preconditions of cases of bullying, sexual harassment and discrimination in distance learning;
- raising awareness: organizing information campaigns and trainings for distance education participants on bullying, sexual harassment and discrimination;
- formation of an aversion to violence: implementation of measures aimed at forming an aversion to violence in the minds of participants in the educational process, understanding bullying, sexual harassment and discrimination as a violation of human rights;
- active involvement of participants: encouraging all participants of the distance education process to actively contribute to the prevention and counteraction of bullying, sexual harassment and discrimination, including through interaction and reporting of known cases.

5.4. Measures aimed at preventing and counteracting bullying (harassment), sexual harassment, and discrimination in an educational institution include measures to:

- organization of safe use of the Internet during the educational process;
- development of social and emotional intelligence of participants of the educational process, in particular:
 - understanding and perception of the value of human rights and freedoms, the ability to defend one's rights and respect the rights of others;
 - understanding and acceptance of the principles of equality and non-discrimination, respect for human dignity, tolerance, social justice, and integrity, and the ability to implement them in their own behavior;
 - the ability to prevent and resolve conflicts non-violently;
 - responsible attitude to their civil rights and responsibilities related to participation in public life;
 - the ability to identify, formulate and reasonably defend one's own position, respecting opinions/positions that differ from one's own, if they do not violate the rights and dignity of others;
 - the ability to critically analyze information, consider issues from different perspectives, and make informed decisions;
 - communication skills and the ability to cooperate to solve various social problems, including through volunteer activities, etc;
 - raising awareness of participants of the educational process about bullying (harassment), sexual harassment, discrimination, their causes and consequences, the procedure for responding to cases of bullying (harassment), sexual harassment, discrimination, etc;
 - creating a culture at the University based on intolerance to any form of violence and discrimination, including bullying and sexual harassment.

6. ANTI-CORRUPTION WARNINGS

6.1. Participants of the educational process fully comply with the basic principles of corruption prevention, ensure regular assessment of corruption risks in their activities, and take appropriate measures to prevent and resolve conflicts of interest and corrupt practices that may arise in the performance of their duties.

6.2. Participants of the educational process in the distance form of higher education are obliged to comply with the requirements of the Law of Ukraine "On Prevention of Corruption".

6.3. Participants of the educational process in the distance form of higher education are strictly prohibited from directly or indirectly using their official powers or opportunities related to them to receive an unlawful benefit or accepting such a benefit or accepting a promise/offer of such a benefit for themselves or other persons or make promises/offers or an unlawful benefit to a person, specified in the first part of Article 3 of the Law of Ukraine "On Prevention of Corruption", or at their request to other individuals or legal entities with the aim of inducing this person to unlawfully use the official powers granted to them or related opportunities.

6.4. For the commission of corruption or corruption-related offenses, participants of the educational process are subject to criminal, administrative, civil and disciplinary liability in accordance with the procedure established by law.

7. FINAL PROVISIONS

7.1. The standard for responding to cases of bullying (harassment), sexual harassment and discrimination is approved by the Academic Council of the University and enacted by order of the Rector of the University or a person authorized to perform his/her duties.

7.2. Changes and / or additions to the Regulation are considered and approved by the University Academic Council and enter into force by the order of the rector of the University or a person authorized to perform his/her duties.

MINUTES № _____
of the meeting of the commission for consideration of cases of bullying (harassment), sexual harassment, discrimination

" ____ " _____ 20 ____ Time ____ h ____ min

Source: _____
 (from whom and when the application or report of the case was received)

 (summary of the statement or message)

Present:

Members of the commission (____ persons) according to the order on the composition of the commission dated _____ № _____

Other persons (____ persons):

HEARD:

I. Adoption of the Agenda of the meeting

II. Consideration of the items on the agenda of the meeting¹

III. Approved the decision on²

needs of the parties to the case for social and psycho-pedagogical services

 (description of the relevant services and those responsible for their provision)

measures to eliminate the causes of the incident

 (description of measures and those responsible for their implementation)

measures of educational influence on the parties to the case

 (description of measures and those responsible for their implementation)

recommendations for academic staff and university employees on appropriate methods of conducting the educational process and other activities with the parties to the conflict

 (description of the recommendations and the subjects of the recommendations)

Chairperson of the Commission _____

Secretary _____

¹ Section II is supplemented by separate pages.

² Section III is supplemented by separate pages.