



LITHUANIAN SPORTS UNIVERSITY
**DESCRIPTION OF PREVENTION AND EXAMINATION OF CASES OF HARASSMENT,
SEXUAL HARASSMENT OR PERSECUTION**

1. GENERAL PROVISIONS

1.1. The community of Lithuanian Sports University (hereinafter referred to as the University or LSU) (students, doctoral students, teachers and other employees) must actively participate in creating a friendly working environment that respects human dignity, ensures equal opportunities and non-discrimination.

1.2. The University, acting in compliance with the Constitution of the Republic of Lithuania, the Statute of LSU, the Law on Higher Education and Research of the Republic of Lithuania, the Law on Equal Opportunities of the Republic of Lithuania, the Rules on the Prevention of Harassment, Sexual Harassment or Prosecution of the Office of the Equal Opportunities Ombudsperson (approved by Order No V-22 of the Republic of Lithuania of 10 July 2018) and other legal acts in force in the Republic of Lithuania, shall adopt this document (hereinafter referred to as the Description).

1.3. The University prohibits harassment, sexual harassment, persecution or violence.

1.4. Definitions:

1.4.1. **Responsible person** means the person appointed by the Rector, who is the first to receive a notification or complaint about the case/event. He/she organizes the examination of the complaint or case in accordance with the established procedure. The name and contacts of the responsible person shall be made public. If the responsible person withdraws from the obligation to avoid a conflict of interest, the Rector may appoint another responsible person to examine the notification or complaint.

1.4.2. **Commission** means a commission composed of at least three members of the LSU Academic and Professional Ethics Commission appointed by order of the LSU Rector to investigate the cases of harassment, violence, sexual harassment or persecution.

1.4.3. **Persecution** means an unfavourable attitude towards an individual compared with others because:

- the person has lodged or intended to lodge a complaint concerning harassment or sexual harassment or violence.
- has testified, provided explanations about the case of harassment, sexual harassment or violence.
- has been involved in a notification or complaint concerning harassment, sexual harassment or violence.
- has participated in the process of lodging and investigating a report or complaint on harassment, sexual harassment or violence.

1.4.4. **Notification** means the oral or written presentation of information about harassment, sexual harassment, violence or persecution.

1.4.5. **Harassment** means unwanted conduct seeking to offend or insult the dignity of a person on the basis of a characteristic of his/her identity (gender, race, nationality, citizenship, language, origin, social status, belief, convictions or views, age, sexual orientation, disability, ethnic origin

or religion) or with a view to creating or creating an intimidating, hostile, humiliating or offensive environment.

1.4.6. **Sexual harassment** means an unacceptable or unwanted, abusive, oral, written or physical conduct of a sexual nature towards a person with the aim of creating or creating an intimidating, hostile, unpleasant, humiliating or offensive environment.

1.4.7. **Complaint** means a written application by the victim for harassment, sexual harassment, violence or persecution.

1.4.8. **Defendant** means a person whose conduct has been the subject of a report or a complaint concerning harassment, sexual harassment, persecution or violence.

1.4.9. **Violence** means any physical, mental, sexual, economic or other influence which causes physical, non-pecuniary or material damage to a person by an act or omission.

1.4.10. **Victim** means a person who has been subjected to violence, harassment, sexual harassment or persecution.

2. FORMS OF HARASSMENT, SEXUAL HARASSMENT, VIOLENCE OR PERSECUTION

2.1. Harassment, sexual harassment, violence or persecution may take the following forms:

2.1.1. unwanted physical contact (e.g., spanking, caressing, stroking, grabbing, kissing, etc.) or requiring such contact.

2.1.2. oral or written humiliation (offensive jokes, remarks, speech of hate, gossip, spread of rumours, slander, etc.).

2.1.3. demonstration of offensive pictures, inscriptions or other material, insulting gestures.

2.1.4. demonstration or sending pornographic or sexist images, pictures, texts by electronic means or on the Internet.

2.1.5. deliberate isolation or non-communication in the course of the University activities, separation from social activities.

2.1.6. obsessive attempt to communicate, stalking or gathering information about a person, where this is not related to work or studies being carried out.

2.1.7. threats or other intimidating conduct aimed at restricting the freedom of self-determination of an employee or student.

2.1.8. impact on a member of the LSU community seeking conduct, services or sexual services not related to the ongoing work or studies.

2.1.9. unjustified aggravation of working or study conditions compared to other employees or students.

2.2. Harassment, sexual harassment, violence or persecution may occur in other ways which are not obvious but create an unpleasant, intimidating, humiliating or offensive environment.

3. RECOMMENDED BEHAVIOUR OF LSU COMMUNITY MEMBERS TO AVOID HARASSMENT, SEXUAL HARASSMENT OR PERSECUTION

3.1. A member of the LSU community is recommended to follow the following basic provisions:

3.1.1. analyse their behaviour and assess whether they comply with the provisions of the Description.

3.1.2. be conscious, know or predict what conduct may be considered as harassment, sexual harassment or persecution.

3.1.3. be attentive and sensitive to other members of the LSU community, respect their private life, views, convictions, physical and mental inviolability, try to understand that they may be disturbed or suffer from unpleasant, unwanted, dignified consequences of certain oral, written or physical actions, such as:

3.1.3.1. informal greeting.

3.1.3.2. compliments not related to the community member's professional characteristics and job functions.

3.1.3.3. unethical comments on physical appearance, clothing and identity features.

3.1.3.4. unethical comments about views, weaknesses or strengths, private life.

3.1.3.5. unethical names (for example, abbreviations, aliases, diminutives).

3.1.3.6. sexual, offensive, disrespectful jokes.

3.1.3.7. physical touches, induction of physical or psychological discomfort in violation of respectful physical distance.

3.1.3.8. obtrusive attention, inspection.

3.1.3.9. tone of speaking, sounds and movements which may harm, humiliate or cause associations of a sexual nature.

3.1.3.10. use of visual means degrading honour and dignity (posters, photographs, drawings, objects, etc.).

3.1.3.11. offensive messages degrading honour and dignity.

3.2. To avoid an unpleasant, unacceptable behaviour and the negative consequences of such behaviour, realising that certain behaviour may be undesirable, degrading one's dignity or making one feel uncomfortable, it is recommended to discuss in advance (at the beginning of work or studies) the forms of behaviour or communication that are acceptable to the members of the community.

3.3. The member of LSU community should take action to stop the behaviour violating the provisions of the Description rather than be a passive observer. If such conduct is manifested, it should not be tolerated or regarded as a joke or a bad joke. Such behaviour should not be encouraged by a smile, laughter or other supporting actions.

3.4. In the event of behaviour showing signs of harassment, sexual harassment or persecution, it is advisable to speak calmly and politely to the person acting in such a way that his/ her conduct is unacceptable and must be terminated. It is recommended to explain which gestures, words, comments, physical behaviour or other actions are unpleasant, creating a humiliating and offensive working environment.

3.5. It is advisable to record all acts (behaviour) of harassment, sexual harassment or persecution, to write down time, witnesses and other relevant information.

3.6. If harassment, sexual harassment or persecution occurs against another member of the community, it is recommended to speak about it with him/ her, to encourage to contact the person who has taken the action and to inform him/ her immediately that such conduct is undesirable.

4. PRINCIPLES FOR THE INVESTIGATION OF A NOTIFICATION OR A COMPLAINT

4.1. The investigation of a notification or a complaint shall be based on the following principles:

4.1.1. innocence – the defendant is considered to be innocent until a decision on the violation of the Description is made.

4.1.2. expeditiousness – investigation shall be carried out as soon as possible.

4.1.3. immediateness – the victim, the defendant, and the witness(s) shall be provided with every opportunity to give an explanation and interpretation of his/ her actions.

4.1.4. assistance to the victim – after receiving a complaint concerning the violation of the Description, safe working or study conditions have to be created.

4.1.5. application of active prevention measures – in case of a violation, appropriate preventive measures shall be applied in order to ensure safe and dignified working conditions for members of the community.

4.1.6. objectivity and impartiality – investigation shall be carried out objectively and without any prejudice.

5. REPORTING AND COMPLAINT PROCEDURES

5.1. A member of the community who has reasonable grounds to believe that he/ she or another member is being harassed, sexually harassed or persecuted (hereinafter referred to as harassment) shall have the right to submit a confidential report or complaint to the responsible person, who shall submit this document not later than the next working day to the Chairman of the Academic and Professional Ethics Commission. In the event that the person complained against is the responsible person appointed by the Academic and Professional Ethics Commission, the complaint shall be filed with the Equal Opportunities Ombudsperson. Notice may be given not only in writing but also orally, in which case the interview must be recorded, and minutes kept confidential.

5.2. If a student submits a report or complaint, he/ she must specify the cycle of studies, if it is an employee filing a complaint, he/ she must indicate employment relations and the department of the University. LSU students and alumni can apply (requesting to ensure anonymity) and inform the University's responsible person about the harassment experienced in the University environment.

5.3. The responsible persons appointed by the Academic and Professional Ethics Commission shall, not later than within 3 working days from the receipt of a notice or a complaint, take a decision to initiate an investigation.

5.4. Upon receipt of a notification from the victim, the Chairman of the Academic and Professional Ethics Commission must inform both parties about the anti-harassment and reporting procedures.

5.5. The person (applicant) who has lodged the notification or complaint and the person in respect of whose actions a report or complaint has been filed as well as the witnesses indicated by these persons may not be responsible persons appointed by the Academic and Professional Ethics Commission.

5.6. In the event of multiple reports or complaints concerning harassment, sexual harassment or persecution relating to the same person, individual investigations may be combined into a single

investigation. The decision to merge investigations shall be taken by the responsible persons appointed by the Academic and Professional Ethics Commission.

5.7. The purpose and time limits of the examination of a complaint or a notification.

5.7.1. The purpose of the examination of a complaint or a notification is to collect data enabling it to be reasonably concluded that harassment has been carried out or the evidence is not sufficient.

5.7.2. It is recommended that a notification or a complaint be filed as soon as possible from the date of the actions taking place or discovery of the actions complained of.

5.7.3. The investigation of a notification or a complaint or a prevention procedure may not exceed 2 months from the date of receipt of the notification or complaint.

5.7.4. If the case is very complex (e.g., a large number of witnesses have to be interviewed; the victim, the defendant and/ or witnesses are difficult to reach; if the Commission finds that acts of harassment involve acts of crime, the police are notified, and a university investigation is suspended until a police investigation is carried out and illation is received; a police investigation is conducted at the same time; examination must be postponed due to the leave of the persons concerned or unforeseen circumstances), the examination may take more time.

5.7.5. Deadline for dealing with cases of harassment shall be one year from the actions which may have led to the infringement.

5.8. The Commission shall investigate a notification or complaint of harassment, sexual harassment, persecution or violence in a comprehensive, discreet, fair and sensitive manner both in relation to the victim and the person complained of, taking into account the impact on the victim, the specificity and personal nature of such actions.

5.9. It must be possible for both the victim and the defendant to decide whether or not to take part in the examination of the complaint. If one or both parties refuse to participate, the parties who refused must be informed that the complaint will still be examined and that a decision will be taken on the basis of the information available.

5.10. The Commission shall inform the person participating in the investigation of the interview relating to the examination of the notification and the collection of data at least three working days in advance.

5.11. A representative may also be present in the interview with the victim or the defendant.

5.12. Only the victim or the defendant, his/ her representative and the Commission shall participate in the interview.

5.13. During the interview with the victim, the defendant or the witness, the Commission is recommended to:

5.13.1. restrain from expressing an opinion or evaluating the facts known.

5.13.2. speak calmly, politely and in a neutral manner.

5.13.3. ask specific and clear questions, restrain from submitting questions with implicit answers.

5.13.4. restrain from interrupting the speaker.

5.14. During the interview with the victim, the interviewer shall:

5.14.1. ask the victim to talk about the circumstances specified in the notification or complaint and listen to him/ her calmly, attentively, without interrupting him/ her.

5.14.2. discuss the relationship between the victim and the defendant and how they have been changing.

5.14.3. ask the victim to describe the nature and duration of the conduct complained against.

- 5.14.4. find out as many details and circumstances related to the conduct complained against.
- 5.14.5. ask the victim to indicate the experiences caused by conduct complained against, whether it created an intimidating, hostile, humiliating or offensive environment.
- 5.14.6. allow the victim to assess the situation in relation to the actions of the person complained against and his/ her own attitude towards it.
- 5.14.7. ask for available evidence (e.g., notes, messages, photographs, pictures, etc.) related to the conduct complained against.
- 5.14.8. ask to indicate persons who are able to testify or submit other information related to the investigation.

5.15. During the interview with the defendant, the interviewer shall:

- 5.15.1. familiarize the defendant with the content of the notification or complaint and other important circumstances of the conduct complained against.
- 5.15.2. ask the defendant to provide a detailed written explanation regarding all the circumstances of the investigation, expressing his/ her opinion on the conduct complained against and also providing other information which he/ she considers relevant for the investigation.
- 5.15.3. recommend confirming or refuting the conduct complained against, stating the motives, reasons and objectives.
- 5.15.4. ask for available evidence (e.g., notes, messages, photographs, pictures, etc.) related to the conduct complained against.
- 5.15.5. ask to indicate the persons who are able to confirm the evidence of the defendant and help to objectively investigate the complaint.

5.16. During the interview with the witness, the interviewer shall:

- 5.16.1. explain to the witness for what purpose he/ she has been summoned, indicate at whose request the witness has been invited to testify.
- 5.16.2. inform about the confidentiality of the investigation and its data (the witness must sign the obligation of confidentiality).
- 5.16.3. familiarize him/ her with and ascertain the circumstances which he/ she could testify.
- 5.16.4. ask to specify the relationship between him/ her and the victim and/or the person complained against.
- 5.16.5. ask to provide an explanation in writing concerning the facts which he/ she has seen or heard, as well as to inform about other circumstances which he/ she deems relevant to the investigation.
- 5.16.6. ask to indicate other persons who have seen or heard about the facts being proved.
- 5.16.7. ask to refer to the Commission if he/ she remembers or discovers new circumstances related to the investigation.
- 5.16.8. ask to immediately inform the Commission if he/ she has been threatened or attempted to be influenced otherwise.

5.17. The course of the meeting shall be recorded by means of sound recording.

5.18. Harassment, sexual harassment, violence or persecution shall be assessed having regard to the totality of circumstances: nature, frequency, intensity (grade of confrontation), location, context, and duration. Where it is found during the initial examination of a notification that a notification is unfounded or lacks evidence, the proceeding may be terminated without further action.

5.19. Upon completion of the investigation, the Commission shall assess the data obtained in the course of the investigation and, within five working days, prepare and submit a conclusion to the Rector, who shall take a decision on the imposition of sanctions (e.g., educational, reformatory or other sanctions). The Rector shall, having regard to the gravity of the violation, adopt a decision on the application of penalties (educational, reformatory or other sanctions) based on the procedure laid down by the Labour Code of the Republic of Lithuania or in accordance with the documents regulating research and educational activities of university.

5.20. The University shall inform the victim and the defendant in writing about the Rector's decision and possibilities to appeal it in accordance with the procedure established by law within five working days from the date of adoption of the decision.

5.21. The Rector's decision at the University is final, but the victim or the defendant who disagrees with the decision has the right to apply to the Office of the Equal Opportunities Ombudsperson or to the court.

6. PREVENTION PROCEDURE

6.1. The aim of the prevention procedure is to ensure safe and respectful working environment at the University even in the absence of obvious harassment, sexual harassment, persecution, violence or other violations of academic ethics.

6.2. The prevention procedure also applies if the victim wishes only to discipline the defendant and to prevent such acts in the future but does not want an investigation to be initiated or there are insufficient grounds for initiating an investigation.

6.3. After the Commission's decision to initiate a preventive procedure has been taken, the responsible person shall re-introduce the rules to the defendant, drawing attention to the points for which the prevention procedure has been initiated.

6.4. In order to bring the situation to an end by amicable settlement, the prevention procedure shall take the form of an interview where the person responsible communicates with the person concerned, either with or without the applicant's presence.

7. PSYCHOLOGICAL ASSISTANCE

7.1. Free psychological assistance is provided to LSU employees and students who have suffered discrimination, harassment or another degrading act.

7.2. Information about psychological assistance is published on the University's website.

8. FINAL PROVISIONS

8.1. The Description is approved by the decision of the LSU Senate.

8.2. The University shall have the right to change the Description as necessary and/or if the requirements of legal acts are changed.

8.3. The Description and all its amendments are published on the University website.

8.4. Publication of the Description on the University's website (information system) is seen as familiarisation with the requirements and responsibilities specified in the Description.

Chairman of the Senate

Vidas Bružas

Secretary of the Senate

Kristina Bradauskienė