
The Central European University Policy on Harassment

PART I GENERAL PROVISIONS

Article 1 Title

1.1. This document is to be referred to as Central European University's Policy on Harassment.

Article 2 Definitions

- 2.1. For the purposes of Central European University's Policy on Harassment:
- (a) “Code” means the Code of Ethics of the Central European University;
 - (b) “Complainant” means the person lodging a complaint on the Complaint Form with the resource persons or offices listed in Articles 15.1-15.2. of this Policy against another member(s) of the University Community or Contractor(s) for an alleged sexual or other harassment. The Complainant may or may not be the same as the subject of the alleged harassment or sexual harassment;
 - (c) “Complaint Form” means a document substantially in the form of Annex 1;
 - (d) “Policy” means Central European University's Policy on Harassment;
 - (e) “Respondent” means the person against whom an allegation regarding sexual or other harassment is made;

2.2. Otherwise phrases in the present Policy beginning with capital letters shall have the meaning set out under Article 2 of the Code.

Article 3 Relationship with the Code

3.1. The Policy contains special regulations applicable in case of allegations regarding sexual or other harassment. Thus, in questions not regulated by the Policy, the provisions of the Code shall be applicable *mutatis mutandis* and, to the extent of any conflict, the provisions of the Policy will apply and supersede the Code.

Article 4

Scope

4.1. This Policy applies to all areas of University operations and programs. It applies not only to conduct within the buildings used by the CEU Group (including the CEU Residence and Conference Center and other dormitory facilities that may be provided by the CEU Group), but also to CEU Group-related activities that may occur elsewhere, such as on field trips, at CEU Group-sponsored events, at occasions related to the educational mission of the CEU Group. It also applies to conduct occurring outside any of these places if it happens between members of the University Community and affects their performance in CEU Group activities. The Policy applies to the conduct of all Employees (including temporary and part-time employees) and all Students, as well as to the conduct of those who are guests of or who do business with the CEU Group.

4.2. In order to apply the Policy and the Code to Contractors and Others in their dealings with the CEU Group a clause substantially in the form of Annex 3 of the Code shall be included into all contracts to be concluded by the CEU Group entities with Contractors and Others.

Article 5

Subject Matter, Personal Jurisdiction and Application

5.1. The jurisdiction under this Policy shall extend to all allegations regarding sexual or other harassment and to all members of the University Community. In cases of sexual harassment only, individuals who have left the University can still submit a complaint within four years since the incident. Violations of this Policy by Contractors may be subject of the Policy but Contractors may not initiate proceedings under the Policy.

5.2. Regarding additional questions of subject matter, personal jurisdiction and application, Article 4 of the Code shall be applicable *mutatis mutandis*.

Article 6

Territorial Jurisdiction

6.1. Jurisdiction under this Policy is not limited to conduct occurring on University Premises but also elsewhere in relation to CEU Group-related activities, such as field trips, CEU Group-sponsored events, services paid for by any CEU Group entity.

PART II

HARASSMENT

Article 7

Nature of prohibited conduct

7.1. Definition of Harassment

7.1.1. For the purposes of this Policy, harassment is the creation of an offensive, degrading, or intimidating environment, in which conduct, because of its severity and/or persistence, is likely to interfere significantly with an individual's ability to participate in, or benefit from, his or her educational or working environment by negatively affecting the person physically

or emotionally. Sexual harassment is a particular form of harassment described in Article 7.1.6. No harassment will be tolerated.

7.1.2 Harassment can be uninvited or unwelcome physical, verbal or non-verbal conduct directed at the individual's or a group of individuals' putative nationality, race, ethnicity, color, language, age, sex, sexual orientation, gender identity and expression, religion, cultural identity, social origin, socioeconomic status, educational level, disability, genetic trait, mental or physical health condition, or any similar ground.

7.1.3. Verbal conduct may be either oral or written words, such as epithets. Physical conduct may include inappropriate touching, physically interfering with, blocking or impeding an individual's normal movement, assault or battery. Visual conduct may include drawings, pictures, cartoons or derogatory posters. (None of these descriptions are intended to describe all manners of the particular type of conduct.)

7.1.4. Examples of harassing conduct include, but are not limited to:

- any intentional, willful or malicious abuse, mocking, or disparaging of a person or persons so as to affect their educational performance or living or working environment at the University;
- actions or expressions that might cause or contribute to violent situations, or that create a clear and present danger of violent situations;
- phone calls, Instant Messenger sessions, or other electronic communications with indecent content;
- acts of violence, stalking, unwelcome physical touch, physical, verbal, or written threats, and/or other inappropriate communications;
- incidents of sexual harassment, as defined below.

7.1.5. Any person can be the victim of harassment. The conduct alleged to constitute harassment under this Policy will be determined on the basis of a two-step "subjective/objective" test that explicitly considers both the perspective of the person who suffered harassment and of a reasonable person similarly situated to him or her. The Complainant will show that the conduct was offensive and unwelcome, and that a 'reasonable person' would have anticipated that the person who was harassed would be offended, humiliated or intimidated. The Complainant will also need to show that the conduct was not solicited or invited and was regarded as undesirable or offensive. The fact that such behavior may not have been unwelcome to others or had been an accepted feature of the work environment in the past is irrelevant.

7.1.6. Sexual Harassment

7.1.6.1. Sexual harassment is a particular form of harassment with specific distinguishing characteristics. Conduct that constitutes sexual harassment can be verbal, visual or physical. It may be direct or explicit or it may be inferred from the conduct, circumstances and relationship of the individuals involved.

7.1.6.2. Sexual harassment generally consists of unwelcome sexual advances, explicit or implicit requests for sexual favors, or other verbal or physical conduct of a sexual nature when:

- such conduct has the purpose or effect of creating an offensive, intimidating, or hostile University environment; or
- such conduct has the purpose or effect of unreasonably interfering with an

- individual's work, academic performance, or status; or
- submission to or rejection of such conduct is an explicit or implicit term or condition of education, employment, or participation in other University activities; or
- submission to or rejection of such conduct is used as a basis for an employment, academic, or research decision affecting the individual.

Sexual harassment need not be intentional. The intent of the person who is alleged to have committed sexual harassment is not relevant in determining whether sexual harassment has occurred. Sexual harassment, like harassment in general, will be determined on the basis of a two-step "subjective/objective" test that explicitly considers both the perspective of the person who suffered harassment and of a reasonable person similarly situated to him or her. The Complainant will show that the conduct was offensive and unwelcome, and that a 'reasonable person' would have anticipated that the person who was harassed would be offended, humiliated or intimidated. The Complainant will also need to show that the conduct that was not solicited or invited and was regarded as undesirable or offensive.

7.1.6.3. Examples of sexual harassment may include, but are not limited to the followings:

- repeated joking or teasing about sexual orientation;
- repeated joking or teasing about other peoples' bodies;
- whistling, touching, or other repeated unwanted flirtation;
- displaying graphic pictures that create a hostile or offensive working or living environment;
- ongoing use of offensive language or discussions of a sexual nature that creates a hostile or offensive environment;
- unwelcome attention of a sexual nature after requesting that the attention be stopped;
- repeated, unwanted attempts to change a professional relationship to a personal relationship;
- a supervisor or professor promising a raise, a better grade or other study or work related benefit in exchange for sexual contact;
- criminal acts such as assault or rape.

Article 8

Conflict of Interest and Sexual Conduct among Members of the University Community

8.1. In contrast with sexually harassing conduct, sexual activity among consenting adults within the University Community is, in general, a private matter beyond the legitimate interests of the University. There are occasions, however, when the interests of the University may be seriously implicated in these relationships, particularly where the University relies on members of the community to make judgments about others. If two people are in a sexual relationship and in a student/academic staff member or supervisee/supervisor relationship, then they must take steps to ensure that the conflict of interest created by such a situation is removed.

8.2. The academic staff member or supervisor should disclose the conflict of interest to their own supervisor - usually the Unit Head - and should ensure that they never evaluate alone the work performance of their current or former sexual or romantic partners. When an

academic staff member or supervisor discloses a conflict of interest, she or he is required to supply only as much information as is necessary to enable their supervisor to make appropriate decisions. The discussion need not go into the character of personal relations. It need only establish that a personal relationship exists, and that it thereby gives rise to a conflict of interest. The discussion is confidential, and will not be relayed to other members of the University Community except as may be required for decision-making in order to prevent conflict of interest. Ways to eliminate conflicts of interest may include, but are not limited to transfer of supervisory, decision-making, oversight, evaluative, or advisory responsibilities to another member of the University Community or team of University Community members; or providing an additional layer of oversight to the supervisory role. If they fail to take such steps and a conflict of interest is created, this will be a violation of the present Policy.

Article 9

Academic Freedom

The University is committed to the principles of free inquiry and free expression, the pursuit of truth wherever it may lead, and to creating an environment that encourages the active exploration and exchange of ideas. This Policy is not intended to impair this freedom, nor will it be permitted to do so. Prohibited harassment, however, is neither protected expression nor the proper exercise of academic freedom.

Article 10

Reprisals

Retaliatory conduct against any individual who has filed a complaint of harassment, who has reported witnessing harassment, or who has participated in the harassment complaint process is also a violation of the Policy and is grounds for discipline and/or remedial action. In cases where the victim of retaliation has suffered harm, action should be taken to ameliorate the effects of the illegitimate retaliation.

Article 11

False Allegations

The University recognizes that the question of whether a particular course of conduct constitutes sexual or other harassment requires a factual determination. The University recognizes also that false accusations of harassment can have serious effects on innocent persons. If an investigation results in a finding that a person who has accused another of harassment has maliciously or recklessly made false accusations, this will be classified as a misconduct under point 1)a) of Annex 4 of the Code, and the accuser will be subject to appropriate measures according to the Code.

PART III PROCEDURES

Article 12

Introduction to Procedures

12.1. The Policy reflects the commitment to maintain a community that is free from harassment of any kind. The University has designed procedures for prompt internal resolution of harassment complaints that arise within the University Community. The University expects that the use of these procedures will facilitate and promote resolution of such complaints.

12.2. A member of the University Community who believes that he or she has been harassed in violation of this Policy is encouraged to take action in any of the following ways provided for in the Policy.

Article 13

Advice, Information, Counseling

13.1. Anyone may seek advice, information or counseling on matters related to harassment without having to file a complaint. Persons who feel they are being harassed, or are uncertain as to whether what they are experiencing is harassment, and/or desire information as to their options in dealing with harassment are encouraged to talk with one of the University resource persons listed below. Some behaviors may be violations of the Code or may be covered by various grievance or dispute procedures.

13.2. To seek advice, information, or counseling about these issues, an individual may contact any of the following resource persons or offices: Human Resources, Vice-President for Student Services, Unit Heads, or the Provost. Questions about handling complaints under any of the harassment procedures cited here may be directed to the Provost's Office.

Article 14

Course of Action in case of Harassment

An initial course of action for any member of the University Community who feels that he or she is being harassed may be for that person to tell or otherwise inform the alleged harasser that the conduct is unwelcome and must stop. Members of the University Community who want to resolve their concerns in this manner may do so directly with the persons involved. Even in such a case, the person suffering sexual harassment may consider putting the case on record with the appropriate resource person, including a statement about informal resolution. Such records will be treated with the appropriate rules of confidentiality. The purpose of putting a case on the record is to make sure that all concerns are resolved satisfactorily, to help the University identify alleged repeat incidents by the same individual, and gauge the effectiveness of its anti-harassment policies and programs.

Article 15

Filing a Complaint

15.1. Any member of the University Community who has experienced, has witnessed or has knowledge of an incident of harassment he or she believes is a violation of this Policy is encouraged to file a complaint with the one of the Unit Heads, the Vice President of Student Services, or with the Provost. The contacts for the Unit Heads, the Provost and the Vice

President of the Student Services are indicated on the home page of the University (www.ceu.hu).

15.2. A complaint against the Provost may be filed with the Rector of the University.

15.3. A complaint may be filed even if the person making the complaint is uncertain whether the conduct of another rises to the level of harassment prohibited under this Policy.

Article 16

Form of the Complaint

16.1. A complaint must be submitted in writing to the persons indicated in Articles 15.1.-15.2. of this Policy substantially in the form of Annex 1 (“Complaint Form”) and signed by the Complainant and the person indicated in Articles 15.1-15.2 who received the complaint.

16.2. If an oral complaint is made to the persons indicated in Articles 15.1.-15.2. of this Policy, a Complaint Form is to be filled out at the same time.

Article 17

Beginning the Process of Resolution of a Complaint

17.1. Once a complaint is filed, the recipient of the complaint and/or any resource person listed in Article 13.2. above with whom the Complainant has counseled will assist the Complainant to end conduct that he or she believes violates this Policy. Within 20 days after the filing of a complaint, the Provost will arrange a meeting with the Complainant, and, if the Complainant is not the same as the person who experienced the alleged sexual or other harassment, then with the latter person too, as well as with other resource persons, as is appropriate. At this meeting the Provost and/or resource persons will work to determine and then implement the best approach(es) to satisfactorily resolve the matter. This shall include deciding whether to proceed informally or formally.

17.2. The choices and preferences of the Complainant (and the subject of alleged harassment, if different) will be respected to the fullest extent possible in determining the appropriate course of action.

17.3. Immediate measures may be imposed in case of a suspected violation of the Policy by Students, Employees, Others and Contractors. Immediate measures are listed in Annex 5 of the Code. The procedures in relation to immediate measures shall be conducted pursuant to the procedures described for immediate measures in Part II of the Code *mutatis mutandis*.

17.4 Besides the immediate measures listed in Annex 5 of the Code, any necessary interim steps (e.g. reassignments, change in academic schedule) may also be taken to protect an alleged victim of harassment.

Article 18

Time Limits

18.1. All complaints of harassment are to be filed with the Provost or the Vice President of Student Services as soon after the offending conduct as possible but no more than 2 years after the most recent conduct alleged to constitute harassment. In cases of sexual harassment the time limit for reporting is four years since the incident.

18.2. The University's 2-year time limit on the filing of claims of harassment for which formal procedures may be used is intended to encourage complainants to come forward as soon as possible after the offending conduct and to protect Respondents against complaints that are too old to be effectively investigated. Further, delay may make addressing the harassment difficult as witnesses may no longer be able to recall events, witnesses may have gone on to other programs or employment, corroborating evidence may not be available, and/or intervening events may have occurred.

Article 19

Achieving an Informal Resolution

19.1. Below is a list of common approaches to resolving a matter informally. This list is not exhaustive and other approaches may be appropriate depending on the particular facts and circumstances.

19.1.1. The Complainant (and, if applicable, the person who suffered the alleged harassment), either alone or with another person, may meet with the Respondent to discuss the situation, identify the unwanted behavior, and make it clear that the behavior must cease. The recipient of the complaint or resource person can help the Complainant prepare for this meeting. This course of action is not recommended if the Respondent is in a hierarchically superior position to the others.

19.1.2. The recipient of the complaint or resource person may discuss the alleged conduct with the Respondent, reminding the Respondent of the Policy and the Code, and seek a commitment by the Respondent to comply with the Policy.

19.1.3. The Respondent's supervisor or academic advisor may be contacted and asked to help address the situation with the Respondent.

19.1.4. The recipient of the complaint may suggest that the Complainant (and, if applicable, the person who suffered the alleged harassment) discuss the situation with individuals who are available through the following offices in order to determine the best way to proceed: Human Resources, or Vice President for Student Services.

Article 20

Form of an Informal Resolution

20.1. An informal resolution shall be in writing and may include, but is not limited to, the matter being brought to the attention of the Respondent, an agreement to terminate and not repeat specific conduct, an apology, and/or participation in education, training, or counseling. An informal resolution typically will not include any measure against the Respondent. A complaint may also be resolved informally with the Complainant signing a Request for No Action and submitting it to the recipient of the complaint.

20.2. If a complaint is filed against a Contractor, resolution of the complaint may be limited to reporting the alleged incident to an appropriate party and/or notifying the individual he or she is not permitted on the University Premises.

20.3. All resolutions resulting in an agreement between the Complainant and Respondent (e.g., an agreement not to repeat specific conduct) must be agreed to and signed by both Parties.

Any breach of the terms of this agreement may result in disciplinary action or a further claim of harassment. If the resolution does not include any agreement (e.g., the matter being brought to the attention of the Respondent) a statement of the resolution must only be signed by the Complainant. The Parties are to be provided with an original copy of the written resolution in both cases.

20.4. An informal resolution achieved or agreement signed by the Parties does not constitute a finding of harassment. However, any conduct admitted to by the Respondent while attempting to resolve the matter informally or in resolution of the matter, may be considered in any formal procedure against the same Respondent, brought by the same Complainant. Additionally, the fact that a complaint was filed and an informal resolution was reached may be used in a formal procedure against the Respondent.

Article 21

Initiation of the Formal Procedure

21.1 Elements of a formal procedure not elaborated here refer to the Code of Ethics.

21.2. At the meeting mentioned under Article 17.1 with a resource person and/or the recipient of his or her complaint, the Complainant may insist that his/her complaint be forwarded to the Disciplinary Committee and a formal procedure be carried out. In such cases the recipient of the complaint shall forward the complaint to the Disciplinary Committee within 10 days from the date of the meeting.

21.3. Should the informal procedure fail to reach an informal resolution within 60 days from the date of the meeting under Article 17.1. of this Policy, the Complainant can insist that his/her complaint be forwarded to the Disciplinary Committee and a formal procedure be carried out or the Respondent can make a complaint at the Disciplinary Committee - in both cases within an additional 15 days. Moreover, the Complainant, any time during the informal procedure, may insist that his/her complaint be forwarded to the Disciplinary Committee and a formal procedure be carried out.

21.4. If either the Complainant or the Respondent recognize the informal resolution as an inadequate/unacceptable response to the complaint and provided that the informal resolution does not include an agreement (e.g., an agreement not to repeat specific conduct) under Article 20.4. of this Policy, the Complainant can insist that his/her complaint be forwarded to the Disciplinary Committee and a formal procedure be carried out or the Respondent can make a complaint at the Disciplinary Committee against the informal resolution - in both cases within 15 days of the receipt of the resolution.

Article 22

Formal Procedure

The formal procedure shall be conducted pursuant to the procedures described for complaints in Part V of the Code *mutatis mutandis*, with the following addition: in cases involving allegations of sexual harassment, a fact-finding team composed of two members of the Disciplinary Committee named by the chairperson of the Disciplinary Committee and who have received training in investigating sexual harassment complaints shall carry out the fact-finding. In selecting members of the fact-finding team, regard will be given to the nature of the complaint and relevant diversity considerations.

PART V CONFIDENTIALITY, MINUTES, RECORD KEEPING, LEGAL REPRESENTATION

Article 23

Applicability of the Code

23.1. All persons involved in any aspect of an allegation of harassment should respect the confidentiality of the matter and must keep the matter strictly confidential, unless otherwise required by law. Information will only be disclosed to the extent required by law, and to the extent that such disclosure is necessary and permitted under this Policy for the investigation and adjudication of any claim of harassment.

23.2. The Complainant (and, if applicable, the person who suffered the alleged harassment) may make a request for confidentiality/privacy at any point. This type of request means that the requester does not want her/his identity known to the Respondent and the witnesses. If at any point privacy is requested, the University will make all reasonable attempts to comply with this request, while recognizing that the Respondent may have to learn the identity of the Complainant (and, if applicable, the person who suffered the alleged harassment) in order to be able to defend him or herself effectively and that such disclosure may also be necessary the investigation and adjudication of any claim of harassment.

23.3. Otherwise Part III of the Code shall be applicable *mutatis mutandis* for questions of confidentiality, minutes, record keeping and representation.

PART VI DISCIPLINARY MEASURES AND REMEDIES

Article 24

Disciplinary Measures

Any Student, Employee, Other or Contractor found to have violated this Policy by engaging in conduct constituting harassment will be subject to appropriate disciplinary action, which may include oral, written reprimand, expulsion, suspension or other measures that may be imposed pursuant to applicable law and the effective Code.

Article 25

Remedies

The University may offer remedies which it deems appropriate to the individual or individuals harmed by the harassment. Such remedies may include, in case of Students, alternative grading and academic decision-making, in order to protect Students from the threat of academic reprisal, counseling, an opportunity to repeat course work without penalty, or other appropriate interventions, in case of Employees and Others, promotion, reinstatement, back pay, counseling or other appropriate interventions.

PART VII TRAINING AND AWARENESS RAISING

Article 26

Awareness Raising

26.1. The Student Rights and Regulations and the Academic Staff Handbook contain an explicit mention of CEU's Policy on Harassment, and the Policy is available on the CEU website.

26.2. CEU offers annual information sessions on the Policy and on what constitutes harassment and sexual harassment open to all students, faculty and staff. CEU will explore options for online training programs for all faculty and staff.

26.3 Permanent informational resources on harassment and sexual harassment will be made available on CEU's website. The website URL and information on the location of these resources will be posted in a wide range of locations.

Article 27

Training

27.1. The orientation for all new students will include information on harassment, sexual harassment and main features of the Policy, as well as information on how to file a harassment complaint.

27.2 All medical and counseling personnel, as well as any students, faculty or staff who would be working with victims of sexual harassment will receive guidelines on how to deal with such cases.

27.3 CEU provides training for at least two members of the Disciplinary Committee and the Grievance Committee for addressing harassment complaints.

27.4. CEU provides training on harassment and sexual harassment issues for appointed members in charge of receiving harassment and sexual harassment complaints in Human Resources.

PART VIII FINAL PROVISIONS

Article 28

Entry into Force

28.1. The Policy shall enter into force eight days after adoption by the Senate. The Policy shall be public and communicated to each current member of the University Community with information on the location of the policy on the CEU website.

28.2. Amendments and annexes to the Policy adopted by the Senate will enter into force one day after their publication and distribution to the members of the University Community.

28.3. Each new Student shall receive an electronic copy or link to an electronic copy of the Policy and its amendments and annexes upon matriculation. Each new Contractor, Employee or Other shall be given a copy of the Policy and its amendments upon taking up employment / concluding a contract with a CEU Group entity. Each prospective Student,

Employee, Contractor and Other shall be informed of the existence of the Policy and its amendments. A copy of the Policy and its amendments shall be made available to each prospective Student, Employee, Contractor and Other upon request.

28.4. At the beginning of each academic year, the names and contact information of the resource persons (13.2) who can receive complaints, as well as the names and contact information of the members, chairpersons and deputy chairpersons of the Disciplinary Committee and the Grievance Committee of the University will be posted in a form available to Students, Employees, Contractors and Others.

Article 29

Status of Annexes

29.1. The annexes to this Policy shall form an integral part of this Policy.

29.2. A reference to this Policy constitutes at the same time a reference to any annexes thereto.

29.3. All annexes that were passed prior to or after the implementation of this Policy shall be incorporated herein as part of the Policy.

Article 30

Amendments

In accordance with the relevant procedural requirements, the Provost, the Disciplinary and Grievance Committees and the committees established by the Senate from time to time to address policy issues are entitled to further define the categories of harassment or procedures for handling complaints, deemed necessary in order to respond to the changing needs of the University Community, which may take the form of a modification to the body of this Policy, or be incorporated as part of the Policy in the form of annexes. Any such modifications, amendments or annexes must be approved by the Senate. Minor technical modifications can be approved by either the Disciplinary or the Grievance Committee, with the agreement of the chair of the other committee.

Article 31

Periodic review

This Policy shall be reviewed within 36 Months of its adoption by University counsel and a committee appointed by the Senate based on the practice and jurisprudence of the Disciplinary and Grievance Committees and changes in legislation.

Signed by *CEU President and Rector John Shattuck*.

The original document is filed at the Office of the Academic Secretary.

Annex 1

Complaint Form

From: [NAME AND POSITION, DEPARTMENT OF THE COMPLAINANT]

Name of the person(s) alleged to have engaged in the conduct (respondents):

Status of alleged respondent in line with the Code¹

Student

Employee

Other

Contractor

Suspected violation of the Harassment Policy:

(a) details of the incident(s) relating to the alleged harassment, including dates and location;

(b) description of any potential evidence, including the names of any witnesses.

Description of the type of remedy or assistance sought.

Other remarks (need of immediate measure, conflict of interest etc.)

Undersigned declare that I have submitted the present complaint after reading and understanding the Code of Ethics and the Central European University's Policy on Harassment.

[NAME AND DATE/SIGNATURE]

Complaint received by:

[NAME AND DATE/SIGNATURE]

¹ Please underline applicable.

<i>Document information</i>	
Type	Policy
Number	P-1402-1
Title	The Central European University's Policy on Harassment
Related documents	Code of Ethics
Approved by	Senate
Date of approval	February 28, 2014.
Enters force	April 8, 2014
Distribution	Internal
Filename	