

APPROVED
Scientific Council
Petro Mohyla Black
Sea National University

Protocol №10

Dated on 30/06/2020

APPROVED
Rector
Petro Mohyla Black
Sea National University



L.P. Klymenko

Dated on 30/06/2020

PROVISION

on the Procedure for Responding to the Cases of Bullying (baiting) and Discrimination in the Petro Mohyla Black Sea National University

I. General provisions

1.1. This regulation has been adopted in compliance with and in accordance with legislation of Ukraine in the field of gender equality, counteraction to discrimination, violence and bullying (baiting) and determines the response mechanism for such cases at Petro Mohyla Black Sea National University (afterwards - University). University condemns discrimination, sexual harassment and violence in the workplace and in the educational process, and undertakes to help counteract these phenomena.

Applicants for higher education and university employees (afterwards - Participants of educational process) have the right of protection against discrimination of any form violence, humiliation of honor and dignity and bullying (baiting) during the educational process and labor.

1.2. The terms used in this regulation are used in the following meanings:

- abuser- a participant in the educational process who commits bullying (baiting) or actions related to sexual harassment and discrimination against another participant of the educational process;
- the victim is a participant in the educational process in respect of whom the act was committed, related to discrimination, any form of violence, sexual harassment, humiliation of honor and dignity, or bullying by the outside another participant in the educational process;
- observers-direct eyewitnesses of a case of bullying (baiting) or actions, related to sexual harassment and discrimination;
- parties of the conflict-abuser, victim, observers (if any).

Other terms are used in the meanings given in the laws of Ukraine "on education", "about social services", "about social work with families, children and youth", "on ensuring equal rights and opportunities for women and men", "on the principles of preventing and countering discrimination in Ukraine".

1.3. Bullying (baiting), cases related to sexual relations harassment and discrimination at the University include cases that they occur directly in the premises of the educational institution and on adjacent streets territories (including educational facilities, training facilities sports, events, corridors, changing rooms, restrooms, canteen, etc.) and (or) outside the educational institution during the events provided for educational program, work plan of the institution, and other educational activities that are organized with the consent of the rector of the university, including the road to (from) the educational institution.

1.4. Signs of bullying, sexual harassment, discrimination are the systematic commission of actions by participants in the educational process in relation to other participants in the educational process, including the use of electronic communications, namely:

- intentional deprivation of food, clothing, funds, documents, other property or the opportunity to use them, obstruction in obtaining educational services, coercion to work and other economic offenses;

- verbal insults, threats, including against third parties, humiliation, harassment, intimidation, other actions aimed at restricting the will of the person;

- any form of unwanted verbal, non-verbal or physical behavior of a sexual nature, including degrading looks, gestures, abusive body movements, nicknames, verbal insults, jokes, threats, the spread of offensive rumors;

- any form of unwanted physical behavior, including slapping, kicking, pushing, pinching, whipping, biting, hitting;

- any restrictions on the recognition, exercise or use of rights and freedoms in any form based on race, color, political, religious or other beliefs, sex, age, disability, ethnic and social origin, citizenship, marital and property status, place of residence, language or other features;

- any acts of a sexual nature, expressed verbally (threats, intimidation, obscene remarks) or physically (touching, slapping), humiliating or insulting persons who are participants in the educational process;

- other violent offenses.

Signs of discrimination are:

- action - restriction of the injured person and/or group of persons in recognition, realization or use of rights and freedoms in any form, except for cases when such restriction has a legitimate, objectively justified purpose, ways of achievement of which are appropriate and necessary;

- a consequence in the form of inability to fully exercise their constitutional and other rights and freedoms;

- intentional form of guilt;

- motive - intolerance to a person and / or group of persons due to their characteristics of race, color, political, religious and other beliefs, sex, age, disability, ethnic and social origin, citizenship, marital and property status, place of residence, language or other signs that were, are and may be valid or presumed.

Signs of sexual harassment are:

- acts - verbal, non-verbal or physical acts of a sexual nature that are undesirable for the victim;

- regularity (repetition) of the act, its commission for the third time or more;

- purpose or effect in the form of humiliation, fear, anxiety, violation of the dignity of women and men during study or work;

- intentional form of guilt.

Sexual harassment is a form of sex discrimination.

Actions of a sexual nature in sexual harassment include, in particular, unwanted touch, pressure, gestures and movements, suggestions, direct or indirect inducement to have sex, coercion to have sex, sexually offensive comments and jokes, unwanted discussions on sexual topics, etc.

Signs of bullying are:

- an act (action or omission) in the form of psychological, physical, economic or sexual violence, including committed with the use of electronic communications;

- regularity (repetition) of the act, its commission for the third time or more;

- consequence in the form of causing physical or mental harm, humiliation, fear, anxiety, submission to the interests of the offender, social isolation of the victim;

- intentional form of guilty;

- goal - through violence with the use of force to achieve subjugation, control, power over the victim.

Physical violence can manifest itself in the form of pushing, stepping, hitting, kicking, slapping, inflicting bodily harm, and so on.

Psychological violence can manifest itself in the form of verbal insults, threats, including against third parties, humiliation, harassment, intimidation, spreading insulting jokes, rumors, isolation, blackmail, etc.

Economic violence can manifest itself in the form of theft, damage or destruction of clothing and other personal belongings, extortion, and so on.

Sexual violence can manifest itself in the form of any sexual act, including threats, intimidation, obscene remarks, touching, slapping, undressing, and so on.

1.5. The subjects of response in the event of an incident related to sexual harassment, bullying and discrimination are:

- Rector at the university;
- Ministry of Education and Science of Ukraine;
- territorial bodies (subdivisions) of the National Police of Ukraine.

Subjects responding to cases related to sexual harassment, bullying and discrimination at the University act within the powers provided by law and this Procedure.

1.6. Subjects respond implement measures aimed at preventing and combating situations involving sexual harassment, and discrimination with bullying, the University under the Action Plan aimed at preventing and combating sexual harassment, bullying (harassment) and discrimination at the University approved by the Academic council.

1.7. Scientific and pedagogical and other employees of the University in case they detect bullying, sexual harassment, discrimination are obliged to:

- take urgent measures to stop the dangerous impact;
- if necessary, provide home medical care and call an emergency (ambulance) team to provide emergency medical care;
- inform the dean of the faculty / director of the institute, the first vice-rector or the rector of the university;
- if necessary, apply to the Center for Social and Psychological Support, Professional Development and Employment Promotion of the University to provide relevant psychological assistance;
- apply (if necessary) to the territorial bodies (subdivisions) of the National Police of Ukraine.

II. Reporting or announcing cases of bullying, harassment, discrimination at the University

2.1. Participants may inform the administration of the University about the case-related and sexual harassment, and discrimination which they experienced.

The applicant or employee of the University has the opportunity to apply for resolving the situation anonymously to the "trust box" or to the dean of the faculty / director of the institute, the first vice-rector or rector, including using electronic means of communication.

2.2. The persons specified in the abstract 2.1 in case of receipt of the statement or the notification on a case of bullying (baiting) sexual harassment, discrimination perform review request and in case of failure resolution of disputes within its jurisdiction requests the rector to call commissions to review the case of bullying (baiting), sexual harassment, discrimination (hereinafter - Commission) no later than three working days from the date of receipt of the application or notification.

III. Members of the commission, rights and responsibilities

3.1. A temporary commission to consider appeals in these cases at the University is created and approved by order of the Rector.

3.2. The composition of the commission is formed taking into account the main tasks of the commission.

The Commission consists of a chairman, deputy chairman, secretary and at least five members.

The commission consists of research and teaching staff and staff of the university, including a representative of the Center for Social and Psychological Support, Professional Development and Employment Promotion of the University and a lawyer. During the consideration of an application where one of the parties of the conflict is a foreign student, the commission should include the head of the international department.

3.3. The chairman of the commission may be the rector of the university or the dean of the faculty/director of the institute, the first vice-rector.

The chairman of the commission organizes its work and is responsible for the implementation of the tasks assigned to the commission, chairs its meetings and determines the list of issues to be considered.

The chairman of the commission determines the functional responsibilities of each member of the commission. In the absence of the chairman of the commission, his duties are performed by the deputy chairman of the commission.

In the absence of the chairman of the commission and the deputy chairman of the commission, the duties of the chairman of the commission shall be performed by one of the members of the commission, who shall be elected by the commission on the proposal of its secretary.

In the absence of the secretary of the commission, his duties are performed by one of the members of the commission, who is elected on the proposal of the chairman of the commission or the deputy chairman of the commission.

3.4. The Secretary of the Commission shall ensure the preparation of the meetings of the Commission and the materials to be considered at the meetings of the Commission.

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

- get acquainted with the materials related to the case of bullying (harassment), sexual harassment, discrimination, to participate in their inspection;
- submit proposals, express their own opinion on the issues under consideration;
- participate in decision-making by voting;
- express a separate opinion orally or in written form;
- make proposals to the agenda of the commission meeting.

3.6. A member of the commission is obliged to:

- personally participate in the work of the commission;
- not to disclose to third parties information that became known to him in connection with the participation in the work of the commission, and not to use them in their own interests or in the interests of third parties;
- to carry out the instructions of the chairman of the commission within the limits provided by the legislation and official duties;
- to take part in voting.

IV. The order of commission work

4.1. The purpose of the commission is to stop the case of bullying, sexual harassment, discrimination at the University; restoration and normalization of relations, creation of favorable conditions for further education in the group (unit) where the accident occurred; finding out the reasons that led to the case of bullying, sexual harassment, discrimination and taking measures to eliminate such causes; assessment of the needs of the parties to bullying, sexual harassment, discrimination in social and psychological-pedagogical services and provision of such services.

4.2. The activities of the commission are carried out on the principles of:

- legality;
 - rule of law;
 - respect for and observance of human rights and freedoms;
 - impartial treatment of the parties to bullying (baiting), sexual harassment, discrimination ;
 - openness and transparency;
 - confidentiality and protection of personal data;
 - immediate response;
 - an integrated approach to the case;
 - intolerance of bullying, sexual harassment, discrimination and recognition of its public danger.
- the commission in its activity ensures compliance with the requirements of the Laws of Ukraine "On Information" , "On Personal Data Protection" .

4.3. The tasks of the commission include:

- collection of information on the circumstances of the case of bullying, sexual harassment, discrimination for objective consideration of the application;
- consideration and analysis of the collected materials on the circumstances of the case of bullying (baiting), sexual harassment, discrimination and decision-making on the presence / absence of circumstances substantiating the information specified in the application.

4.4. In case the commission makes a decision on the existence of circumstances substantiating the information specified in the application, the tasks of the commission also include:

- assessment of the needs of the parties of the bullying (baiting), sexual harassment, discrimination in obtaining social and psychological-pedagogical services and provision of such services;
- identification of the causes of bullying, sexual harassment, discrimination and the necessary measures to eliminate such causes;
- identification of measures of educational influence on the parties to bullying (baiting), sexual harassment, discrimination in the group (structural unit) where the case occurred;
- monitoring the effectiveness of social and psychological-pedagogical services, measures to eliminate the causes of bullying (baiting), sexual harassment, discrimination of measures of educational influence and adjustment (if necessary) of relevant services and measures;
- providing recommendations for research and teaching staff and staff of the University on appropriate methods of educational process and other activities with and parties to bullying (baiting), sexual harassment, discrimination.

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

4.6. A meeting of the commission is valid if at least two thirds majority of its members participate in it.

4.7. The secretary of the commission no later than at 17:00 pm before the day of the commission meeting, notifies the members of the commission, as well as the applicant and others interested in the agenda of the scheduled meeting, date, time and place, and provides / sends to the commission members and individuals need materials in electronic or paper form.

4.8. Decisions on issues considered at the meeting of the commission are made by open voting by a majority vote of the approved composition of the commission. In case of equal distribution of votes, the vote of the chairman of the commission is decisive.

4.9. During the meeting of the commission, the secretary of the commission shall keep the minutes of the meeting of the commission in the form in accordance with the appendix to this Procedure, which is drawn up by the order of the rector.

4.10. Persons involved in the commission meeting are obliged to adhere to the principles of the commission, in particular not to disclose to third parties information that became known to them in connection with participation in the commission, and not to use them for their own interests or the interests of third parties.

4.11. Persons involved in the meeting of the commission during the meeting of the commission have the right to:

- get acquainted with the materials submitted for consideration by the commission;
- ask questions on the merits;
- submit proposals, express their own opinion on the issues under consideration.

4.12. The chairman of the commission informs the participants of the educational process of the decision of the commission in accordance with the minutes of the meeting and monitors their implementation.

4.13. The term for consideration by the commission of an application or notification of a case of bullying, sexual harassment, discrimination at the University and fulfillment of its tasks shall not exceed ten working days from the date of receiving the application or notification by the Rector of the University.

V. Prevention and counteraction of bullying, sexual harassment, discrimination at the University

5.1. A key priority for the university community is activity to prevent and combat bullying (baiting), sexual harassment, discrimination directed as to:

- identification and implementation of necessary measures, methods and techniques to prevent bullying (harassment), sexual harassment, discrimination and (or) potential risks of their occurrence;
- bullying detection (baiting), sexual harassment, discrimination and (or) the potential risks of their occurrence;
- determining and implementing the necessary measures, ways and methods of solving situations bullying (baiting), sexual harassment, discrimination and / or eliminate the potential risks of their occurrence.

5.2. Activities to prevent and combat bullying (baiting), sexual harassment, discrimination in educational institutions are based on the principles of:

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

5.3. The objectives of the activities to prevent and combat bullying (baiting), sexual harassment, discrimination at the University are:

- creating a safe educational environment at the University, which includes psychological and physical safety of participants in the educational process;
- determining the state, causes and preconditions for the spread of bullying (baiting), sexual harassment, discrimination at the University;
- raising the level of awareness of participants in the educational process about bullying (baiting), sexual harassment, discrimination;
- formation of intolerance of participants in the educational process to violent patterns of behavior, awareness of bullying (baiting), sexual harassment, discrimination as a violation of human rights;
- encouraging all participants in the educational process to actively promote the prevention of bullying, sexual harassment, and discrimination.

5.4. Measures aimed at preventing and combating bullying, sexual harassment, and discrimination in educational institutions include measures to:

- organization of appropriate security measures in accordance with the law (security post, video surveillance of public places, etc.);
- organization of safe use of the Internet during the educational process;
- development of social and emotional intelligence of participants in the educational process, in particular:
 - understanding and perception of the value of human rights and freedoms, the ability to defend their rights and respect the rights of others;
 - understanding and perception of the principles of equality and non-discrimination, respect for human dignity, tolerance, social justice, integrity, the ability to embody them in their own patterns of behavior;
 - ability to prevent and resolve conflicts by non-violent means;
 - responsible attitude to their civil rights and responsibilities related to participation in public life;
 - ability to define, formulate and argue one's own position , respecting differences from one's own opinion / position, if they do not violate the rights and dignity of others;
 - ability to critically analyze information, consider issues from different positions, make informed decisions;

- ability to communicate and the ability to cooperate for solving various social problems, in particular through volunteering, etc.;
- raising awareness of participants in the educational process about bullying (baiting), sexual harassment, discrimination, their causes and consequences, the procedure for responding to cases of bullying (baiting), sexual harassment, discrimination, etc.;
- creation of a culture at the University based on intolerance to all forms of violence and discrimination, including bullying, sexual harassment.

VI. Final provisions

6.1. The procedure is approved by the decision of the Academic Council of the University and is put into effect by the order of the rector.

6.2. Changes and additions to the Procedure may be made by the decision of the Academic Council of the University.

Addition
to the Regulations on the response procedure
for cases of bullying,
sexual (baiting) and discrimination
(paragraph 9 of Section IV)

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

Petro Mohyla Black Sea National University

« ____ » _____ 20__ y. _____ Time ____ year ____ min

Grounds: _____
(from whom and when the application or notification 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 from _____ № _____:

Other persons (_____ persons):

LISTENED:

I. Approval of the Agenda of the meeting

