

Harassment Prevention Policy of the PF "OSCE Academy in Bishkek"

General provisions

This document sets out the basic policy rules of the PF "OSCE Academy in Bishkek" (hereinafter also the "OSCE Academy") governing the prevention of discrimination, harassment and harassment adherence to the principles of solidarity, tolerance and mutual respect of citizens regardless of status, age, gender, race, ethnicity, language, religion, political beliefs and other personal characteristics.

This Policy serves as a guideline and basis for the prevention of prohibited forms of behavior and for the resolution of possible conflicts within the walls of the OSCE Academy. Where appropriate, those authorized to handle and resolve conflicts may also use applicable local and international law.

The policy applies to faculty members, students, permanent and temporary staff, researchers, and other individuals engaged by the OSCE Academy on a permanent or temporary basis to provide various types of services related to the core objectives and activities of the OSCE Academy.

I. General definitions and principles

Definitions

1.1 *Harassment* is a form of unacceptable behavior, including the practice or threat thereof, occurring once or repeatedly, directed, resulting or likely to result in physical, moral harm, economic damage, including gender-based violence and harassment. Harassment can take many forms: physical harassment or psychological, verbal and non-verbal. Harassment can also occur in unequal relationships at work, for example: between a supervisor and a subordinate (vertical relationship) employee of the same or different genders, as well as against those in horizontal relationships with perpetrators. Unequal position also includes unequal physical force or the opportunity to use coercion and intimidation.

1.2. "Gender-based violence and harassment" means violence and harassment directed at a person because of his or her sex or gender identity, or which disproportionately affects persons of a particular sex or particular gender identity and includes sexual harassment.

1.3. *Sexual harassment* is defined as any form of verbal, non-verbal or physical conduct of a sexual nature whose purpose or effect is to violate the dignity of the person affected. Sexual harassment includes unwanted sexual advances, requests for sexual favors, sexually motivated physical contact and other verbal or physical conduct, or visual forms of harassment of a sexual nature which are carried out without the will of the other party when acquiescence to such conduct is either explicitly or implicitly made a term or condition of employment, or is used as the basis for employment decisions, or when such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment.

1.4. Other examples of harassment include, but are not limited to:

1.4.1. Physical harassment, such as touching, patting, stroking or pressing another person's body, violent acts of a sexual nature or offers of a sexual nature;

1.4.2. Sexually suggestive gestures, remarks, whistles, jokes, or comments about the sexuality or sexual experience of person/s, directed at or made in the presence of person/s;

1.4.3. Stalking or persecuting a person with unwanted attention, messages or gifts, including online stalking, perpetrated by means of mobile phones or messaging applications;

1.4.4. Preferential treatment or the promise of preferential treatment to a staff member or student for submitting to sexual conduct, including soliciting or attempting to solicit any staff member or student to engage in sexual activity for compensation or reward;

1.4.5. Showing unwanted sexual attention to, or intentionally obstructing the activities of, a person/s on the basis of sex;

1.4.6. Sending or displaying material that is pornographic or that some people may find offensive (including those enabled by information and communication technologies);

1.4.7. Offensive or intimidating comments or gestures, or insensitive jokes or pranks that undermine the dignity of another person;

1.4.8. Racist, sexist, homophobic or ageist jokes (discriminatory jokes against older people), derogatory or stereotypical remarks about a particular ethnic, social, linguistic or religious group, gender or faith;

1.4.9. Public disclosure of information about a person's sexual orientation or gender identity without his or her consent, or threat of such disclosure;

1.4.10. *Online mobbing and harassment* refer to the online equivalents of mobbing or harassment on social platforms, the Internet, in chat rooms, instant messaging and mobile communications.

Principles

1.5. *Zero tolerance* means that submitted complaints are taken seriously, investigated, and appropriate action taken, which may include warning, training, probation, termination, or expulsion. The OSCE Academy takes a zero-tolerance approach to:

1.5.1. sexual, verbal, or physical harassment and persecution,

1.5.2. any kind of discrimination, including discrimination based on gender, race, sexual orientation, gender identity, religion, or other personal or group characteristics that is irrelevant to the mission of the OSCE Academy.

1.5.3. practices that maintain or create a culture that tolerates harassment and persecution and promotes gender discrimination.

1.6. If a person believes that he/she has been the victim of harassment, violence, or bullying, the alleged offender should be told that his/her behavior is unacceptable and undesirable. However, it is not appropriate to discuss the situation with the alleged offender on one's own if there is a reasonable fear for one's own safety, a threat of harm to one's interests, or other negative consequences.

1.7. Complaints received regarding persecution, harassment, or discrimination shall be reviewed and resolved in accordance with the timelines and procedures established by the OSCE Academy.

1.8. Unjustified accusations of the above actions are also grounds for proceedings and may be grounds for disciplinary measures.

1.9. Violations of the rules in this policy will be considered serious, requiring a thorough investigation, and may result in disciplinary measures, depending on the circumstances.

1.10. Review documents relating to conflicts and violations of the rules set forth in this policy are confidential, but may be made available for review by the parties to the conflict as well as others involved in the review and resolution phases of this policy under Section 5 of this policy.

II. The main types of behavior that are not allowed at the OSCE Academy

2.1. Purposely harassing one or more members of the academic community, insulting the honor and dignity, creating an unfriendly, hostile working or learning environment, nicknaming/deprecating names and name-calling, attempting to get an employee/faculty/student to leave the OSCE Academy by creating impossible working or learning conditions.

2.2. Various forms of harassment, including those without sexual overtones: stalking, street harassment, unauthorized entry into one's workplace or residence, unwanted correspondence unrelated to academic and professional obligations.

2.3. Various unacceptable forms of unilateral unwanted attention, unrelated to the realization of academic and professional obligations, with sexual overtones, expressed both personally or in correspondence.

2.4. Using a situation of inequality: manipulating grades, salaries, authorship of publications, participation in grants or other projects and activities of the OSCE Academy in order to achieve an intimate relationship.

2.5. Open, intentional violation of the physical boundaries of another person without his/her explicit consent or after expressing such disagreement (harassment, attempts of unwanted touching, verbal and/or physical coercion to actions of a sexual nature).

2.6. Actions falling under the criminal law of the Kyrgyz Republic require application to law enforcement agencies and are outside the competence of the OSCE Academy.

III. Monitoring and prevention

3.1. The Academy may use the following measures to monitor and prevent violations under this policy:

- 3.1.1. transforming culture by raising awareness among parties;
- 3.1.2. providing access to necessary information and training (if necessary) to parties;
- 3.1.3. development, implementation of relevant mandatory internal regulatory documents governing the issues outlined in this policy;
- 3.1.4. appointment of an employee responsible for carrying out preventive measures (hereinafter - the "Gender Focal Point"), monitoring, training, distribution of necessary information to interested persons, prompt response to complaints, collection of materials, investigation of the circumstances of the complaint, conflict resolution in a friendly (peaceful) way, preparation of a report to the management of the OSCE Academy, storage of relevant documents.

IV. Conflict (incident) resolution procedures and complaint assessment stages

4.1. Documentation of incidents is one of the most important steps for holding an offender accountable. Documentation and/or review of complaints of violations of the rules set forth in this policy is carried out at the OSCE Academy in 4 steps.

Stage 1

4.2. The parties to a conflict are encouraged to mutually clarify the situation independently for the purpose of resolving it through peaceful discussion. To that end, the person confronted with offensive behavior should, whenever possible, try to make it clear to the offender that such behavior is inappropriate and that it should be terminated.

Stage 2

4.3. If the abusive behavior continues, or if the affected party cannot handle the situation himself/herself, he/she may ask the appropriate Program Supervisor/Department Head to resolve the situation orally or in written form through negotiation with the parties to the conflict.

4.4. The appropriate program officer/department head may independently request written explanations of the circumstances of the conflict from the parties to the conflict with appropriate written evidence. Upon receipt, the Program Supervisor/Division Head may invite the parties, give them an opportunity to explain their positions, and call for an amicable resolution of the conflict.

4.5. Actions specified in paragraph 5.4 may be carried out by another employee of the OSCE Academy (a third party involved) by agreement of the parties to the conflict or in the absence of a program supervisor/head of department or if they cannot perform the specified actions for any reason or by decision of the management of the OSCE Academy.

Stage 3

4.5. If it is not possible to resolve the conflict peacefully within a reasonable time by the appropriate program supervisor/department head or a third party involved, the party who believes its rights have been substantially violated may draft a complaint in the written form established by the OSCE Academy (Appendix 1) and send it to the OSCE Academy Gender Focal Point for review.

4.6. The Gender Coordinator takes steps to conduct a preliminary assessment of the complaint:

- documents the complaint,
- collects evidence, explanations, objections of the parties and witnesses (Appendix 2),
- clarifies the circumstances of the conflict for violations actually involving a failure to comply with the rules set forth in this policy,
- provides interested parties to the conflict with relevant materials for review,
- clarifies the scope of guilt and the presence of damage,
- invites the parties to the conflict to mediate and resolve it peacefully,
- on the basis of the conflict study, provides the management of the OSCE Academy with a written preliminary assessment with appropriate recommendations in Russian and/or English.

4.7. The management of the OSCE Academy reviews the Gender Focal Point's preliminary assessment and takes the appropriate decision in due course.

Stage 4

4.8. At the discretion of the management of the OSCE Academy and/or upon written request of an interested party who reasonably disagrees with the findings of the Gender Focal Point's preliminary assessment, materials related to the conflict may be referred for further review by the Ethics Committee, with the assistance of the Gender Focal Point.

4.9. The Ethics Committee holds its meetings in Russian or English in accordance with its Rules of Regulation, makes a Final Opinion, which is a formal recommendation for action, involves taking measures to implement it by the management of the OSCE Academy and informing the parties concerned about the measures taken.

4.10. All materials collected and used in the conflict resolution process are kept in the office of the Gender Focal Point.