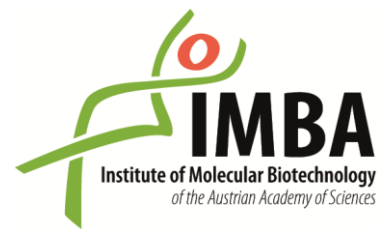


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Date: 22 November 2022  
Author: Norma Schönherr



# Policy

Title:

## IMBA Anti-discrimination, -harassment, and -bullying policy

Version number	Date of implementation	Author(s)
1.0	01.November 2019	Tanja Winkler
2.0	22. November 2022	Norma Schönherr

Version number	Date of Review	Reviewed by
2.0	October 2022	Norma Schönherr, IMBA Ombudspersons, Sabine Steurer
2.0	November 2023	Sabine Steurer

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Policy is valid since: 22.11.2022

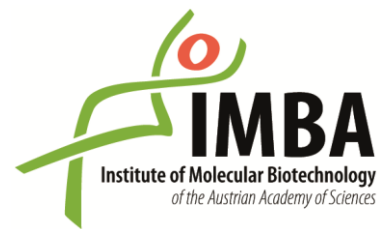
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Signature Author

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Signature Managing Director

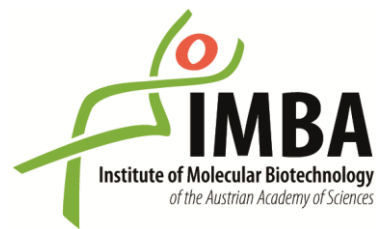
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The IMBA is committed to providing a safe environment for all its employees and does not tolerate any form of discrimination, harassment, or bullying in the workplace.

This shall apply regardless of whether a violation has been committed knowingly or unknowingly. By way of an exception, differences in treatment may be allowed if they are permitted or justified by provisions of law. Instructing another person to commit a violation of this policy shall also be deemed a violation.

All employees are encouraged to report any incident of discrimination, harassment, or bullying in the workplace immediately (see complaint procedures below). All complaints in this regard will be taken seriously and treated respectfully and confidentially. Any person found to have discriminated, harassed, or bullied another will face disciplinary action, up to and including dismissal from employment. Submitting a complaint that is not in good faith or providing false or misleading information in any investigation of complaints is also prohibited.

## **Scope**

This policy applies to every employee of the IMBA, regardless of level, function, seniority, status, or other protected characteristics (see definitions below). Every employee is obliged to comply with this policy.

## **Definitions**

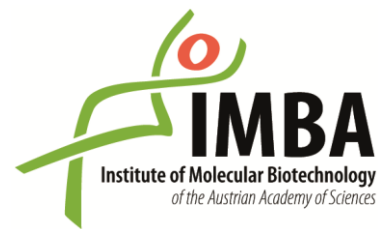
### **Discrimination**

The Austrian law defines discrimination as any form of unjustified disadvantage or unequal treatment of individuals or groups on the basis of the following protected dimensions: sex, gender, sexual orientation, religion, belief and worldview, age, ethnicity, or disability. To these protected characteristics, the IMBA adds nationality, parental status, physical appearance, and socioeconomic background.

### **Harassment**

Harassment is a form of discriminatory behaviour that (1) affects or aims to affect the victim's dignity, (2) is undesirable, inappropriate, and/or offensive for the victim (as perceived by the victim), (3) has negative effects on the victim by creating an intimidating, hostile, and/or humiliating work environment, or by

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preventing the victim from responding to harassment due to potential risks for the victim's career. Harassment is established on the basis of one of the protected dimensions mentioned above. Harassment can happen between individuals of any seniority level (i.e. an employee harassing their superior, an employee harassing a colleague of the same level, a manager harassing their employee).

### **Sexual harassment**

Sexual harassment is harassment based on sex and/or gender. It consists of unwelcome conduct of a sexual nature which makes a person feel offended, humiliated and/or intimidated. It includes situations where a person is asked to engage in sexual activity as a condition of that person's employment, as well as situations that create a hostile, intimidating, or humiliating environment for the victim. Anyone can be victim to sexual harassment, regardless of their sex and gender and regardless of the offender's sex and gender.

Examples of sexual harassment include, but are not limited to:

### **Physical conduct**

- Unwelcome physical contact including patting, pinching, stroking, kissing, hugging, fondling, or inappropriate touching
- Physical violence, including sexual assault
- The use of job-related threats or rewards to solicit sexual favours

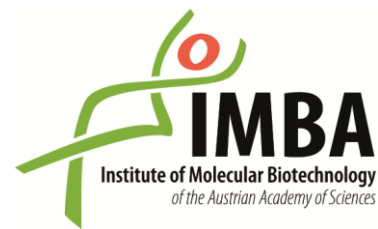
### **Verbal conduct**

- Comments on a colleagues' appearance, age, private life, etc.
- Sexual comments, stories, and jokes
- Sexual advances
- Repeated and unwanted social invitations for dates or physical intimacy
- Insults based on gender
- Condescending or patronising remarks
- Sending sexually explicit text messages or emails

### **Non-verbal conduct**

- Display of sexually explicit or suggestive material
- Sexually suggestive gestures
- Whistling
- Leering

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The IMBA prohibits any form of sexual harassment, whether it takes place within the premises of the IMBA or outside, including at social events, business trips, training sessions, or conferences. Any employee who sexually harasses another will be sanctioned in accordance with this internal policy.

### **Bullying**

Bullying in the workplace consists of systematic, conflict-loaded communication among colleagues or between a supervisor and one of their employees that aims and/or leads to the recipient's exclusion and isolation. A bullied recipient is in an inferior position (either hierarchically or in numbers) and is targeted directly or indirectly by another person or several people. Bullying can but does not have to be linked to one of the protected dimensions of discrimination.

Examples of bullying include defamation/vilification, spreading of rumours, deliberate withholding of information needed for work or even disinformation, conscious ostracising and isolation, threats and humiliation, insults, hurtful treatment, mockery and aggression, the assignment of offensive, impossible, or pointless tasks or no tasks at all by superiors, and the allocation of work that may be damaging to health.

The IMBA does not tolerate any form of bullying and will take disciplinary measures upon completion of an investigation.

### **Complaint procedures**

Anyone who is subject to or witnesses acts of harassment (or other forms of discrimination) or bullying should, if possible, inform the alleged offender that the conduct is unwanted, unwelcome, and that it should stop immediately.

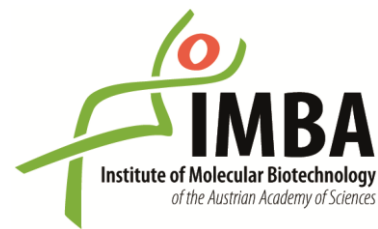
The IMBA recognises that discrimination, harassment, and bullying may occur in unequal relationships and that it could not be possible for the victim or witness to confront the alleged offender.

If a victim or witness cannot directly approach an alleged offender, they should approach one of the designated persons responsible for receiving complaints of discrimination, harassment, and bullying.

### **Ombudspersons**

An Ombudsperson provides confidential and informal support to any employee who feels the need to share their experience. An Ombudsperson holds all communications with those seeking assistance in strict confidence and does not disclose confidential communications unless given permission to do so. The only

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exception to this privilege of confidentiality is where there appears to be imminent risk of serious harm to any of the parties involved. An Ombudsperson, as an informal resource, does not participate in any formal adjudicative or administrative procedure related to concerns brought to their attention. Employees can reach out to any Ombudsperson, regardless of their affiliation. All current ombudspersons are listed here: <https://training.vbc.ac.at/resources/ombudspeople/>

### **What can you expect of an ombudsperson?**

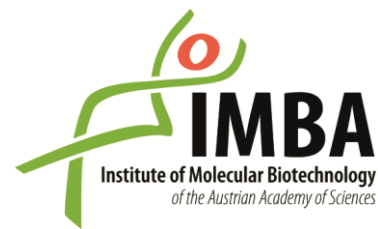
- Confidential discussions to listen to your concerns or inquiries.
- Help in identifying and evaluating your options, and deciding which option makes the most sense for you.
- Help with addressing issues that you are reluctant to raise within regular channels.
- Only upon request, active involvement in resolving problems (e.g. speaking with relevant parties).
- Facilitating resolutions to disputes.
- Upon request, assisting with identifying a professional mediator.
- Alerting management to systemic trends and issues that give rise to conflict, while keeping complainants anonymous.

### **Informal complaint mechanism**

If the complainant wishes to deal with the matter informally, the Ombudsperson will:

- give an opportunity to the alleged offender to respond to the complaint
- ensure that the alleged offender understands the complaints mechanism
- facilitate discussion between both parties to achieve an informal resolution which is acceptable to the complainant, or bring in a professional mediator to help solve the conflict
- ensure that a confidential record is kept of what happens
- follow up after the outcome of the complaints mechanism to ensure that the behaviour has stopped

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### **Formal complaint mechanism**

If the complainant wants to make a formal complaint or if the informal complaint mechanism has not led to a satisfactory outcome for the complainant, the formal complaint mechanism should be used to resolve the matter.

The designated person who initially received the complaint will refer the matter to the Compliance Committee, which deals with discrimination, harassment, and bullying issues and other critical disputes at the institutes.

The complainant can also contact the Compliance Committee directly without prior involvement of an Ombudsperson.

In case a person feels wrongly accused of discrimination, harassment, or bullying they can also address the Compliance Committee.

### **Compliance committee**

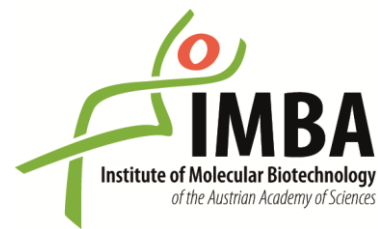
The Compliance Committee consists of the Scientific Director, Business Director, Head of HR, and one faculty member.

If an incident occurs in the area of responsibility of one of the Committee members, or if a Committee member cannot ensure impartiality for private reasons (e.g. friendship with an involved party), the respective member will step down of their duty to ensure impartiality.

The committee carrying out the investigation will

- ensure objectivity and fairness in handling the matter,
- interview the complainant and the alleged offender separately,
- interview other relevant third parties separately,
- determine whether offending behaviors constitute acts of discrimination, (sexual) harassment, or bullying,
- if the offending behaviors are determined to constitute acts of discrimination, (sexual) harassment, or bullying decide what the appropriate remedy is and whether sanctions, ranging from a verbal warning through dismissal, are appropriate,
- if the offending behaviors are determined not to constitute acts of discrimination, (sexual) harassment, or bullying make recommendations to all involved parties to ensure proper functioning of the workplace,
- produce a report detailing the investigations, findings, and any decisions/recommendations,
- keep a record of all actions taken,

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- ensure that all records concerning the matter are kept confidential in the Personnel folder.
- Follow up to ensure that the decisions/recommendations are implemented, and that the victim is adequately informed about other sources of help for victims of discrimination, (sexual) harassment, and bullying

### **Helping victims of discrimination, harassment, and bullying**

For situations in which staff members can resolve work-related issues neither with their supervisors nor with the help of the Ombudspersons, we have contracted an employee assistance service.

In addition, the IMP/IMBA mental health support is a VBC service where you can quickly get confidential and competent support regarding any challenge you may face, including instances of discrimination, harassment or bullying.

The counseling sessions are free of charge and depending on who you contact, are either on or off campus.

More information on employee assistance and mental health support are available at <https://intranet.imp.ac.at/health-safety/counselling-and-mental-health/>

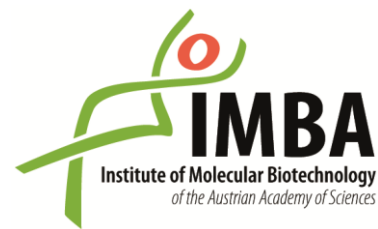
Employee assistance offers include:

- coaching
- psychological counselling
- crisis support
- psychotherapy

In addition, you can also turn to the Ombud for Equal Treatment, a governmental institution that provides free advice, support, and information on equality issues. For more information see: <https://www.gleichbehandlungsanwaltschaft.gv.at/ombud-for-equal-treatment>



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## **Sanctions and disciplinary measures**

Anyone who has been found to have discriminated, harassed, or bullied another person under the terms of this policy is liable to any of the following sanctions:

- Verbal warning
- Written warning
- Dismissal

The nature of the sanctions will depend on the gravity and extent of the discrimination, harassment or bullying. Suitable deterrent sanctions will be applied to ensure that incidents of discrimination, harassment, and bullying are not treated as trivial. Certain serious cases, including physical violence, will result in the immediate dismissal of the offender or bully.

In order to ensure objectivity and fairness in handling the matter, the accused person may comment on the Letter of Reprimand.

### **How do we keep record?**

Each incident reported will be recorded in the personnel folder.

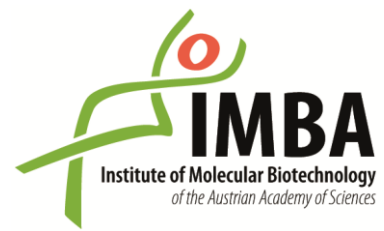
## **Relationships in the workplace**

Sexual or romantic relationships may raise concerns of conflict of interest, abuse of authority, favoritism, and unfair treatment when one person holds a position of power or authority over the other. These relationships may also affect others in the work environment, undermining the integrity of their supervision and evaluation as well. Furthermore, relationships may end, with possible adverse effects on the more junior party's professional education or career.

Any supervisor involved in a relationship with a subordinate must notify the Compliance Committee about the relationship. Such relationships can also be reported to the Compliance Committee by anyone who becomes aware of the relationship. This is especially important in cases where a PhD student becomes involved in a relationship with their direct supervisor or member of their TAC. The Compliance Committee will propose adequate measures to eliminate or manage any potential conflict of interest or abuse of authority.

The goal is to put in place adequate alternative supervisory or evaluative arrangements that are fair to the subordinate party and also to their colleagues or peers. The alternative arrangements may include measures like direct evaluation or supervision by someone at or above the level of the senior person

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in the relationship, or by someone in a different line of authority. Where an alternative supervisor or evaluator is used, that alternative person cannot report to the senior person in the relationship.