

APPROVED BY
Order No. _____ of _____ 2023
of the Rector of Vilnius University

THE DESCRIPTION OF THE PROCEDURE FOR THE INVESTIGATION OF DISCRIMINATION, HARASSMENT, SEXUAL HARASSMENT, VIOLENCE AND PERSECUTION CASES AT VILNIUS UNIVERSITY

CHAPTER I GENERAL PROVISIONS

1. The Description of the Procedure for the Investigation of Discrimination, Harassment, Sexual Harassment, Violence and Persecution Cases at Vilnius University (hereinafter the 'Description') determines the submission and investigation of reports on cases of discrimination, harassment, sexual harassment, violence and persecution, provision of consultations, application of protective measures and the procedure for applying measures to ensure the application of the Policy on the Prevention of Discrimination, Harassment, Sexual Harassment, Violence and Persecution at Vilnius University (hereinafter the 'Prevention Policy').

2. The Description was prepared in accordance with the Labour Code of the Republic of Lithuania, the Republic of Lithuania Law on Equal Treatment, the Republic of Lithuania Law on Equal Opportunities for Women and Men, the methodological recommendations for the preparation of the Violence and Harassment Prevention Policy of the State Labour Inspectorate of the Republic of Lithuania under the Ministry of Social Security and Labour, the Prevention Policy, other laws, and legal acts of Vilnius University (hereinafter the 'University').

3. The Description is made publicly available on the website and intranet of the University in accordance with the procedure established in the Guidelines for the Provision of Information about the Activity of Vilnius University (approved by Resolution of the Council of Vilnius University No. T-2016-11-1 of 28 September 2016). The heads of the core units of the University are responsible for the dissemination of this Description at the units.

4. The terms used in the Description are understood as defined in the Prevention Policy.

CHAPTER II THE INVESTIGATION PRINCIPLES OF REPORTS OF CASES OF DISCRIMINATION, HARASSMENT, SEXUAL HARASSMENT, VIOLENCE OR PERSECUTION

5. The investigation of the report at the University shall be based on the following principles:

5.1. innocence – the complainee shall be presumed innocent until the Commission for the Prevention and Investigation of Cases of Discrimination, Harassment, Sexual Harassment, Violence and Persecution adopts a decision, as the report is not considered to be evidence of prohibited behaviour at the University and it is not taken into account when appointing or changing positions, evaluating activities or performing other procedures related to activities at the University;

5.2. confidentiality – members of the University community who have learned information related to the report must not disclose it, except for the cases provided for in this Description;

5.3. objectivity and impartiality – the report shall be investigated objectively, neutrally, without prejudices in regards to the assessment of circumstances and subjects;

5.4. immediacy – the whistle-blower, the complainee, the witness, and the victim shall be given all opportunities to provide explanations;

5.5. identification of the whistle-blower – anonymous reports shall not be investigated;

5.6. protection and assistance – after receiving a report, the aim is to ensure the protection of the whistle-blower, the victim and witnesses, and consultations, protective measures and measures to enforce the Prevention Policy provided for in Chapter VI of this Description may be applied.

CHAPTER III COMPOSITION OF THE COMMISSION AND WORK PROCEDURE

6. The Commission for the Prevention and Investigation of Cases of Discrimination, Harassment, Sexual Harassment, Violence and Persecution (hereinafter the ‘Commission’) is a permanently operating commission formed by the Rector of the University and consisting of at least 7 members. The Commission shall be formed with the aim to achieve the principle of equal representation of the genders.

7. The Commission consists of the Pro-Rector for Organisation Development and Community Affairs (Chairperson of the Commission *ex officio*), employees appointed by the Human Resources Department, the Community Development Department, the Communication and Marketing Department and the Legal Division of the Central Administration, and the representative(s) delegated to the Commission by the Vilnius University Students’ Representation. Employees of other units of the University, representatives delegated by the University Works Council and trade unions operating in the University may be appointed to the Commission as needed and taking into account the operational practice. Experts – employees of the University who are specialists in a certain field (law, psychology, etc.) – may be called on for the investigation of a specific case by a decision of the Commission. Experts are not considered members of the Commission. The list of experts shall be approved by the Rector of the University or their authorised person. Prior to commencing the performance of their functions, the members of the Commission as well as the Secretary (and experts, when they are called on) shall sign a Confidentiality Pledge and a Declaration of Impartiality (Annexes 1 and 2 to the Description).

8. The Commission shall make decisions at meetings which can also be organised using electronic means of communication (e-mail, video platforms, etc.). Minutes shall be taken of the meetings of the Commission, while video and audio recordings of the meeting may be made taking into account the form of organisation of the meeting, which are necessary for the preparation and/or revision of the minutes of the meetings of the Commission. Minutes and records of the meetings shall be kept in accordance with the procedure established by the legal acts of the University.

9. The meetings of the Commission shall be private and only the members of the Commission shall participate in them. The victim, witnesses, complainee, experts or other persons may participate in the meeting or a part thereof at the invitation of the Commission. During the meetings, questions may be asked of the complainee, victim or witness, the received

material shall be reviewed, and other actions necessary for making a decision shall be performed.

10. The Commission shall make decisions in the presence of the members of the Commission only. Decisions shall be made by a simple majority vote of the members of the Commission present at the meeting. In the case of an equal distribution of votes, the vote of the Chairperson of the Commission shall be decisive.

11. In cases where a member of the Commission is a whistle-blower, witness or complainee or where the matter decided by the Commission is directly related to the member of the Commission, persons with whom they are related by a close relationship of consanguinity, affinity, marriage, partnership or guardianship, or in cases where the Commission member's spouse (cohabitant) or close relatives have a direct interest in the Commission's decision, or there are other circumstances that raise doubts about the Commission member's impartiality, the Commission member must withdraw and not participate in the work of the Commission when investigating the relevant report and making a decision on it. A member of the Commission must inform the Chairperson of the Commission about their withdrawal, and if the Chairperson of the Commission withdraws, they shall inform the members of the Commission and assign one of them to preside over the investigation of the relevant report. The fact of withdrawal shall be recorded in the minutes of the meeting of the Commission.

12. The organisational conditions of the Commission's activities shall be ensured by the Rector, by whose order the Secretary of the Commission shall be appointed. The Secretary of the Commission shall not be considered a member of the Commission. The Secretary of the Commission must attend the meetings of the Commission. If the Secretary of the Commission is unable to attend the meeting, the meeting shall be attended by another person performing their functions. The Secretary of the Commission shall be responsible for the administration of received reports and inquiries, coordination of the Commission's decision-making, proper informing of the victim, whistle-blower, complainee and other stakeholders about the Commission's decisions and other actions, as well as for taking minutes of the meetings of the Commission.

CHAPTER IV PROCEDURE FOR THE SUBMISSION OF A REPORT AND INITIAL ASSESSMENT

13. A member of the community or a third person who has experienced, noticed or learned about cases of discrimination, harassment, sexual harassment, violence or persecution, may contact either the head of their unit or the heads of the units where the complainee or the victim works or studies, or the direct supervisors of such persons, or the appointed responsible employees at such units. These cases can also be addressed to the University's Trust Line (by e-mail at pasitikejimas@cr.vu.lt or by filling in the Trust Line form available on the website of the University).

14. The direct supervisor or the head of unit who learns about a possible violation of the Prevention Policy shall take the measures provided for in Chapter VI of this Description, as well as additional measures, depending on the circumstances. The supervisor or the head of the unit may consult with the responsible employee and/or the Commission in regards to the appropriateness of the measures applied. The measures must be applied taking into account the needs of the victim, without violating the limits of confidentiality agreed upon with the victim and without violating the rights of the complainee. The direct supervisor or the head of the unit

may pass on the available information about a possible violation of the Prevention Policy to the Trust Line.

15. When the responsible employee is contacted in regards to the discrimination, harassment, sexual harassment, violence or persecution, they shall provide information about the Prevention Policy, counselling provided at the University, protective measures (as provided in Chapter VI of the Description) and the procedure for submitting a report.

16. The Trust Line shall be coordinated by the Secretary of the Commission. When contacting the Trust Line, a person shall indicate whether they wish to receive a consultation(s) or submit a report, and if they do not indicate such information, the Secretary of the Commission shall ascertain the person's intention.

17. If the whistle-blower seeks to receive a consultation(s), the Secretary of the Commission shall inform the whistle-blower about the possibilities of consultation and other possible measures, as provided for in Chapter VI of the Description, as well as the procedure for submitting a report and its investigation by the Commission.

18. It is recommended that the report is submitted as soon as possible after a possible violation of the Prevention Policy or the moment of learning about it. The report must contain the name and surname of the whistle-blower, contact details, victim(s), complainee(s), and a detailed description of the event (date, time, place, and other circumstances). It is preferable to name all the entities related to the event (possible witnesses, etc.), and present the available evidence (textual material, audio, video recordings, etc.).

19. Upon receiving of the report, the Secretary of the Commission shall inform the head of the victim's unit and the Commission, which, within no longer than three working days from the date of receiving the report, shall conduct an initial assessment of the report and make one of the decisions specified in this Item. Where necessary, the Secretary of the Commission may ask the whistle-blower to clarify the information specified in the report in writing. In cases where the whistle-blower and the victim do not coincide, the Secretary of the Commission, while trying to ascertain the circumstances indicated in the report, shall have the right to contact the victim, and ask them to clarify in writing the information indicated in the report. Upon the completion of the initial assessment of the report, the Commission shall make a decision:

19.1. to investigate the report following the procedure established in Chapter V of this Description;

19.2. to transfer the report to the academic ethics commission of a core academic unit of the University or the Central Commission of Academic Ethics concerning the investigation of a possible violation of academic ethics or to another entity operating in the University based on its competence;

19.3. to contact the law enforcement authorities and transfer to them all available information related to the submitted report or a part thereof upon noticing signs of a criminal act;

19.4. not to investigate the report when the case does not fall within the competence of the Commission, the report is anonymous or does not meet other requirements set out in this Description, or the complainee is a third party. In such cases, the Commission shall inform the head of the relevant unit or the direct supervisor of a third party about the received report and may recommend taking measures to enforce the Prevention Policy as provided for in Chapter VI of this Description.

20. After the Commission adopts one of the decisions provided for in Item 19 of this Description, the Secretary of the Commission shall inform the whistle-blower, the victim (when the victim is not the whistle-blower), the complainee, and their direct supervisors or the heads of their units.

21. If several related reports are received, they may be investigated together if so decided by the Commission.

22. Upon receiving a report of persecution for a pending report within 30 days of the date of receipt of the report, such report shall be assessed and investigated together with the report that resulted in the persecution. If a report on persecution is filed after the Commission has made a decision, it shall be assessed as a new report.

CHAPTER V PROCEDURE FOR THE INVESTIGATION OF REPORTS

23. After the Commission has adopted the decision referred to in Item 19(1) of this Description to investigate the report, the Secretary of the Commission shall:

23.1. inform the direct supervisor and/or the head(s) of the unit(s) where the victim and the complainee work, study or carry out other activities, and if the complainee is the head of the unit, the top manager shall be informed about the consultations, protective measures and measures to enforce the Prevention Policy provided for in Chapter VI of this Description that the Commission recommends to apply;

23.2. inform the complainee and the victim about the investigation of the report and the procedure thereof, their rights and obligations, possible assistance, and limits of confidentiality.

24. The purpose of the report investigation procedure is to determine whether an incident occurred and whether it violated the Prevention Policy.

25. The report investigation procedure shall be confidential. The Commission and the persons who were informed about the report shall be prohibited from disclosing any information related to the investigation of the report to persons not participating in the investigation. Disclosure of information obtained during the investigation of the report to the complainee and/or witnesses shall be possible only to a limited extent and only for the purpose of gathering the necessary information to determine the fact of the Prevention Policy violation. The limits of confidentiality shall be discussed with the whistle-blower and the victim (in cases where the victim is not the whistle-blower).

26. The Commission shall investigate the report in accordance with the principles established in this Description in regards to the whistle-blower, the victim, the complainee, and the witnesses, taking into account the nature of the case under investigation.

27. When investigating the report, the persons indicated in the report and other related persons shall be interviewed, and evidence shall be collected. During the collection of evidence, requests may be made to provide e-mails, messages, etc. as evidence.

28. The report shall be investigated during the meeting of the Commission. In cases where the victim, the complainee, the witnesses or other persons are invited to the meeting, they shall be informed about the time, place and form of the meeting, the participants of the meeting and the purpose of the upcoming meeting no later than within two working days before the meeting. When inviting the complainee and witnesses to the meeting, the Commission shall decide each time what information about the report in question may be disclosed to them.

29. During the meeting, only the person being questioned and the Commission shall be present when questions are asked to the victim, complainee or witness. The experts appointed in accordance with the procedure laid down in this Description may participate in the process of asking questions by decision of the Commission.

30. The Commission must investigate the report within 30 days from its date of receipt. This term may, in exceptional cases, be extended by the decision of the Commission taking into account the relevant circumstances. The investigation is completed when the Commission makes a decision which shall contain a description of the case, the validity assessment of the statements presented in the report, the conclusions reached and the

establishment of the fact of a violation of the Prevention Policy or the absence thereof. The decision may also include recommended measures to enforce the Prevention Policy, the purpose of which is to restore the learning and working environment in line with the Prevention Policy, as well as the obligation for the addressees of these recommendations to inform the Commission about the implementation of the presented recommendations.

31. When the Commission concludes in its decision that a violation of the Prevention Policy was committed by an employee of the University through their actions or inaction, such a decision shall be immediately transferred by means of the University document management system to the unit responsible for staff management at the University, which shall carry out the actions provided for in the Description of the Procedure for Investigating Violations of the Work Duties of Vilnius University Employees.

32. When the Commission concludes in its decision that the violation of the Prevention Policy was committed by a student of the University through their actions or inaction, the decision of the Commission shall be immediately transferred to the head of the core academic unit where that student studies, who shall make decisions on imposing penalties on the student in accordance with the procedure established in the Study Regulations of Vilnius University.

33. The Commission's decision shall be presented to the victim and the complainee, as well as to the direct supervisors of the complainee and the victim and to the heads of the units where the complainee and the victim work or study, no later than within three working days of its adoption. In view of the circumstances of the case under investigation and the content of the Commission's decision, a decision may be made to disclose only the operative part of the Commission's decision to the entities included in the report.

34. The decisions of the Commission at the University shall be final.

CHAPTER VI CONSULTATIONS, PROTECTIVE MEASURES AND MEASURES TO ENFORCE THE PREVENTION POLICY

35. In the event of a threat of a violation of the Prevention Policy, or after a violation of the Prevention Policy has been established, and in order to restore or ensure a safe and respectful work and study environment, the University may provide consultations, apply protective measures and measures to enforce the Prevention Policy.

36. During consultations provided by the responsible employees and the Secretary of the Commission or the member(s) of the Commission appointed by the Chairperson of the Commission, the person shall be informed about the possible solutions to the situation, and depending on the content of the request the person may be directed to the University unit performing the relevant functions, while community psychologists may also provide counselling. The responsible employees must contact the applicant no later than within three working days after receiving the request.

37. The protective measures aim to prevent a possible violation of the Prevention Policy during the investigation of the report. The protective measures shall be recommended by the Commission and initiated and/or implemented by the direct supervisor and/or the head of the unit within the term specified by the Commission. The protective measures include, but are not limited to:

37.1. permission to work remotely;

37.2. transferring the employee to another workplace (without violating the provisions of the Labour Code);

37.3. temporary dismissal of the employee from the performance of work functions with continued fixed remuneration;

37.4. suspension from the position (without violating the provisions of the Labour Code).

38. Measures to enforce the Prevention Policy shall be implemented by the direct supervisor and/or the head of the unit on their own initiative or upon recommendation of the Commission. The measures to enforce the Prevention Policy include, but are not limited to:

38.1. re-introduction to the Prevention Policy and the Description;

38.2. the obligation to attend the thematic training for members of the University community prepared by the responsible units of the Central Administration within the term specified by the Commission;

38.3. the obligation for the direct supervisor(s) of the complainee and/or the victim to discuss the case with the complainee and/or the victim in the presence of the psychologists of the University community.

Annex 1 to the Description of the Procedure
for the Investigation of Discrimination, Harassment,
Sexual Harassment, Violence and Persecution Cases at Vilnius University

(full name of the Commission member/Secretary/expert in capital letters)

_____ of the **COMMISSION for the Prevention and Investigation of
Cases of Discrimination, Harassment, Sexual Harassment, Violence and Persecution at
Vilnius University**

(indicate the applicable:

member/secretary/expert)

CONFIDENTIALITY PLEDGE

___-___-20__ No. _____
Vilnius

I, _____, in
the capacity of the _____ of the Commission for the Prevention and
Investigation of Cases of Discrimination, Harassment, Sexual Harassment, Violence and
Persecution at Vilnius University (hereinafter the 'Commission'):

(member/ secretary/ expert)

1. Hereby undertake:

1.1. to protect confidential information which has become known to me in the course
of my duties as a member of the Commission, secretary or expert and use it only for the
purposes and procedures established by laws and other legal acts

1.2. to keep the documents entrusted to me, which contain confidential information, in
such a way that third parties do not have access to them or use them;

1.3. not to disclose confidential information to third parties;

1.4. not to make or keep any copies of the documents submitted to me after the
investigation of the report is over.

2. I have been informed that the confidential information consists of:

2.1. documents submitted by the whistle-blower, victim, complaine, witnesses or other
persons, necessary for the Commission's activities;

2.2. information obtained during Commission meetings or electronic correspondence
that are related to the investigation of the report or other activities specified in the Description
of the Procedure for the Investigation of Discrimination, Harassment, Sexual Harassment,
Violence and Persecution Cases at Vilnius University;

2.3. the opinions or voting results of the participants of the Commission meeting;

2.4. the decisions adopted by the Commission, their annexes and the arguments
presented therein, if they are not made public according to the procedure established by the
legal acts of Vilnius University;

2.5. the minutes of Commission meetings, audio recordings of meetings and electronic
correspondence;

2.6. information obtained in the course of the Commission's activities that is not directly
related to the investigation of the dispute or other activities of the Commission, whether
personal, commercial or other, the protection of which is regulated by legal acts;

2.7. other information related to the activities of the Commission or received during the
activities, if its publication is limited in accordance with the procedure established by legal
acts.

3. By signing this pledge, I hereby confirm that:

3.1. I have read this pledge, its content is clear and understandable to me;

3.2. I have been warned that if I violate this pledge, I shall have to compensate for the resulting losses in accordance with the procedure established by law and bear other negative consequences provided for by law.

(title of position in the Commission)

(signature)

(full name)

Annex 2 to the Description of the Procedure
for the Investigation of Discrimination, Harassment,
Sexual Harassment, Violence and Persecution at Vilnius University

(full name of Commission member in capital letters)

_____ of the **COMMISSION for the Prevention and Investigation of
Cases of Discrimination, Harassment, Sexual Harassment, Violence and Persecution at
Vilnius University**

(indicate the applicable:

member/secretary/expert)

DECLARATION OF IMPARTIALITY

____ - ____ -20__ No. _____
Vilnius

I, _____, in
the capacity of the _____ of the Commission for the Prevention and
Investigation of Cases of Discrimination, Harassment, Sexual Harassment, Violence and
Persecution at Vilnius University (hereinafter the 'Commission'):
(member/ secretary/ expert)

1. Hereby undertake:

1.1. to perform my duties objectively, constructively, impartially and honestly, in
accordance with the legal acts of Vilnius University, the principles of honesty, transparency,
legality and available information;

1.2. to withdraw and not participate in the procedures of preparing, considering and
adopting decisions of the Commission in accordance with the procedure set out in the
Description of the Procedure for the Investigation of Discrimination, Harassment, Sexual
Harassment, Violence and Persecution Cases at Vilnius University, when:

1.2.1. the issue being investigated is directly related to me;

1.2.2. the issue being investigated is related to people closely associated with me. It
has been clarified to me that persons closely associated with me are relatives and persons
related to me by close relationship of consanguinity and affinity, as defined in Articles 3(135)
and 3(136) of the Civil Code of the Republic of Lithuania, as well as a spouse, cohabitant or
partner, children (adopted children, step-children), parents (adoptive parents, step-parents),
brothers (adoptive-brothers, step-brothers), sisters (adoptive-sisters, step-sisters) of a spouse,
cohabitant or partner and my adoptive parents (step-parents), adopted children (step-children),
adoptive-brothers (step-brothers), adoptive-sisters (step-sisters);

1.2.3. I, my spouse (cohabitant) or my close relatives are directly or indirectly
interested in the outcome of the issue;

1.2.4. there are other circumstances that call into question my impartiality;

1.3. not to use and prevent the use of information that I shall acquire while participating
in the activities of the Commission for the benefit of my own and/or the private interests of
persons closely associated with me.

2. By signing this declaration, I hereby confirm that:

2.1. I have read this Declaration, its content is clear and understandable to me;

2.2. I have been warned that if I violate this Declaration, I will have to compensate for the resulting losses in accordance with the procedure established by law and bear other negative consequences provided for by law.

(title of position in the Commission)

(signature) (full name)