

CODE OF CONDUCT FOR PREVENTING AND COMBATING HARASSMENT AT THE POLYTECHNIC OF CÁVADO AND AVE

Preamble

The Polytechnic of Cávado and Ave (IPCA) is guided by high ethical standards and ensures equal access and treatment, regardless of gender, social, political, ethnic or religious issues, among others.

With the publication of Law no. 73/2017, of August 16, changes were made to the Labour Code, approved by Law no. 7/2009, of February 12, and to the General Labour Law in Public Functions (LTFP), approved by Law no. 35/2014, of June 20, which imposed on employers the obligation to implement codes of conduct for the prevention and combat of harassment at the work place and the establishment of disciplinary proceedings whenever situations of harassment at the work place come to knowledge and there are grounds for it.

Additionally, no.7 of the Article 9 of the Law no.62/2007, of September 10, which establishes the Legal Framework for Higher Education Institutions, states that the latter may define Codes of good practices in pedagogical matters and good governance and management.

The approval of this code complies not only with this legal imperative, but above all with IPCA's commitment, as a public entity, to a zero tolerance towards any behaviour that affects human dignity, with the firm intention of preventing the occurrence of all types of harassment and, if it does occur, guaranteeing the application of appropriate measures to prevent its repetition, ensuring the safeguarding of the dignity of the human person, the safeguarding of equality and of non-discrimination.



CHAPTER I General provisions

Article 1 Object

The Code of Conduct for Preventing and Combating Harassment of the Polytechnic of Cávado and Ave (IPCA), hereinafter referred to as the Code, establishes a set of principles that must be observed in the performance of the activities carried out by the Institute, assuming an active policy aimed at preventing, identifying, eliminating and punishing situations that could constitute harassment.



Article 2 Commitment

1. Everyone who works, studies and collaborates with IPCA, as part of the academic community, should benefit from an environment that fosters professional and personal development, based on well-being, where they feel valued, free from moral and/or sexual harassment, and from any retaliation for complaints made in this regard.
2. With this Code, IPCA aims to contribute to enhancing the well-being of all the people who make up its academic community and to promoting a healthy internal climate and relationships, rejecting harassment in all its manifestations.
3. Failure to comply with the principles set out in this Code shall be subject to the sanctions foreseen by the law.



Article 3 Scope of application

1. This Code applies to all IPCA employees and managers, in the performance



of their duties.

2. Also included in the scope of this Code is the universe of students, scholarship holders, interns, as well as all entities or people contracted under public procurement procedures for goods and/or services, insofar as their conduct is also covered by IPCA's zero tolerance commitment to any harassing behaviour.
3. This Code applies to the situations envisaged in the previous paragraphs that are framed within the scope of the professional activity and because of it.

Article 4 **General principles**

In carrying out their activities, duties and powers, the persons identified in Article 3 must act in accordance with the following principles:

- a) Equality and non-discrimination;
- b) Respect for the dignity of the human person and their physical and moral integrity;
- c) Respect for the professional dignity of each employee;
- d) Promoting a safe, positive and civically responsible working and study environment;
- e) Loyalty and cooperation in the pursuit of IPCA's public interest, respecting the principles of non-discrimination and combating harassment;
- f) Repudiation of any discriminatory practices, whether based on ancestry, age, sex, sexual orientation, gender identity, marital status, family situation, economic situation, education, social origin or condition, genetic heritage, reduced working capacity, disability, chronic illness, nationality, ethnic origin or race, territory of origin, language, religion, political or ideological convictions and trade union membership;
- g) Zero tolerance for harassment, regardless of the form it takes, the gender, roles or hierarchical position of the harassed person and the harasser.



Article 5

Definition of harassment

Harassment is based on unwanted behaviour, practiced with some degree of repetition, which seeks to humiliate, denigrate and restricts a person by offending their personality, intellect or physique, calling into question their integrity, freedom of determination, sexual freedom, honour, privacy, cultural identity, as well as personal or economic issues, with the aim or effect of disturbing or embarrassing the person, affecting their dignity, or creating an intimidating, hostile, degrading, humiliating or destabilizing environment.



Article 6

Harassment

Harassment consists of verbal attacks with an offensive or humiliating content, and physical attacks perceived as abusive, including physical and/or psychological violence, on a repeated basis, and can be reflected in the following dimensions:



a) Social isolation:






- i. Promoting the social isolation of students, subordinate workers or managers;
- ii. Despise, ignore or humiliate by forcing them to isolate themselves from others;



b) Persecution:

- i. Systematically devaluing someone's work;
- ii. Systematically setting goals and objectives that are impossible to achieve or setting unachievable deadlines;
- iii. Constantly not assigning any duties to the worker or student, which reflects in an effective lack of occupation;



- iv. Systematically asking for urgent work when there is no need for it;
 - v. Systematically giving confusing and imprecise work instructions;
 - vi. Regularly appropriating ideas, proposals, projects and work of others, namely colleagues, subordinates, managers or students, without identifying the author;
 - vii. Systematically withholding information necessary for the performance of the duties of other colleagues, subordinates, managers or students, or relating to the operation of the organization, although the content of this information is made available to other workers, colleagues or students. 
- c) Intimidation:
- i. Making repeated threats; 
 - ii. Systematically creating objectively stressful situations in order to cause the recipient of the conduct to lose control;
 - iii. Systematically shouting in order to intimidate people.
- d) Personal humiliation:
- i. Ridiculing, directly or indirectly, a physical or psychological characteristic; 
 - ii. Systematically spreading rumours and malicious comments or repeated criticism;
 - iii. Frequent jokes with offensive content, particularly with regard to sex, race, sexual or religious options, physical disabilities, health problems; 
 - iv. Systematically insinuating that someone else has mental and/or family problems;
 - v. Systematically commenting on someone else's personal life. 



Article 7

Sexual harassment

Sexual harassment occurs when there is unwanted behaviour of a sexual nature or other behaviour based on gender or with a sexual connotation, perceived as abusive, which affects the dignity of the target, and may include any other unwanted behaviour in verbal, non- verbal or physical form, on a repeated basis, with the purpose or effect of disturbing or embarrassing the victim, affecting their dignity, or creating an intimidating, hostile, degrading, humiliating or destabilising environment, and may translate, in particular, into the following dimensions:






- a) Sexual innuendo: Systematically repeating suggestive remarks, jokes or comments about appearance or sexual condition;
- b) Unwanted sexual attention:
 - i. Making phone calls, sending letters, text messages, emails or unwanted contact via social networks of a sexual nature;
 - ii. Repeatedly sending unwanted cartoons, drawings, photographs or images with sexual content;
 - iii. Sending persistent invitations to participate in social or recreational programs, when the target person has made it clear that the invitation is unwanted;
 - iv. Intrusive questions about private life;
 - v. Explicit and unwanted proposals of a sexual nature.
- c) Physical contact and sexual assault:
 - i. Promoting intentional and unsolicited physical contact, or excessive or unnecessary physical approaches;
 - ii. Sexual assault or attempted sexual assault.
- d) Grooming: presenting invitations and requests for sexual favours associated



with favours in the context of the activities carried out.


CHAPTER II **Internal procedure**

Article 8 **Complaint**





1. Anyone covered by this Code who considers themselves to be the target of harassment should report the situation via the reporting channel available on the IPCA website or to their immediate superior or to the President of IPCA, under the terms established in this Code, or to the General Inspectorate of Education and Science, particularly in situations where they are involved. 
2. Anyone who becomes aware of practices that may indicate harassment must report them using the methods defined in paragraph 1, and must cooperate in the disciplinary process and any other proceedings that may take place. 
3. Complaints or reports, when not made directly to the President of the IPCA, must be sent to them immediately so that they can determine the opening of an investigation and/or disciplinary procedure. 
4. Situations and behaviours that could constitute harassment, practiced by third parties who are not IPCA employees or students, must be reported by the President of IPCA or by any employee of this Higher Education Institution who becomes aware of them, to the General Inspectorate of Finance or the Working Conditions Authority, depending on whether the victim is a public or private sector employee, respectively. 
5. When it is concluded that the complaint or accusation is unfounded or maliciously presented with the intention of harming another person, or that it contains defamatory material, IPCA will initiate the respective disciplinary procedure, without prejudice to any legal proceedings that the situation may require. 





Article 9 Protection regime

1. People who complain or report situations of harassment are specially protected by IPCA from all forms of retaliation or attempted retaliation, and may not be harmed or disciplined, without prejudice to the provisions of paragraph 5 of the previous article, and their anonymity, where applicable, is guaranteed within the limits imposed by law.
2. Retaliatory situations, like harassment, are subject to disciplinary proceedings. 
3. The information transmitted is considered confidential and is treated with special secrecy, diligence and care.




Article 10 Form, content and means of making the complaint

1. IPCA ensures that an online reporting channel is available, safeguarding anonymity if the complainant so wishes. 
2. The complaint or report must be as detailed as possible, containing a precise description of the facts that constitute or are likely to constitute the practice of harassment, namely the circumstances, time and place of the harassment, the identity of the victim, the harasser, as well as, if possible, any existing testimonial, documentary or expert evidence. 
3. The accusation or complaint, if merely verbal, is reduced to writing. 
4. In addition to the internal procedures set out in this Code, the General Inspectorate of Finance and the Working Conditions Authority have their own email addresses for receiving complaints of harassment at work in the public and private sectors. 

Article 11 **Prior investigation**

1. If the complaint or report is not detailed or does not contain sufficient elements to identify the practice of harassment, the president of IPCA opens an investigation procedure to find out if there are any facts that warrant the opening of a disciplinary procedure.
2. The procedure for investigating the facts reported is conducted by a person(s) appointed by the President of IPCA, in which the investigator must be of equal or higher rank than the person being investigated, and the rules of the disciplinary procedure apply in the alternative. 
3. Investigation procedures must be swift and respect the principles of equality, dignity, confidentiality, impartiality and transparency of all procedures and all persons involved.
4. Confidentiality in the handling of all cases is required of all those involved. 

Article 12 **Disciplinary procedure and civil liability**

1. The President of IPCA, whenever the alleged harasser is identified in the complaint, or after the procedure referred to in the previous rule has been completed, and if he is subject to IPCA's disciplinary power, decides to initiate disciplinary proceedings under the terms of the law. 
2. The President of IPCA is responsible for appointing the instructor of the disciplinary procedure, who must be of equal or higher rank than the accused. 
3. The initiation of disciplinary proceedings is without prejudice to any civil, misdemeanor or criminal liability that may arise in relation to any persons to whom this Code is addressed who commit infractions that correspond to those infractions. 
4. If there are facts that constitute or could constitute a crime, the President

of IPCA sends the complaint and other documentation to the Public Prosecutor's Office.

CHAPTER III **Preventing harassment**

Article 13 **Preventive measures**



IPCA is responsible for implementing concrete actions to prevent harassment, namely:

- a) Dissemination of this Code to the entire academic community;
- b) Regular consultation with employees in all departments and units;
- c) Regular consultation with managers;
- d) Consultation with associations or other student bodies;
- e) Verification of the existence of internal mechanisms for reporting irregularities, ensuring that they comply with the legal rules, particularly with regard to confidentiality, the procedure for processing information and the existence of reprisals against whistle-blowers/participants;
- f) Development of a specific information and dissemination strategy on the prevention of harassment;
- g) This Code must be mentioned in employment contracts, contracts for the purchase of goods and/or services, volunteer and internship contracts, and disclosed by the persons or entities with whom IPCA has already entered into such contracts.



CHAPTER IV Final provisions

Article 14 Remission

Anything not expressly provided for in this Code shall be subject to the provisions of other applicable legislation, namely the Penal Code, the General Law on Public Employment and, in the alternative, the Labour Code.



Article 15 Duration

This Code shall enter into force on the date of its publication in the Official Gazette.

