



UNIVERSITATEA DE ȘTIINȚE AGRICOLE ȘI MEDICINĂ VETERINARĂ CLUJ-NAPOCA

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## **GUIDE ON PREVENTING AND COMBATING SEXUAL HARASSMENT AS WELL AS MORAL HARASSMENT IN THE UNIVERSITY OF AGRICULTURAL SCIENCES AND VETERINARY MEDICINE CLUJ-NAPOCA**

### **CHAPTER I - Guiding principles**

**Art. 1.** By adopting and implementing the provisions of this guide, USAMV Cluj-Napoca undertakes to ensure a safe environment for all employees, without discrimination based on race, nationality, ethnicity, language, religion, social category, beliefs, sex, sexual orientation, age, disability, chronic non-contagious disease, HIV infection, membership of a disadvantaged group or on the basis of any other criterion which has the purpose or effect of restricting or nullifying the recognition, use or exercise, on an equal footing, of human rights and fundamental freedoms or of rights recognized by law, in the political, economic, social, cultural or any other field of public life.

**Art. 2.** Ensuring equal opportunities and equal treatment between women and men is fundamental and any form of manifestation of power relations between men and women is strictly prohibited as a violation of human dignity and as a form of creating an intimidating, hostile, degrading, humiliating or offensive environment.

**Art. 3.** USAMV Cluj-Napoca will apply a policy of zero tolerance for gender-based harassment and moral harassment in the workplace, will treat all incidents seriously and promptly and will investigate all harassment allegations.

**Art. 4.** Within USAMV Cluj-Napoca, any person who is proven to have harassed another person will be sanctioned, which may even lead to dismissal from the workplace. The application of any disciplinary sanction will be made in accordance with the provisions of Law no. 53/2003 on the Labor Code, republished, with subsequent amendments and additions.

**Art. 5.** At USAMV Cluj-Napoca, the institution's management will ensure a safe environment for all employees, where all complaints of harassment based on gender and moral harassment at work will be treated seriously, promptly and confidentially.

**Art. 6.** In the process of investigating complaints, all persons involved will be listened to and treated with respect and consideration, ensuring the privacy of identity data in order to protect employees.

**Art. 7.** Harassment and sexual harassment are contrary to the principle of equality between men and women and constitute discrimination on grounds of sex. These forms of discrimination occur not only in the workplace, but also in access to employment, professional training and promotion.

**Art. 8.** Leaders of the functional structures of USAMV Cluj-Napoca and persons responsible for vocational training shall be encouraged to take measures to combat all forms of discrimination on the basis of sex and, in

particular, to take preventive measures against harassment and sexual harassment in the workplace and in access to employment, training and promotion, in accordance with national law and practice

## **CHAPTER II - Legal framework**

### **Art. 9. European legal framework:**

- a) Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation provides that harassment shall be deemed to be a form of discrimination when an unwanted conduct takes place with the purpose or effect of violating the dignity of a person and of creating an intimidating, hostile, degrading, humiliating or offensive environment;
- (b) Directive 2006/54/EC of the European Parliament and of the Council of July 5, 2006 on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation (reform).

### **Art. 10. National legislation:**

- a) Higher Education Law no. 199/2023, with subsequent amendments and additions;
- b) Decision no. 970/2023, for the approval of the Methodology on preventing and combating harassment based on sex, as well as moral harassment at the workplace, updated ;
- c) Law no. 202/2002 on equal opportunities and equal treatment between women and men, republished, with subsequent amendments and additions;
- d) Law no. 53/2003 - Labor Code, republished, with subsequent amendments and additions;
- e) Law no. 286/2009 on the Criminal Code, with subsequent amendments and additions;
- f) Government Emergency Ordinance No 57/2019 on the Administrative Code, with subsequent amendments and additions;
- g) Government Ordinance no. 137/2000 on the prevention and sanctioning of all forms of discrimination, republished, with subsequent amendments and additions;
- h) Government Decision no. 262/2019 for the approval of Methodological Norms for the application of Law no. 202/2002 on equal opportunities and equal treatment between women and men;
- i) Law No 367/2022 on social dialogue, updated;
- j) Law no. 190 of July 18, 2018 on measures implementing Regulation (EU) 2016/679 of the European Parliament and of the Council of April 27, 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data and repealing Directive 95/46/EC (General Data Protection Regulation).

### **Art. 11. Internal rules**

- a) Charter of the University of Agricultural Sciences and Veterinary Medicine Cluj-Napoca;
- b) Internal Regulation of the University of Agricultural Sciences and Veterinary Medicine Cluj-Napoca.

## **CHAPTER III - Aim and objectives**

**Art. 12.** The purpose of the guide is to provide USAMV Cluj-Napoca employees with the necessary tools to fully exercise their individual rights and freedoms in the workplace.

**Art. 13.** The main objective is to ensure an optimal working environment, based on equal respect for the dignity of the human being, and to provide all employees, regardless of gender, the necessary conditions for a climate in which trust, empathy, understanding, professionalism, dedication to the satisfaction of the general interest prevail.

## CHAPTER IV - Applicability

**Art. 14.** (1) The provisions of these guidelines apply to all employees, as well as to persons with whom they interact during working hours.

(2) Harassment can occur between persons of different sex as well as between persons of the same sex. In situations where actions occur that are contrary to legal, ethical and professional conduct in the workplace and are unwanted or unwelcome by the recipient, the measures set out in the Guidelines will be ordered.

(3) Harassment is a manifestation of power relations and can also occur in unequal relationships in the workplace, for example, between management and employees, but not exclusively.

(4) Power relationships can take multiple forms and can manifest themselves subtly and unpredictably (employees in subordinate positions are not always only victims).

(5) Any type of harassment is forbidden, both at work and outside it, when it comes to participation in various events, business trips, training sessions or conferences, including in relation to the beneficiaries of USAMV Cluj-Napoca.

## CHAPTER V - Definitions

**Art. 15.** (1) For the purposes of this Guide, the following terms and expressions have the following meanings:

a) Commission for receiving and resolving cases of harassment = the commission designated by the Rector's decision to investigate and resolve complaints or referrals of harassment.

b) Confidentiality = is the security attribute according to which complaints of gender harassment and bullying in the workplace will be treated as secret. On the basis of this attribute, the members of the Committee for receiving and settling cases of harassment, the responsible person/members of the Committee will/must sign a confidentiality agreement under the provisions of Art. 26 para. (2) art. 39 para. (2) lit. f) of Law no. 53/2003 - Labor Code, as amended and supplemented, in conjunction with the provisions of the republished art. 227 para. (1) of Law no. 286, as subsequently amended and supplemented.

(c) Personal data = refers to any information relating to an identified or identifiable natural person ('data subject'); an identifiable natural person is a person who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier, or to one or more factors specific to his or her physical, physiological, genetic, mental, economic, cultural or social identity;

d) Place of work = is the physical or virtual space in which a person carries out his or her professional activity on the basis of an employment contract. It includes any location in which the employee performs the tasks specified by the employer in accordance with the terms and conditions laid down in the individual employment contract.

e) Employee's interview report = the administrative act issued by the Harassment Case Registration and Resolution Commission on the occasion of the employee's hearing on the facts of harassment.

f) Case Report = the administrative act issued by the Harassment Case Registration and Resolution Commission prior to the investigation in order to register and deal with complaints or referrals of harassment.

g) Final report = the administrative act issued by the Commission for registering and resolving cases of harassment following complaint resolution in which the commission details the investigations, findings and proposed measures, as appropriate, and will submit it to the Rector of the university.

h) Disciplinary sanctions = the sanctions provided for in the relevant legislation applicable to the person who, following the completion of the complaint/assessment procedure, has been found guilty of harassment;



## **Art. 16. Definition of harassment**

(1) Harassment is unwanted conduct, including of a sexual nature, which makes a person feel offended, humiliated or intimidated.

(2) This includes situations in which a person is required to engage in sexual activities as a condition of that person's employment, as well as situations that create a hostile, intimidating or humiliating environment.

(3) Harassment involves multiple incidents and/or actions of a repetitive nature that constitute physical, verbal and non-verbal harassment.

(4) According to the Law no. 202/2002, harassment is understood as a situation in which unwanted behavior is manifested, related to a person's sex, having as object or effect the violation of the respective person's dignity and the creation of an intimidating, hostile, degrading, humiliating or insulting environment;

a) sexual harassment is defined as unwanted conduct of a sexual nature, expressed physically, verbally or non-verbally, which is physically, verbally or non-verbally directed towards or has the purpose or effect of violating the dignity of a person and, in particular, of creating an intimidating, hostile, degrading, humiliating or offensive environment.

b) psychological harassment means any inappropriate behavior that occurs over a period of time, is repetitive or systematic and involves physical conduct, oral or written language, gestures or other intentional acts and which may affect the personality, dignity or physical or psychological integrity of a person.

(5) Within the scope and postulates of Government Ordinance no. 137/2000 on the prevention and sanctioning of all forms of discrimination:

a) any conduct based on race, nationality, ethnicity, language, religion, social category, beliefs, gender, sexual orientation, belonging to a disadvantaged category, age, disability, refugee or asylum status or any other criterion that leads to the creation of an intimidating, hostile, degrading or offensive environment constitutes harassment and is punishable by a misdemeanor.

(b) any conduct towards an employee by another employee who is his hierarchical superior, by a subordinate and/or by a hierarchically comparable employee shall constitute harassment at the workplace and shall be punishable as a disciplinary, administrative or criminal offence, as appropriate, in connection with the employment relationship, which has the purpose or effect of impairing the employee's working conditions by adversely affecting his or her rights or dignity, impairing his or her physical or mental health or prejudicing his or her future professional prospects, conduct manifested in any of the following forms: Hostile or unwelcome conduct, verbal comments, actions or gestures.

c) any conduct which, by its systematic nature, is likely to harm the dignity, physical or mental integrity of an employee or group of employees, endangering their work or degrading their working environment, shall constitute workplace harassment.

d) stress and physical exhaustion are covered by workplace moral harassment.

## **Art. 17 Examples of harassment**

(1) Examples of conduct or behavior that constitutes workplace harassment include, but are not limited to:

a) Physical conduct - repeated, unwanted physical contact (inappropriate touching of the body), physical violence (including sexual assault), use of threats or rewards related to work to solicit sexual favors.

b) Verbal Conduct - comments about an employee's appearance, age, private life, sexual comments, sexual stories and jokes, sexual advances, repeated and unwelcome social invitations for dating or physical intimacy, insults related to the employee's gender or other characteristics, over-familiar remarks, sending humiliating, degrading, sexually explicit messages by telephone, e-mail or any other means of communication, if they are made systematically/repeatedly and if they are intended to, result in, or are likely to result in physical, psychological, sexual harm.

c) Nonverbal behavior - display of sexually suggestive or sexually explicit materials; sexually suggestive gestures, whistling, staring, if done systematically/repeatedly.

(2) Moral harassment in the workplace, within the meaning of Government Ordinance no. 137/2000 on the prevention and punishment of all forms of discrimination, republished, with subsequent amendments and additions:

a) Any conduct exercised towards an employee by another employee who is his/her hierarchical superior, by a subordinate and/or by a hierarchically comparable employee, in connection with the employment relationship, which has the purpose or effect of causing a deterioration of the working conditions by violating the employee's rights or dignity, by harming his/her physical or mental health or by jeopardizing his/her professional future, manifested in any of the following forms:

(i) hostile or unwanted conduct;

(ii) verbal comments;

(iii) actions or gestures;

(3) Any conduct which, by its systematic nature, is likely to harm the dignity, physical or mental integrity of an employee or group of employees, endangering their work or degrading the working climate.

According to O.G. no. 137/2000 "stress and physical exhaustion fall within the scope of moral harassment at work" and are proved by supporting documents issued by specialists in the field.

(4) Other examples:

a) manifestation or dissemination of offensive or indecent material;

b) insinuations, insults or obscene or sexist/racist/homophobic remarks, made in a systematic/repeated manner;

c) using offensive language in describing a person with disabilities or mocking a person with disabilities;

d) comments about the physical appearance or character of a person, likely to cause embarrassment or distress;

e) unwanted attention, such as spying, constant following, teasing, overly familiar behavior or unwanted verbal or physical attention;

f) repeatedly making or sending: unwanted phone calls, SMS, e-mails, social networking messages, faxes or letters with sexual connotations, deemed to be hostile or affecting a person's privacy;

g) unjustified, unwelcome or persistent questions about a person's age, marital status, personal life, interests or sexual orientation or similar questions about a person's racial or ethnic origin, including a person's culture or religion;

h) unwelcome sexual advances, repeated dating requests or threats;

i) suggestions that sexual favors can get a person promoted, or that if they are not given, then the person's career will suffer.

(5) Examples of attitudes that are legitimate in the relationship with the employee, being prerogatives of the employer, and do not constitute harassment:

a) directly supervises employees, including setting performance expectations and providing feedback on job performance;

b) takes action to correct performance deficiencies, such as placing an employee on a performance improvement plan;

c) takes reasonable disciplinary measures;

d) gives directives on tasks, how and when the work should be done;

e) requests updates or reports;

f) approves or denies requests for time off.

## CHAPTER VI - Roles and responsibilities

**Art. 18. (1)** The Rector of the University of *Agricultural Sciences and Veterinary Medicine Cluj-Napoca* will:

a) ensure that the provisions of the guide are brought to the attention of employees through the relevant structures;

b) ensure the involvement of all employees in eliminating situations of gender-based harassment and moral harassment in the workplace by creating a pragmatic approach to dealing with such situations;

(c) ensure that all necessary levers are put in place to ensure that all instances of misconduct are reported and dealt with, without relying solely on formal or informal complaints by employees;

d) ensure that incidents alleging harassment are investigated with the utmost seriousness and reported in accordance with the legislation in force;

e) ensure that employees are made aware that they will be listened to in the situations they present, that they are not coerced in any way to communicate the state of facts, and that the situations presented are confidential and analyzed with due consideration;

f) ensure that a register of cases is established where the complaints will be registered; the register will contain the registration number, the stage of harassment, the identified solutions;

(2) The Rector of USAMV Cluj-Napoca appoints by decision a commission for registering and resolving complaints.

(3) The Rector of USAMV Cluj-Napoca shall initiate all necessary actions to ensure that all employees found guilty of confirmed cases of harassment are sanctioned in accordance with the legal provisions and ensure all measures to protect the victim.

(4) The Rector of USAMV Cluj-Napoca has the role of implementing this Guide but without being part of the committee, except in situations where his/her presence is mandatory (e.g. the hierarchical superior of the alleged harasser).

**Art. 19. (1)** The Harassment Case Registration and Resolution Commission will be appointed by administrative act of the Rector (decision).

(2) At the time of appointment, the members of the Harassment Case Registration and Resolution Commission shall sign a confidentiality agreement under the provisions of art. 26 para. (2) and Art. 39 para. (2) lit. f) of Law no. 53/2003 - Labor Code, republished, with subsequent amendments and additions, in conjunction with the provisions of art. 227 para. (1) of Law no. 286/2009 on the Criminal Code, as subsequently amended and supplemented.

(3) In appointing the Harassment Case Registration and Resolution Commission, account shall be taken of:

a) gender balance - equal representation of women and men, depending on the specific field of activity;

(b) the ethical and professional conduct of the persons appointed to sit on the committee that will investigate the harassment case;

c) none of the persons directly or indirectly involved in the reported events and the head of the division may be part of the board of inquiry;

d) where appropriate, the trade union representative shall be a member of the committee;

e) the need to include persons with relevant expertise in the field, i.e. (invited) equal opportunities expert/technician;

(f) the possibility to include an external expert in the team.

(4) The Harassment Case Registration and Resolution Commission for sex and moral harassment at the workplace shall consist of at least 3 full members.

(5) The Commission shall have a non-voting Secretary with the following duties:



- a) receiving and registering complaints in the special register of the Commission;
  - b) convening the committee;
  - c) drawing up the minutes of the commission;
  - d) keep the documents prepared/managed, both in electronic and paper format.
- (6) The table with the members of the Commission and their positions shall be posted at the University's head office and on the Commission's dedicated webpage and disseminated to all employees in the following format:

Nr.	Full name	Structure/department	e-mail	phone
1		Management staff		
2		Human Resources		
3		Legal		
4		Union representative		

**Art. 20.** The Commission has the following attributions:

- a) inform any employee about the policies and legislation in force;
- b) provide support and counseling (on request) for employees affected by a harassment incident, the situations exposed are confidential and analyzed with due care;
- (c) participate directly in the resolution of complaints made by employees about misconduct, whether these complaints are formal or informal;
- d) report to the head of the institution/employer all cases of harassment brought to his/her attention;
- e) cooperate with employees in all situations where they are asked to provide information relevant to the resolution of a harassment case;
- f) manages the processes for resolving complaints and/or disciplinary measures, together with the university management.

**Art. 21.** The work of the Commission shall be based on the following principles:

- (a) the presumption of innocence, according to which the employee is innocent until proven guilty.
- (b) the expeditiousness of the procedure, on the basis of which the Commission will have to deal with the case without delay and within the time limits.
- c) guaranteeing the right of defense, which recognizes the right of the employee to be heard, to present any evidence in his/her defense and to be assisted.
- (d) adversarial procedure, which shall ensure that the parties are given the opportunity to discuss and rebut any matter of fact or of law relating to the alleged misconduct under consideration by the Commission.
- e) proportionality, on the basis of which the sanction established must take into account the seriousness of the offense, the circumstances in which it was committed, if there have been such offenses before.
- (f) the legality of the sanction, on the basis of which the Commission may propose the application of penalties prescribed by law
- g) the uniqueness of the sanction, on the basis of which only one disciplinary sanction may be imposed for a disciplinary misconduct.

**Art. 22.** The President of the Commission has the following main duties:

- a) set the place, date and time of the commission's proceedings,
- b) chair the meetings of the Commission,
- c) coordinate the work of the Commission and its secretariat.

## **CHAPTER VII - Complaint/notification and resolution procedure**

**Art. 23.** Complaint/notification and resolution procedures, carried out at the employer's level, are of an administrative nature.

### **Art. 24. Informal procedure**

- (1) Employees who are subjected to harassment should, if possible, inform the alleged harasser that they perceive the behavior in question as unwelcome and disturbing.
- (2) Harassment may occur in unequal relationships, i.e. between a person in a managerial position and a person in an executive position. There may also be situations in which it is not possible for the victim to inform the alleged harasser that he or she perceives the behavior in question as unwanted and disturbing, for example, the alleged harasser may be the person designated to deal with the harassment or the victim's superior.
- (3) If a victim is unable to approach an alleged harasser directly, he/she will approach the alleged harasser's supervisor about the unwanted and disturbing behavior.

It will also communicate to another representative with a managerial role in the institution, trade union representative as appropriate. In this context, the above-mentioned persons will ensure that the victim is properly informed so that the informal choice of resolution does not preclude the possibility that the victim may also wish to seek a formal resolution if the harassment continues.

### **Art. 25. Formal procedure**

- (1) When the Harassment Case Registration and Resolution Commission receives a complaint/notification of harassment, it shall:
  - a) record the complaint/notification and relevant information in the register;
  - b) to ensure that the victim understands the procedures for dealing with the complaint/complaint;
  - c) keep a confidential record of all discussions;
  - d) respect the victim's choice;
  - e) ensure that the victim is aware that he/she can also lodge a complaint/report to other institutions that have competence in the field of harassment.
- (2) Throughout the procedure of dealing with the complaint/notification, the victim has the right to receive the support of a counselor within the institution.
- (3) The victim may be assisted by a trade union representative during the complaint procedure.
- (4) The Commission shall ensure that the victim is informed of the possibility of seeking legal or psychological counseling.

**Art. 26.** The stages of the formal investigation procedure are as follows:

- a) Filing the complaint/notification
- b) Case report
- c) Investigation
- d) Resolving the complaint/notification
- e) Internal complaint/ notification

### **Art. 27. Submission of the complaint**

- (1) The complaint / notification can be made by the a person in written form (holograph or electronic, but must be signed by the victim, following the protection of identity data requirements, in order to ensure their protection) or verbal (discussion with the persons responsible, followed by minutes of these discussions).
- (2) By way of exception, the victim may submit a written complaint without a handwritten signature. If the complaint does not contain the victim's name, surname and contact details, it shall be examined and resolved if it contains data and information on gender-based harassment or harassment on psychological grounds.



(3) The complaint/notification shall be submitted in person or to the e-mail address created for this purpose.

**Art. 28. Case report**

(1) The Commission that has received the complaint/notification shall initiate the preparation of a case report which shall include:

1. Data from the complaint - all relevant information provided in the complaint will be recorded immediately: dates, times and facts of the incident(s).

2. Data resulting from the process of guidance and counseling of the victim - Commission must:

a) to communicate to the victim the possible solutions and to consider the victim's requests and clarify their views on the desired outcome and record the decision;

b) to refer her for psychological and legal counseling and to record the proposed and agreed measure;

c) ensure that a confidential record is kept of the conduct of the investigation.

3. Data resulting from the process of hearing and counseling of the person alleged to have committed harassment - The Commission referred to must:

a) give the alleged harasser the opportunity to respond to the complaint;

b) ensure that the alleged harasser understands the complaint mechanism;

c) to inform the alleged harasser about the institution's policy on sexual harassment, as well as about national legislation in this area;

d) inform the alleged harasser about possible sanctions;

e) facilitate, where appropriate and only with the prior consent of the victim, discussions between the two parties;

f) ensure that a confidential record is kept of the conduct of the investigation.

(4) The case report shall be made within a maximum of 30 working days after the complaint/notification has been lodged.

(5) In the case report, the committee shall propose to the Rector, if necessary, measures to protect the victim in compliance with the legal provisions.

**Art. 29. Inquiry**

(1) The case report is submitted, depending on the measures taken: to the university management / faculty management / research institute management / general-administrative directorate / human resources department / etc.

(2) The investigation process requires that the members of the Commission shall:

a) interview the victim and the accused person separately;

b) interview other relevant third parties separately;

c) to draw up an investigation report, including the complaint, the investigations, the findings and the measures taken;

d) where the facts have occurred, to propose ways of dealing with the complaint, taking into account what is the appropriate solution for the victim, in consultation with the victim;

e) if unable to determine whether the facts have occurred or not, to make recommendations to ensure that the working climate is not affected, i.e.: information, awareness, support groups;

f) keep a record of all investigations undertaken;

g) to ensure the confidentiality of all records relating to the case under investigation;

h) to ensure that the process of resolving the complaint/notification is carried out at the latest within 45 working days from the date of complaint/notification registration.

**Art. 30. -** (1) The President of the Commission shall set the time limit for the presentation and shall order the invitation of the person whose act has been reported and of the persons referred to in the complaint/complaint.

(2) The procedure for inviting the candidates to appear before the committee shall be carried out at least 3 calendar days before the deadline set for the interview.

(3) The invitation shall be made in written form and shall include the place, date, time where the interview/hearing is to take place and the subject of the complaint/notification.

**Art. 31.** (1) The employee whose alleged offense is under investigation is obliged to appear in person at the request of the Commission.

(2) The interview of those involved (victim, alleged perpetrator of the harassment under investigation, third parties involved) must be recorded in minutes. The minutes shall be signed by the President, the members, the Secretary and the interviewee.

(3) The alleged perpetrator's refusal to be interviewed or to formulate written positions on the facts alleged against him/her shall be recorded in a report and such refusal shall not prevent the application of a disciplinary sanction.

**Art. 32. Resolving the complaint**

(1) The resolution of the complaint/notification is the final stage of the procedure, during which the committee shall draw up a final report detailing the investigations, findings and proposed measures, if any, and submit it to the Rector of the university.

(2) The final report shall contain at least the following elements:

- a) the number and date of registration of the complaint;
- b) the name and surname of the employee whose alleged offense was investigated, his/her place of work;
- c) the name and surname of the person who made the complaint;
- d) presentation of the fact and the circumstances in which it allegedly occurred;
- (e) evidence (including written evidence and interviews of persons involved)
- f) the proposal on the applicable disciplinary sanction/resolution of unfounded complaint/unfounded notification;
- g) the motivation of the proposal in fact and in law;
- h) if it is not possible to determine whether the facts have occurred or not, to make recommendations to ensure that the working climate is not affected, i.e.: information, awareness, support groups;

**Art. 33. Complaint/External Review**

(1) Any employee who has been subjected to harassment may also lodge a complaint to other institutions competent in the field of harassment.

(2) These complaints may be made in accordance with the provisions of Law no. 202/2002, republished, with subsequent amendments and additions, at:

- a) Territorial Labor Inspectorate;
- b) National Council for Combating Discrimination;
- c) the competent courts;
- d) criminal investigation bodies if the harassment is so serious that it falls into the forms provided for by the Criminal Code.

## **CHAPTER VIII - Penalties**

**Art. 34.** (1) Any person who, following the completion of the complaint / referral procedure, has been found guilty of harassment, may be subject to the sanctions provided for by:

- a) Law no. 199/2023 on higher education, with subsequent amendments and additions;
- b) Law no. 53/2003 - Labor Code, republished, with subsequent amendments and additions;



- c) Law no. 286/2009 on the Criminal Code, with subsequent amendments and additions;
- d) Government Ordinance no. 137/2000 on the prevention and sanctioning of all forms of discrimination, republished, with subsequent amendments and additions.
- (2) The nature of the sanctions will depend on the seriousness and extent of the acts of harassment.
- (3) Proportionate sanctions will be applied to ensure that incidents of harassment are not treated as normal/tolerable behavior.
- (4) The sanctions applicable to the employer/manager are set out in Government Ordinance no. 137/2000 on the prevention and sanctioning of all forms of discrimination, republished, with subsequent amendments and additions, as well as in Law no. 202/2002 on equal opportunities and equal treatment between women and men, republished, with subsequent amendments and additions, and are applied in proportion to the seriousness of the facts.

## CHAPTER IX - Monitoring and evaluation

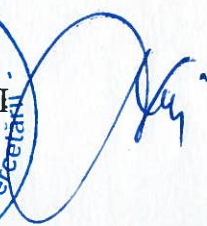
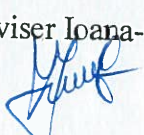
**Art. 35.** (1) The University recognizes the importance of monitoring acts to prevent and combat gender-based harassment as well as moral harassment in the workplace and will ensure the implementation of the measures set out in this guide.

(2) The heads of the directorates, services, departments and those responsible for dealing with cases of harassment shall monitor and report to the management of the institution on the manner of compliance with the application of the provisions of this guide by the end of the first quarter of each year for the previous year, including the number of incidents recorded and how they were resolved, as well as the recommendations drawn.

## CHAPTER X - Final and transitional provisions

**Art. 36.** (1) This Guide may be supplemented/amended by other relevant legal provisions.

(2) This Guide was approved at the meeting of the Administrative Board on 17.04.2025 and at the meeting of the University Senate on 30.04.2025.

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