

## **POLICY ON SEXUAL HARASSMENT**

Zagreb, September 1<sup>st</sup> 2021

### **INTRODUCTION**

The Institute for Anthropological Research (hereinafter, the Institute) is committed to providing a safe environment for all individuals engaged in the Institutes' activities, free from discrimination on any ground and from harassment including sexual harassment. Sexual harassment is considered a form of professional misconduct and, in all its forms, is unacceptable. It violates individual dignity and creates an intimidating, hostile, degrading, humiliating or offensive environment. The Institute will operate a zero tolerance policy for any form of sexual harassment in the Institute's activities, treat all incidents seriously and promptly investigate all allegations of sexual harassment. Individual in this text means employee of the Institute, project team member, external associate, volunteer, intern and student working/collaborating/volunteering in the Institute's activities. The Institute's activities in this text mean daily work, project work, study work, volunteering, field work, in the Institute's premises, offices, laboratories, field schools, study programs, projects, conferences, etc. Any individual found to have sexually harassed another will face disciplinary action, up to and including dismissal from employment. All complaints of sexual harassment will be taken seriously and treated with respect.

The Institute expects that all relationships among individuals engaged in the Institute's activities will be professional.

### **DEFINITIONS**

According to the *Gender Equality Act of the Republic of Croatia* (Official Gazette 82/2008, 69/2017), *sexual harassment is any unwanted verbal, non-verbal or physical behaviour of a sexual nature, which aims at or constitutes a violation of personal dignity, especially if it creates an unpleasant, hostile, degrading or abusive environment.*<sup>1</sup> According to the *Protocol on the Procedure in Case of Sexual Violence* (Official Gazette 70/2018), sexual harassment is one of the most common forms of sexual violence. According to the Protocol, the most common forms of sexual violence are the following:

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<sup>1</sup> Original in Croatian: svako neželjeno verbalno, neverbalno ili fizičko ponašanje spolne naravi, koje ima za cilj ili predstavlja povredu osobnog dostojanstva, a posebice ako stvara neugodno, neprijateljsko, ponižavajuće ili uvredljivo okruženje.



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*a) Sexual harassment is one of the most common forms of sexual violence that involves unwanted sexual behaviours that do not necessarily involve physical contact, thereby embarrassing and humiliating the person and causing shame. In most cases, these are repeated behaviours that occur over a long period of time and for which the victim cannot find a systematic solution. The most common forms are unwanted sexual remarks and verbal suggestions, inappropriate attention, physical touch, sexist, abusive and discriminatory remarks and jokes, spreading sexual rumours about a person and more.*

*b) Sexual abuse and/or forced sexual acts include many forms of sexual violence that are more severe than sexual harassment and do not yet fall into the category of rape under existing law. They include unwanted sexual behaviours by the use of force and/or threats, and include physical contact with the abuser – unwanted and forced touches of intimate parts of the body, sexual activities manipulated by lies, threats, pressure and forced masturbation.*

*c) Rape is the most severe form of sexual violence involving forced vaginal, anal and/or oral penetration by penis, other body parts and/or objects. It is one of the extremely difficult and traumatic experiences with severe consequences for the victims. With regard to the perpetrator, we can distinguish between rape as an integral part of domestic violence (marital rape), rape in relationships/"dating", rape by an unknown person, gang rape, rape in armed conflict and war. Apart from murder, rape is the most serious violence against a person's body because it deprives the victim of physical and emotional autonomy, freedom and privacy.<sup>2</sup>*

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<sup>2</sup> Original in Croatian:

a) seksualno uznemiravanje i/ili napastovanje je jedan od najčešćih oblika seksualnog nasilja koji obuhvaća neželjena seksualna ponašanja koja nužno ne uključuju fizički dodir te time osobu dovode u neugodan i ponižavajući položaj i izazivaju osjećaj srama. U većini slučajeva se radi o ponovljenim ponašanjima koja se javljaju kroz dulje vremensko razdoblje i za koje žrtva ne može naći sustavno rješenje. Najčešći oblici su neželjene seksualne primjedbe i verbalni prijedlozi, neprikladna pažnja, fizički dodiri, seksističke, uvredljive i diskriminirajuće primjedbe i šale, širenje seksualnih glasina o osobi i drugo.

b) seksualno zlostavljanje i/ili prisilne spolne radnje obuhvaćaju mnoge oblike seksualnog nasilja koji su teži od seksualnog uznemiravanja, a prema postojećim zakonima još ne ulaze u kategoriju silovanja. Obuhvaćaju neželjena seksualna ponašanja iznuđena primjenom sile i/ili prijetnji, a uključuju fizički dodir s nasilnikom – neželjeni i prisilni dodiri intimnih dijelova tijela, seksualne aktivnosti izmanipulirane lažima, prijetnjama, pritiskom te prisiljavanje na masturbaciju.

c) silovanje je najteži oblik seksualnog nasilja koji uključuje prisilnu vaginalnu, analnu i/ili oralnu penetraciju penisom, drugim dijelom tijela i/ili objektima. Ubraja se među izuzetno teška i traumatska iskustva s teškim posljedicama za žrtve. S obzirom na počinitelja možemo razlikovati silovanje kao sastavni dio obiteljskog nasilja (silovanje u braku), silovanje u vezama/»na spoju«, silovanje nepoznate osobe, grupno silovanje, silovanje u oružanim sukobima i ratu. Osim ubojstva, silovanje je najozbiljnije nasilje nad tijelom osobe jer oduzima žrtvi fizičku i emocionalnu autonomiju, slobodu i privatnost.





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Sexual harassment and sexual assault are felonies according to *Criminal Law of the Republic of Croatia* (Official Gazette 125/11, 144/12, 56/15, 61/15, 101/17, 118/18, 126/19, 84/21, Glava šesnaesta (XVI.), Kaznena djela protiv spolne slobode).

In this *Policy on Sexual Harassment* (hereinafter, the Policy), the term sexual harassment is used broadly and it is considered a form of discrimination that involves physical, verbal or non-verbal conduct of sexual nature. Therefore, in this Policy, the term sexual harassment encompasses the term sexual assault as an intentional sexual contact, characterized by use of force, threats, intimidation, abuse of authority, in which a victim that does not or cannot consent; it includes rape and unwanted sexual contact or attempts to commit these acts.

Sexual harassment can involve one or more incidents and actions. Examples of conduct or behaviour which constitute 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;
- rape;
- the use of job-related threats or rewards to solicit sexual favours.

Verbal conduct:

- comments about someone's sexual orientation, gender identity or sexuality;
- derogatory or demeaning comments on a individual's 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 the gender of the individual;
- condescending or paternalistic remarks;
- sending sexually explicit messages.

Non-verbal conduct:

- display of sexually explicit or suggestive material;
- sexually-suggestive gestures;
- whistling;
- leering.



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Anyone can be a victim of sexual harassment. Sexual harassment can occur in interactions and relationships between women and men, women and women, men and men. What matters is that the sexual conduct is unwanted and unwelcome by the person against whom the conduct is directed.

**THE INSTITUTE'S POSITION**

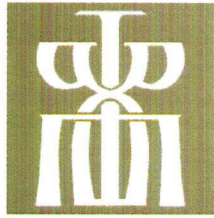
The Institute recognises that sexual harassment in the Institute and associated with the Institute's activities is wholly unacceptable behaviour. Any incidents will be taken very seriously and complaints will be considered promptly. While many cases of sexual harassment may be resolved informally, sexual harassment may result in disciplinary action against an individual. Victims of sexual harassment are encouraged to report incidents to the Officer authorized by the Director, for receiving and resolving complaints related to the protection of workers' dignity (hereinafter, the Officer). Because of the particular sensitivity of sexual harassment complaints and their consequences, confidentiality is of utmost importance and will be maintained wherever possible. However, the Institute has an obligation to protect both the complainant and the wider Institute community (including the alleged harasser(s)). Those involved in handling sexual harassment complaints will disclose information only when absolutely necessary, and the complainant will be consulted before any disclosure of information is made. By making a complaint, or offering evidence as a witness to an incident of sexual harassment, an individual may attract criticism and hostility. Full support will be provided by the Institute to protect her/him from victimisation or retaliation. The Institute will operate a zero tolerance policy for any form of threats, intimidation or any other form of retaliation against an individual who has made a complaint or provided information in support of a complaint. The Institute will take reasonable and appropriate action needed to prevent and respond to retaliation, in accordance with its applicable policy and regulations. False accusations of sexual harassment constitute similar grounds for discipline.

**REPORTING AN INCIDENT AND COMPLAINTS PROCEDURES**

The Institute encourages victims of sexual harassment to report all perceived incidents of sexual harassment regardless of the offender's identity or position. Individuals who believe that they have been the victim of such conduct are encouraged to first advise the offender that his or her behaviour is unwelcome and request that it be discontinued (personal resolution). If an individual is uncomfortable confronting the offender, or if the conduct or similar conduct continues, the individual should report his or her concerns to the Officer.

Upon receiving such complaint, the Officer will immediately record the dates, times and facts of the incident(s), ascertain the views of the victim as to what outcome he/she wants, ensure that the victim





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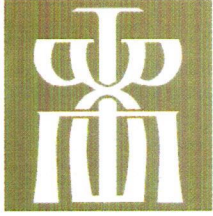
understands the Institute's procedures for dealing with the complaint, and discuss and agree with the victim next steps. The Officer will keep a confidential record of all discussions, respect the choice of the victim, and ensure that the victim knows that they can lodge the complaint outside of the Institute through the relevant Croatian's legal framework. The Institute would hope that the complaint can be addressed through the personal resolution or informal action stages. Choosing to resolve the matter informally does not preclude the victim from pursuing a formal complaint if he/she is not satisfied with the outcome.

Informal action

Informal action envisions the participation of the Officer in resolving the situation. Depending on the circumstances of the case, the Officer may investigate the allegations or take action which may include either chairing a meeting between the complainant and the alleged harasser, or approaching both parties – complainant and alleged harasser – separately. Complainant and alleged harasser may wish to be accompanied at this meeting by a colleague, friend and/or a mentor in case of assistants and post-doctoral fellows. This informal action may not in itself result in any further formal internal investigation or disciplinary action, but is intended to facilitate a local resolution between the parties. The importance of confidentiality will be stressed to all those interviewed and everyone will be strictly required not to discuss the complaint with colleagues. Breach of confidentiality may give rise to the Officer recommending disciplinary action.

Formal action

Where personal or informal resolution is not appropriate (because of the seriousness of the allegations or because the conduct continues), or is not requested, or where the outcome has been unsatisfactory, then a formal complaint may be brought to the Officer. All complaints must be reported and dealt with within a reasonable time. Complainant should note that only in exceptional circumstances will a formal complaint be considered more than three months after the most recent incident of alleged harassment. Complainant should keep records of the events and indicate evidence of the facts (letters, emails, witnesses). These formal actions envision the participation of the Ethical Committee of the Institute and the Officer in resolving the situation. Ethical Committee, convened by the President and accompanied by the Officer will investigate the complaint in an independent and objective way. The role of the Ethical Committee is to determine whether there is sufficient evidence to support the complaint or whether the complaint is without foundation. Both the complainant and the alleged harasser may be accompanied by a colleague, friend and/or a mentor in case of assistants and post-doctoral fellows. Neither the complainant, nor the alleged harasser(s) will be required to repeat distressing or embarrassing details any more than is necessary. The importance of confidentiality will be stressed to all those interviewed and everyone will be strictly required not to discuss the complaint with colleagues. Breach of confidentiality may



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give rise to the Officer recommending disciplinary action. Where a case exists to support the complaint, the matter may be directed to further disciplinary procedures.

The difficulty in defining what conduct constitutes sexual harassment should not stop individuals from discussing, or complaining about, behaviour which is causing them distress, to a colleague, a superior or the Officer. However, it should also be recognised that it is everyone's personal responsibility to limit public discussion of allegations of sexual harassing, as this may make it more difficult to achieve a satisfactory and just resolution.

**CONSENSUAL RELATIONSHIPS**

Romantic and sexual relationships between employees are not expressly prohibited by the Policy. However, even when both parties have consented to such relationships, these relationships can still raise serious concerns about the validity of the consent, conflicts of interest, and unfair treatment of others. This concern is not limited to consensual relationships between supervisor and post-doctoral fellow or assistant, but equally applies to consensual relationships between senior and junior researcher or other staff or any other relationship where one party has or may have supervisory authority over the other. When an individual has any professional responsibility for the other individual's academic performance and/or professional future, mutually consenting relations might constitute a violation of professional ethics and responsibility. A similar violation may occur in a hierarchical employment relationship. Thus, in all such cases of consensual romantic or sexual relationships, disclosure of the relationship to the Officer is encouraged, so that arrangements for objective reorganization of work can be made. Disclosure as a policy is encouraged in order to avoid conflicts of interests with no intention to violate individual privacy. The Officer will keep the disclosure confidential.

**FINAL PROVISIONS**

This Policy will be posted on the Institute's website. This Policy is written in Croatian and English, and Croatian version is considered original.

Saša Missoni, PhD, Director

