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NOVA University Lisbon – Rectorate

Summary: Approves the Code of Conduct for Preventing and Combating Harassment and Discrimination of NOVA University Lisbon

With the publication of Law n°. 73/2017, of 16 August, the Labour Code, approved by Law n°. 7/2009, of 12 February, and the General Law on Public Employment, approved by Law n°. 35/2014, of 20 June, were amended. In particular, Article 127(1)(k) of the Labour Code and Article 71(1)(k) of the General Law on Public Employment now require employers to adopt codes of conduct for preventing and combating harassment at work and to initiate disciplinary proceedings whenever they become aware of alleged situations of harassment at work.

The National Strategy for Equality and Non-Discrimination 2018-2030, approved by Resolution of the Council of Ministers n°. 61/2018, of 21 May, and the respective Action Plans for the period 2023-2026, approved by Resolution of the Council of Ministers n°. 92/2023, of 14 August, recognise Equality and Non-Discrimination as a condition for building a sustainable future for Portugal and urge a collective commitment from all sectors of society, including Higher Education Institutions, to adopt various measures and implement concrete actions.

On the other hand, the European Union approved the Gender Equality Strategy 2020-2025 with a view to promoting a Union of Equality, in which men and women, in all their diversity, are free to follow the path they choose in life, have the same opportunities to prosper and can participate in European society and lead it on equal terms. In the same year, the EU also approved the European Union Action Plan against Racism 2020-2025, which sets out a series of measures and objectives to combat racial discrimination and promote a more equal and inclusive society throughout the region and, in 2021, it approved the Strategy on the Rights of Persons with Disabilities 2021-2030 with a view to ensuring full participation of people with disabilities in society and the economy on an equal basis with others.

Portugal was also among the countries that ratified the Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence, also known as the Istanbul Convention, which identifies various forms of gender-based violence, including harassment and discrimination. As a member of the United Nations, Portugal is committed to implementing the 2030 Agenda for Sustainable Development Goals (SDGs), and is counting on universities to contribute through the knowledge and good practices they establish, inspiring other institutions in society to follow their example.

NOVA University Lisbon, in its mission to promote a fairer and more prosperous society, is committed to respecting human rights and, in particular, the right to equality and non-discrimination, and expects its entire community to act in accordance with the University's policies and procedures, namely those set out in the NOVA University Lisbon Foundation Statutes, the NOVA University Lisbon Statutes, the NOVA University Lisbon Code of Ethics, the NOVA University Lisbon Strategic Plan 2020-2030, the NOVA University Lisbon Policy for Gender Equality, Equal Opportunities and Diversity, the NOVA University Lisbon Gender Equality Plan, the Student Ombudsperson Regulations, the NOVA University Lisbon Student Disciplinary Regulations and, more recently, the EUTOPIA Alliance Inclusion Manifesto.

Based on the national legislation in force, European directives, international good practices, and the institution's own internal regulations, NOVA University Lisbon considered necessary to adopt a structural approach to preventing and combating harassment and discrimination, through a code of conduct that would provide guidance and clarify conceptual doubts on this matter and, on the other hand, define the procedures to be carried out whenever such situations are reported at the university.

In this regard, NOVA University Lisbon reiterates its policy of non-tolerance towards any kind of harassing or discriminatory behaviour at the university and seeks to guarantee a safe teaching and learning, research and working environment for its entire community.

Therefore, in order to fulfil the existing legal imperative and the institutional commitment to promote and guarantee respect for human rights, equality and non-discrimination, a public consultation was held under the terms of Article 101 of the Code of Administrative Procedure and Article 110(3) of the RJIES, and having obtained a favourable opinion from the Board of Deans and under Article 134 of the Legal Framework for Higher Education Institutions, and in exercise of the competence provided for in Article 21(1)(c) of the Statutes of NOVA University Lisbon, published in the annex to Normative Order 3/2020 of 22 January, I approve the following regulation.

14th March 2024. - The Rector, Professor João Sàágua.

Code of Conduct for Preventing and Combating Harassment and Discrimination of NOVA University Lisbon

CHAPTER I INTRODUCTORY PROVISIONS

Article 1st

Object and enabling rule

1 - The Code of Conduct for Preventing and Combating Harassment and Discrimination of NOVA University Lisbon, hereinafter CCPCAD-NOVA, establishes a set of principles and procedures that must be observed in the spaces and activities of NOVA University Lisbon, hereinafter NOVA, whenever situations of harassment or discrimination occur.

2 - The enabling rules of this CCPCAD-NOVA are Article 71(1)(k) of the General Law on Public Employment, approved in the annex by Law 35/2014, of 20 June, in its current wording, Article 127(1)(k) of the Labour Code, approved by Law 7/2009, of 12 February, in its current wording, and Article 9(7) of the RJIES - Legal Framework for Public Employment. Article 127(1)(k) of the Labour Code, approved by Law 7/2009 of 12 February, in its current wording, and Article 9(7) of the RJIES - Legal Framework for Higher Education Institutions, approved by Law 62/2007 of September 10, in its current wording.

Article 2nd

Scope of application

The CCPCAD-NOVA is in force in all of NOVA's spaces and activities, and applies to all workers who are part of its constituent entities, regardless of their legal relationship, to students, visitors, guests and anyone who establishes a legal, commercial or mere collaboration relationship, occasional or long-term, with NOVA.

Article 3rd

General principles

1 - NOVA has a policy of zero tolerance towards harassment and discrimination.

2 - All people who study, work, collaborate or visit NOVA benefit from a safe environment, free from moral and/or sexual harassment and any form of discrimination, in order to allow their full professional and personal development.

3 - Practices or behaviours that constitute, by any means, forms of harassment or discrimination in all NOVA activities, inside or outside its spaces and facilities, in person or virtually, by the people covered by CCPCAD-NOVA, under the terms of Article 2, are expressly prohibited.

Article 4th

Definitions

1 - Harassment is understood to be any behaviour practised in a work or academic context within the scope of NOVA's activities, which has the purpose or the effect, whatever the means adopted, to disturb or embarrass a person, affect their dignity, expose their intimacy or private

life or create an intimidating, hostile, degrading, humiliating or destabilising environment, in accordance with the provisions of Article 29(2) of the Labour Code.

2 –Sexual harassment is understood to be any unwanted behaviour of a sexual nature, in verbal, non-verbal or physical form, with the aim or the effect referred to in the previous number.

3 - Discrimination is understood as any practice, distinction or exclusion which, by reason of ancestry, sex, race, language, place of origin, religion, political or ideological beliefs, education, economic situation, social status, sexual orientation, age, health status, marital status, migrant or refugee status, gender identity, gender expression, or any combination of those factors, has the purpose or the effect of subjecting a person to a less favourable treatment than the one that is, has been or will be given to another person in a comparable situation.

CHAPTER II

INTERNAL PROCEDURE

Article 5th

Complaint

1 - Any person included in the CCPCAD-NOVA, under the terms of Article 2, who considers themselves to be a victim of harassment or discrimination or who has witnessed or has knowledge of practices or behaviours that, by any means, indicate the occurrence of harassment or discrimination in NOVA spaces or activities, may file a complaint.

2 - For the purposes of the previous number, NOVA shall also inform the competent authorities of any harassment or discrimination practices that may constitute a criminal offense under the terms of the law.

3 - Any unfounded or false complaint made with the intention of harming others, or which contains a defamatory or injurious substance, is subject to disciplinary proceedings against the complainant, without prejudice to any penal liability that may be imputable to them under the terms of the law.

Article 6th

Guarantees for whistleblowers and those subject to a complaint

1 - Persons who report situations that may constitute harassment or discrimination shall benefit from the guarantees for whistleblowers provided for under the law and shall be especially protected by NOVA from any type of retaliation, whether attempted or consummated, and have their anonymity ensured.

2 - Retaliatory situations occurring in the context referred to in the previous number are subject to disciplinary proceedings.

3 - The information received is considered confidential and will be treated with special discretion, diligence, care and independence from the hierarchical structure to which the victim or person filing the complaint belongs, in accordance with the provisions of the law and applicable regulations.

4 - Without prejudice to any other applicable guarantees, the person subject to a complaint has the right, in accordance with the law, to access information on the content of the complaint, the right to be heard and the right to present a defence before a decision is made on the allegations against them.

Article 7th

Form, content and means of filing the complaint

- 1 - For the purposes of Article 5(1), the complaint shall be submitted in writing, and the complainant may identify him/herself or submit the complaint anonymously.
- 2 - The complaint submitted must contain a clear, precise, complete and truthful description of the facts that have occurred which may constitute harassment or discrimination, including dates and location, as well as the identification of the persons involved, indicating, whenever possible, any evidence that can document or witness the events.
- 3 - Complaints can be submitted through a dedicated channel available on NOVA's institutional page at www.unl.pt and on the institutional pages of each of NOVA's Schools, and can also be submitted in person at the NOVA Office for Equality and Inclusion in the Rectorate.

Article 8th

Procedure and responsibility

- 1 - Once the complaint has been received, in accordance with Article 5, NOVA shall initiate the appropriate proceedings, based on the factual and evidentiary indications contained therein.
- 2 - For the purposes of the previous number, NOVA will initiate disciplinary proceedings, in accordance with the terms of the law and applicable regulations, whenever there are practices or behaviours that, by any means, indicate the occurrence of harassment or discrimination in NOVA spaces or activities.
- 3 - In addition to the provisions of the previous number, NOVA reserves the right to impute the duties and responsibilities contained in the CCPCAD-NOVA to any person covered by it, in accordance with the provisions of Article 2, regardless of their legal relationship with NOVA, and therefore the contractual and legal consequences provided for shall apply to them.
- 4 - Victims of harassment or discrimination are entitled to compensation for pecuniary and non-pecuniary losses, in accordance with the law.
- 5 - The practice of harassment constitutes a very serious administrative offence, under the terms of Article 29(2) of the Labour Code, without prejudice to a possible criminal liability provided for under the terms of the law.

CHAPTER III

PREVENTION OF HARASSMENT AND DISCRIMINATION

Article 9th

Preventive measures

NOVA's constituent entities are responsible for adopting other measures to prevent harassment and discrimination not provided for in this Code or complementary to those already defined, such as:

- a) Promote awareness activities for the university community to prevent harassment and discrimination;
- b) Promote training on harassment, discrimination and conflict management for all staff, including managers;

- c) Define the appropriate means of publicising and making CCPCAD-NOVA visible to all members of the university community and externally;
- d) Establish partnerships with civil society organisations with experience in harassment or discrimination issues to obtain guidance and best practices;
- e) Define the internal policies necessary to support the CCPCAD-NOVA;
- f) Plan for a support system for potential victims of harassment or discrimination (e.g. psychological support and/or legal counselling).

CHAPTER IV FINAL PROVISIONS

Article 10th

Publicity and dissemination

The CCPCAD-NOVA is publicised to the entire NOVA Community and is available on NOVA's website and on the NOVA Whistleblower's Portal.

Article 11th

Doubts and omissions

Omitted cases and interpretive doubts regarding the CCPCAD-NOVA shall be resolved by the Rector.

Article 12th

Entry into force

This CCPCAD-NOVA shall enter into force on the day following its publication in the Official Gazette.