

Code for the Prevention of Harassment in the Workplace

Key principles and lines of action

Mutual respect for the dignity and diversity of all persons in the workplace has been a constant premise at IE Business School ever since it was founded. IE believes that a workforce comprising people from different places of origin, or with different competences, cultures, genders, sexual orientations or any other trait, is a reality in business organizations and can play a key role in surviving in the corporate world.

IE condemns all forms of harassment and intimidation.

Harassment and intimidation are a problem that could affect us all: faculty, students, staff and all the professionals that work here. Hence this code comprises a series of key principles aimed at providing guidelines on how to act in order to prevent, identify and sanction harassment and thus serve as a reference for the prevention, identification and sanction of any form of harassment and intimidation that might occur in the day-to-day of IE. This code was approved by the IE Executive Committee on the 29th of July 2009.

Definition of unacceptable behavior

Harassment is behavior that is annoying or hostile toward another person. Said conduct could be:

- Sexual harassment:

This is harassment, either verbal or physical, of a sexual nature, with the intention or the effect of undermining the victim's dignity and of creating an intimidating, degrading or offensive situation.

- Moral harassment, bullying or mobbing:

This is systematic and reiterated harassment that takes place over a prolonged period of time, which may be incited by workmates and/or superiors, individuals or groups, and is based on physical and/or psychological actions aimed at making the victim give up his/her position or simply at deriving pleasure from the victim's suffering.

- Harassment on the basis of personal or social circumstance:

This type of harassment comprises bullying behavior of a racist, sexist or homophobic nature, or due to the victim's opinion or any other kind of personal or social circumstance, and is aimed at preventing the full integration of the victim in the workplace or at causing harm in general.

Preventative measures

In order to prevent, discourage and sanction harassment in the business organization, the following measures will be put in place:

A. Communication

The Code for the Prevention of Harassment or Intimidation will be posted on the IE Intranet to inform all members of the IE Community. The code will underscore management's commitment to guarantee a work environment where workers' dignity and freedom are respected.

B. Responsibility

As members of the IE community, employees have the responsibility to ensure the

code is adhered to. Employees have the duty to collaborate with other members of the community to foster an environment that is coherent with the academic and community values set out here. Said responsibility encompasses the following:

- In case of doubt ask the Diversity Commission about how diversity policies should be interpreted.
- Inform the Diversity Commission of situations that could constitute an infraction of the norms set out in this manual.
- Propose improvements in IE procedures related to academic and community norms, including possible corrections to this manual.

Procedure in case of harassment or unacceptable conduct at IE

The Commission will establish mechanisms for reporting harassment. Complaints will be dealt with due care and confidentiality using specific, effective procedures.

Procedure

The procedure will be set in motion at the petition of the worker who has allegedly been harassed, or any person who has witnessed harassment or behavior that contradicts this code and reports said behavior.

1. Incidences should be reported by e-mail or letter addressed to the Diversity Commission, complete with a list of the facts. The e-mail address for reporting such incidences is: ComisiondeDiversidadelgualdad@ie.edu
2. The Diversity Commission will assign a person to study the case and will take the measures it considers appropriate, including the need to inform the Executive Committee and/or the Risk Prevention Service.

The person assigned to the case will proceed as follows:

- Listen, receive, process and investigate any complaint of alleged harassment that is presented in person or in writing.
- Arrange to meet the parties involved, take statements and establish facts.
- Present a report on the results of his/her investigation.
- Propose preventative and corrective method for conflict situations.
- Monitor the results of the agreement and apply further corrective measures, for which purpose he or she may enlist the help of another person.
- Send findings to the Diversity Commission who will keep a register of complaints made, as well as filing reports or any other document presented. Said register will be confidential and access will be limited exclusively to members of the Diversity Commission.
- Collect all documents pertaining to the investigation (documents, testimonies, etc.) in physical format.
- Present a report with proposals of how to resolve the situation or a recommendation that a formal procedure be initiated.

Interviewing the parties involved

In informal procedures the Commission will arrange a meeting with the parties involved, and those persons who can contribute relevant information, within a maximum of 5 days of the verbal or written presentation of the complaint, in order to hold interviews aimed at clarifying the facts and finding a solution based on agreement.

Preparation and content of the report stating the outcome

Once the interview has been held, the Commission will prepare a report, still on an informal basis, within a maximum of 3 working days, to state the results of the investigation and the proposed solution, or a recommendation to open formal proceedings.

The report should contain a succinct description of the facts as told by the interviewees. If a definite clarification of the facts has been achieved, the report will set out the corrective measures aimed at preventing future conflict situations.

The parties involved will be informed of the contents of the report.

Intervention of the external prevention service

When the diversity Commission deems it appropriate it will refer the case to the external prevention service. This may occur as soon as the complaint is lodged, in the course of the investigation, or even after receiving the results report.

Categories of behavior subject to sanction and consequence system

A. Sexual harassment

- a. Behavior of a sexual nature or with sexual connotations.
- b. Unwelcome by the affected person.
- c. Takes place within the work environment.
- d. Includes verbal, written, or gestural actions or physical contact.

Description

- a. Request for sexual favors for oneself or a third party in return for an improvement in work conditions if accepted; and/or a threat of worse work conditions, or dismissal if refused.
- b. Request for sexual favors in the workplace and/or refusal to accept no for an answer.
- c. Reiterated behavior, comments or insinuations of a sexual nature in the workplace.
- d. Behavior described in points b and c, carried out systematically over a prolonged period with the purpose of making the victim leave his or her work.

B. Sexist harassment

- a. Conduct conditioned by a person's sex or sexuality.
- b. Conduct that infringes upon a person's dignity and/or gives rise to an environment of intimidation, degradation or offense.

Description

- a. Blocking access to promotion.
- b. Affecting work conditions, including remuneration and severance.
- c. Discrimination against pregnant workers.
- d. Discrimination against workers who are victims of domestic violence through a reduction or restructuring of working hours, geographic or functional mobility or redundancy.

C. Harassment on the basis of personal or social circumstance

This section covers all forms of harassment that can be attributed to the victim's race, gender, sexual orientation, religion, opinion or any other personal or social circumstance, aimed at making it difficult for the victim to integrate, causing distress, or creating an intimidating atmosphere.

Description

- a. Treating a worker in a less pleasant manner than another in a comparable situation, because of their race, religion, ethnicity, etc.
- b. Placing workers of a specific race, ethnicity, gender, etc. at a disadvantage with regard to others, when said action, criteria or practice can be objectively justified.
- c. Discriminating against workers for exercising their rights with regard to paternity, adoption or reduction of working hours, restructuring of work schedule, or leaves of absence.
- d. Discriminating against workers following their reintegration to the workplace after periods of leave due to maternity, adoption or paternity, providing that no more than 9 months has passed since the birth or adoption of their child.

D. Moral harassment, bullying or mobbing

Moral harassment can be said to refer to a situation in which a person or group of persons behave in a hostile or intimidating manner toward another or others:

- a. Systematically (at least once a week),
- b. Over an extended period (more than 6 months),
- c. In the workplace or extension thereof.

Description

a. Organizational

- When a superior restricts the opportunities a subordinate has to talk.
- Changes in the location of a person designed to separate him or her from colleagues.

- Prohibiting colleagues from speaking to a particular person.
- Obliging someone to carry out work that goes against their beliefs or conscience.
- Judging performance in an offensive manner.
- Systematically and obviously questioning the decisions made by a particular person.
- Not assigning certain types of work to a person.
- Assigning degrading work.

b. Social relations / social isolation

- Preventing colleagues from speaking with a particular person.
- Refusing communication with a person by using looks and gestures.
- Refusing communication with a person by having no direct communication with him/her.
- Not speaking to a person.
- Treating a person as if he/she did not exist.

c. Private life

- Systematic criticism of a person's private life.
- Telephone campaigns.
- Ridiculing a person.
- Insinuating that a person has psychological problems.
- Mocking a person's disabilities.
- Mimicking a person's gestures, voice, etc.
- Mocking any aspect of a person's private life.

d. Physical violence

- Threats of physical violence.
- Use of any form of violence.
- Physical abuse.

e. Attacking a person's beliefs

- Attacks on someone's political opinions and beliefs.
- Attacks on a person's religious opinions and beliefs

f. Verbal aggression

- Insults
- Continuous criticism of a person's work.
- Verbal threats.
- Spreading of unfounded rumors
- Negative comments of a personal nature.

Sanctions

Sanctions applied for breaches of this code will be decided by IE management, and will be based on the type and seriousness of the act and harm caused. Sanctions will be in accordance with Spain's disciplinary regime and sanctions law as stated in article 35 of the Collective Agreement of Private Universities, Private University Centers and Centers of Postgraduate Education.

Precautionary measures

In cases of serious or very serious breaches of the code, and when there is sufficient proof of harassment, the Commission will propose the following to company management as a precautionary measure:

1. Separation of the alleged victim and the alleged harasser during the period of consideration of the facts.
2. Any other precautionary measure deemed appropriate and/or relevant to the circumstances of the case at hand.

False accusations

Accusations which, on completion of an investigation, have been found to be manifestly false, will also be considered as serious breaches of the code.