



Educational Institute	American University of Malta
Policy Title:	Prevention of Harassment Bullying and Discrimination Policy (PHBAD)
Policy Ref:	VER4-HBAD
Effective Date:	16-07-2024
Responsible Office	HBAD Committee
Responsible Executive(s)	VP Administration, VP Finance, Provost, HRM, Director of Student Affairs, Counsellor

Scope:

The university's Prevention of Harassment, Bullying, and Discrimination Policy is designed to foster a safe, respectful, and inclusive environment free from toxic behaviours that could harm students' mental health and well-being. This comprehensive policy applies to all members of the AUM community, encompassing both on-campus and off-campus activities, including digital communications and personal interactions.

It aims to prevent and address harassment, bullying, and discrimination based on protected characteristics such as race, gender, sexual orientation, disability, age, religion, and national origin. The policy outlines clear definitions, reporting mechanisms, and investigative procedures, ensuring that all complaints are handled promptly, fairly, and confidentially.

By enforcing this policy, the university remains steadfastly committed to upholding the principles of equity, dignity, and mutual respect, thereby enhancing the overall mental health and well-being and success of its community members.

Guiding Principles:

Commitment by the University to provide a Safe Environment for all students.

Provide a learning environment free from harassment, bullying, and discrimination. Education, articulation, and prevention are central to this commitment to ensure all AUM community members are treated with equity, respect, and dignity.

Objectives:

Dignity and Development:

To secure the dignity and personal development of students concerning harassment, bullying, and discrimination.

Education and Awareness:

To inform and educate students about preventing harassment, bullying and discrimination and being accountable for same at AUM.

Redress:

To provide redress for victims of harassment, bullying, and discrimination without fear of victimization or retaliation.

Definition of Terms:

Harassment and Bullying:

Harassment and bullying are defined as conduct, gestures, or comments that insult, intimidate, humiliate, hurt, degrade, exclude or offend an individual or group, creating a hostile or intimidating environment.

Physical Conduct:

Unwelcome physical contact.

Verbal Conduct:

Unwelcome remarks about personal attributes, insensitive jokes, offensive remarks, slander, personal insults, persistent criticism, threats, and abuse of power.

Non-Verbal Conduct:

Isolation, mobbing, obscene gestures, setting impossible deadlines, non-cooperation, exclusion, offensive photography, and racist propaganda.

Sexual Harassment:

Sexual harassment is unwelcome and unlawful under *the Equality for Men and Women Act, 2003* (Chapter 456 of the Laws of Malta) and under *The Employment and Industrial Relations Act, 2002* (Chapter 452) of the Laws of Malta. It includes physical intimacy, requests for sexual favours, and conduct with sexual connotations that are unwelcome and offensive.

If a case of sexual harassment is proven, it could lead to both a civil and a criminal offence. These include but are not limited to physical molestation or sexual assault, indecent exposure, and obscene communications (telephone calls, email, social media etc.)

It must always be remembered what one person views as acceptable behaviour another person might define as unacceptable so to prevent same the university has adopted the employment and industrial relations act, chapter 452 of the laws of Malta hereinafter referred to as EIRA and is applicable to all students.

Bullying:

Bullying involves expressing power through humiliation. It includes physical, verbal, relational, and cyberbullying behaviours aimed at intimidating or demeaning others.

Discrimination:

Discriminatory treatment involves any unjustifiable distinction, exclusion, or restriction based on marital status, pregnancy, gender, sexual orientation, colour, race, ethnicity, creed, disability, religious conviction, political opinion, or trade union membership.

Prohibition of Harassment Bullying and Discrimination:

AUM prohibits discrimination in alignment with the equal treatment of persons order as stated through legal notice eighty-five 2007, Maltese law, ensuring a discrimination-free environment for students.

Legal Framework:

The Employment and Industrial Relations Act (Chapter 452 of the Laws of Malta) considers harassment as a severe violation of personal dignity. AUM upholds these principles, condemning all forms of harassment and ensuring the well-being and dignity of its community members.

Respect and Equality:

AUM is committed to equality and condemns harassment and discrimination based on gender, marital status, family responsibilities, race, nationality, ethnicity, disability, sexual orientation, age, religion, political opinion, or union membership.

Impact of Harassment and Discrimination:

Harassment and Discrimination are toxic behaviours can cause emotional and physical stress, affecting performance and morale. AUM takes reports of harassment and Discrimination seriously, investigates thoroughly, and provides counselling if called for.

Legal Implications:

Criminal Consequences:

Sexual harassment is punishable by fines or imprisonment as stated in Article 251A (4) of the Criminal Code, Chapter 9 of the Laws of Malta.

Legal Redress:

Complainants may seek legal redress through criminal proceedings by lodging a complaint before the National Commission for the Promotion of Equality (NCPE), and or pursuing a civil action for damages.

Responses and Remedies:

Responses to harassment and bullying must be proper to the behaviour and provide constructive remedies. Investigations must be fair and allow adequate opportunity for all parties to present their cases.

Grievance Procedures:

Procedures are in place to manage complaints of harassment, bullying, and discrimination, ensuring fairness and justice and conducted through the HBAD Committee.

Case Advisor

A Case Advisor is a trained senior AUM official, who will help in deciding the basis for a complaint and guide the process accordingly.

Informal and Formal Routes:

Complainants may choose between informal and formal routes to resolve their complaints, with informal resolution encouraged but not mandatory.

Complaints:

Complaints can be addressed to line managers, the Provost, HR, and the Director of Student Affairs. Complainants are encouraged to request directly that the offensive behaviour ceases or seek informal resolution.

Informal Procedures:

Informal procedures are confidential and involve the Case Advisor investigating the complaint and helping resolution.

Formal Procedures:

If informal procedures are unsuccessful, formal procedures will involve the Case Advisor sending the complaint to the HBAD committee who will review and hear the case and recommend the necessary action and closure of same within ten days.

7. Application:

This policy applies to harassment, bullying, and discrimination cases involving the AUM Community.

Advice and Assistance:

Students will be made aware of the Prevention Harassment, Bullying and Discrimination Policy through the distribution of this Policy document via email and through twice yearly Orientation sessions conducted by the Office of Student Affairs.

References informing this Policy:

Equality for Men and Women Act, 2003 (Chapter 456 of the Laws of Malta) and under The Employment and Industrial Relations Act, 2002 (Chapter 452) of the Laws of Malta

263565 Discrimination (gov.mt)

Equality and Non-Discrimination (gov.mt)

https://ncpe.gov.mt/wp-content/uploads/2023/06/owners_en.pdf

Subsidiary legislation 452.89 Employment and Industrial Relations Interpretation Order implemented through L.N. 297 of 2003

Subsidiary Legislation 452.95 Equal Treatment in Employment Regulations implemented through L.N. 461 Of 2004 and L.N. 274 of 2014

Equality for Men and Women Act (CAP 456) of 2003 as amended through ACT No. IX of 2012 and ACT No. XI of 2015 which introduced the grounds of sexual orientation, gender identity, gender expression and sex characteristics as protected grounds.

Last reviewed by the Director of Student Affairs July 2024