



UMFCD-DGSU-PiULM-R-28-03/12/2024

## **Regulation on the Prevention and Combating of Harassment on the Grounds of Sex and Moral Harassment in the Workplace within the University of Medicine and Pharmacy "Carol Davila" Bucharest**

### **Chapter 1. Guiding Principles**

#### **Art. 1**

By adopting and implementing the provisions of the Regulation on the Prevention and Combating of Harassment on the Grounds of Sex and Moral Harassment in the Workplace, hereinafter referred to as the Regulation, the University of Medicine and Pharmacy "Carol Davila" Bucharest (UMFCD) 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, non-contagious chronic disease, HIV infection, membership of a disadvantaged group, or on the basis of any other criterion that aims to or results in restricting or removing the recognition, enjoyment or exercise, on an equal basis, of human rights and fundamental freedoms or rights recognised by law, in the political, economic, social and cultural domains or in any other areas 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, being considered a violation of human dignity and the creation of an intimidating, hostile, degrading, humiliating or offensive environment.

#### **Art. 3**

UMFCD shall apply a zero-tolerance policy towards sex-based harassment and moral harassment in the workplace, shall treat all incidents seriously and promptly, and shall investigate all allegations of harassment.

#### **Art. 4**

(1) Within UMFCD, any person found to have harassed another person shall be subject to disciplinary sanctions, which may include dismissal from employment.



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(2) The application of any disciplinary sanction shall be carried out in accordance with the provisions of Law No. 53/2003 – the Labour Code, republished, with subsequent amendments and additions.

## **Art. 5**

At UMFCF level, the management of the institution shall ensure a safe environment for all employees, in which all complaints of sex-based harassment and moral harassment in the workplace shall be treated seriously, promptly and in conditions of confidentiality.

## **Art. 6**

Throughout the complaint investigation process, all persons involved shall be heard and treated with respect and consideration, ensuring the protection of identity data in order to protect employees.

## **Art. 7**

Harassment and sex-based harassment are contrary to the principle of equal treatment between men and women and constitute forms of discrimination. These forms of discrimination manifest not only at the workplace but also with regard to access to employment, vocational training and promotion.

## **Art. 8**

Heads of functional structures within UMFCF and persons responsible for vocational training shall be encouraged to take measures to combat all forms of discrimination on the grounds of sex and, in particular, to take preventive measures against harassment and sexual harassment at the workplace and with regard to access to employment, vocational training and promotion, in accordance with national law and national practices.

## **Chapter 2. 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 considered a form of discrimination when unwanted conduct related to a prohibited ground 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 5 July 2006 on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation (recast).



#### **Art. 10**

National legislation:

- (a) Law No. 202/2002 on equal opportunities and equal treatment between women and men, republished, with subsequent amendments and additions;
- (b) Law No. 53/2003 – the Labour Code, republished, with subsequent amendments and additions;
- (c) Law No. 286/2009 on the Criminal Code, with subsequent amendments and additions;
- (e) Government Ordinance No. 137/2000 on the prevention and sanctioning of all forms of discrimination, republished, with subsequent amendments and additions;
- (f) Government Decision No. 262/2019 approving the Methodological Norms for the implementation of Law No. 202/2002 on equal opportunities and equal treatment between women and men;
- (g) Government Decision No. 970/2023 approving the Methodology on the prevention and combating of sex-based harassment and moral harassment in the workplace.

### **Chapter 3. Purpose and Objectives**

#### **Art. 11**

The purpose of this Regulation is to provide UMFCF employees with the instruments necessary for the full exercise of individual rights and freedoms in the work environment.

#### **Art. 12**

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

### **Chapter 4. Applicability**

#### **Art. 13**

The provisions of the Regulation shall apply to all employees, as well as to persons with whom they interact during working hours.

#### **Art. 14**

- (1) Harassment may occur both between persons of different sexes and between persons of the same sex.



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(2) In situations where actions take place that are contrary to legal, ethical and professional conduct in the workplace and that are unwelcome or not well received by the recipient, the measures provided for in the Regulation shall be applied.

## Art. 15

(1) Harassment is a manifestation of power relations and may also be recorded in cases of unequal relations in the workplace, for example between the management of the institution and employees, but not exclusively.

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

## Art. 16

Any type of harassment is prohibited, both at the workplace and outside it, when attending various events, business trips, training sessions or conferences, including in relation to the beneficiaries of the institution.

## Chapter 5. Definitions

### Art. 17

For the purposes of this Regulation, the terms and expressions below have the following meanings:

- a) Harassment Complaints and Resolution Commission = the commission designated by the Rector of UMFCF by Decision to investigate and resolve complaints/notifications regarding harassment;
- b) Confidentiality = that security attribute by which access of unauthorised users to certain information is blocked, representing a prohibition and at the same time an exception to the normal use of information;
- c) Personal data = any information relating to an identified or identifiable natural person ('data subject'); an identifiable natural person is one 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 the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person;
- d) Competent court = the judicial body competent to hear the dispute regarding the complaint made by any employee of UMFCF who has been subjected to harassment;
- e) Employee interview report = the document drawn up on the occasion of hearing the employee with regard to the alleged acts committed or of which he/she has knowledge that they have been committed;
- f) Case report = the document drawn up prior to the investigation in order to register and manage complaints/notifications regarding harassment;



g) Final report = the document drawn up upon completion of the investigation and resolution process of complaints/notifications regarding harassment, by which the Commission informs the Rector of UMFCF in detail of the results of the investigation, findings and proposed measures;

h) Disciplinary sanctions = "means of coercion provided for by law, aiming to defend disciplinary order, develop the spirit of responsibility for the conscientious fulfilment of service duties and the observance of standards of conduct, as well as the prevention of acts of indiscipline";

#### **Art. 18 – Definition of the concept of harassment**

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

(2) Harassment includes situations in which a person is requested to engage in sexual activities as a condition of their 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, constituting physical, verbal and non-verbal harassment.

(4) Within the meaning of Law No. 202/2002 on equal opportunities and equal treatment between women and men, with subsequent amendments and additions:

– harassment means the situation in which unwanted conduct related to the sex of a person occurs, having as its object or effect the violation of the dignity of the person concerned and the creation of an intimidating, hostile, degrading, humiliating or offensive environment;

– sexual harassment means the situation in which unwanted conduct of a sexual nature, expressed physically, verbally or non-verbally, occurs, having as its object or effect the violation of the dignity of a person and, in particular, the creation of an intimidating, hostile, degrading, humiliating or offensive environment;

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

#### **Art. 19 – Examples of harassment**

Examples of conduct or behaviours that constitute harassment in the workplace include, but are not limited to:

1. Physical conduct – repeated unwanted physical contact (inappropriate touching of the body), physical violence (including sexual assault), the use of threats or rewards related to the workplace in order to solicit sexual favours.



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2. Verbal conduct: comments about an employee's appearance, age or personal life, sexual comments, stories and jokes of a sexual nature, sexual advances, repeated and unwanted social invitations to dates or physical intimacy, insults related to the employee's sex or other characteristics, excessively familiar remarks, sending humiliating, degrading, sexually explicit messages by telephone, e-mail or any other means of communication, if these are made in a systematic/repeated manner and if they pursue, result in or are likely to lead to physical, psychological or sexual harm.

3. Non-verbal conduct: display of suggestive or sexually explicit material; sexually suggestive gestures, whistling, persistent staring, if these are done in a systematic/repeated manner.

4. Moral harassment in the workplace, within the meaning of Government Ordinance No. 137/2000 on the prevention and sanctioning of all forms of discrimination, republished, with subsequent amendments and additions:

a. Any conduct exercised towards an employee by another employee who is their hierarchical superior, by a subordinate and/or by a hierarchically comparable employee, in connection with employment relations, which has as its purpose or effect a deterioration of working conditions by violating the rights or dignity of the employee, by affecting their physical or mental health or by compromising their professional future, conduct manifested in any of the following forms:

- i. hostile or unwanted conduct;
- ii. verbal comments;
- iii. actions or gestures;

b. Any conduct which, by its systematic nature, can affect the dignity, physical or mental integrity of an employee or group of employees, endangering their work or degrading the working climate, including stress and physical exhaustion.

(e) Other examples:

- a. displaying or disseminating offensive or indecent material;
- b. insinuations, insults or obscene or sexist/racist/homophobic remarks made in a systematic/repeated manner;
- c. use of offensive language to describe a person with a disability or mocking a person with a disability;
- d. comments about a person's physical appearance or character of a nature to cause embarrassment or distress;
- e. unwanted attention, such as spying, permanent surveillance, harassment, excessively familiar conduct or unwanted verbal or physical attention;
- f. making or sending repeatedly: phone calls, text messages, e-mails, messages on social networks, faxes or unwanted letters with sexual, hostile connotations or affecting a person's privacy;



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- g. unjustified, inopportune 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 their culture or religion;
- h. unwanted sexual advances, repeated requests for a date, or threats;
- i. suggestions that sexual favours may bring a person professional advancement or that, if they do not grant them, their career will suffer.

## Art. 20

Examples of attitudes that are legitimate in the employment relationship, being prerogatives of the employer, and do not constitute harassment:

- (a) directly supervising employees, including setting performance expectations and providing feedback on work performance;
- (b) taking measures to correct performance deficiencies, such as placing an employee on a performance improvement plan;
- (c) taking reasonable disciplinary measures;
- (d) giving directives related to duties, how and when work should be done;
- (e) requesting updates or reports;
- (f) approving or refusing requests for time off.

## Chapter 6. Roles and Responsibilities

### Section 1. Establishment and Composition of the Harassment Complaints and Resolution Commission

#### Art. 21

- (1) The Rector of UMFCD, through the relevant structures, as the case may be:
  - (a) ensures that the provisions of the Regulation are brought to the attention of employees through the University's communication channels;
  - (b) ensures the involvement of all employees in eliminating situations of sex-based harassment and moral harassment in the workplace, by creating a pragmatic approach to managing this type of situation;
  - (c) ensures the creation of all necessary instruments so that all situations of inappropriate conduct are reported and resolved, without relying solely on formal or informal complaints submitted by employees;
  - (d) ensures that incidents alleging harassment are investigated with the utmost seriousness and reported in accordance with the legal norms in force;



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(e) ensures that employees are aware that they will be heard in the situations they report, that they have no constraints of any nature for communicating the facts, and that the situations presented are confidential and analysed with due attention;

(f) ensures the establishment of the Case Register, where complaints/notifications shall be recorded; the register shall contain registration number, stage of harassment, and solutions identified;

(g) initiates all necessary actions to ensure that all employees found guilty of confirmed cases of harassment are sanctioned in accordance with legal provisions and ensures all victim protection measures.

(2) The Rector of UMFC D establishes, by administrative act, a commission for the receipt and resolution of complaints/notifications.

## **Art. 22**

(1) By administrative act, the Rector of UMFC D appoints the Harassment Complaints and Resolution Commission, hereinafter referred to as the Commission.

(2) Upon appointment, members of the Harassment Complaints and Resolution Commission and the secretary of the commission shall sign a confidentiality agreement (Annex No. 1 to this Regulation) under the sanctions of the provisions of Art. 26(2) and Art. 39(2)(f) of Law No. 53/2003 – the Labour Code, republished, with subsequent amendments and additions, corroborated with the provisions of Art. 227(1) of Law No. 286/2009 on the Criminal Code, with subsequent amendments and additions.

## **Art. 23**

When nominating the Harassment Complaints and Resolution Commission, account shall be taken of:

1. gender balance – equal representation of women/men, depending on the specific nature of the field of activity;
2. the ethical and professional conduct of the persons designated to be part of the commission that will investigate the harassment case;
3. no person directly or indirectly involved in the reported events, nor the head of the institution, may be a member of the investigating commission;
4. the commission includes the trade union representative or that of the employees, as the case may be;
5. the need to include persons with competence in the field, namely equal opportunities expert/technician/officer;
6. the possibility of introducing an external expert into the team.

## **Art. 24**

(1) The Harassment Complaints and Resolution Commission shall be composed of at least 3 full members and one alternate member.



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(2) Full members of the Commission within UMFCF are designated as

follows:

- (a) 2 members, management staff;
  - (b) 1 member, staff from the human resources structure;
  - (c) 1 member representing the legal structure;
  - (d) 1 member, trade union or employee representative.
- (3) The table with the commission members and their functions shall be displayed within the institution and disseminated to all employees, according to the model provided in Annex No. 2.
- (4) The Rector of UMFCF may not be a member of the commission, except in situations where their presence is mandatory (for example, as the hierarchical superior of the alleged harasser).

## Section 2. Duties of the Harassment Complaints and Resolution Commission

### Art. 25

(1) The Harassment Complaints and Resolution Commission is a deliberative structure, without legal personality, independent in the exercise of its assigned duties, which has the competence to investigate the alleged reported acts of harassment and to propose, if guilt is established, one of the disciplinary sanctions provided for by law.

(2) The commission's activity is based on the following principles:

- a. Presumption of innocence, according to which the employee is presumed innocent as long as guilt has not been proven;
- b. Guarantee of the right to a defence, according to which the employee's right to be interviewed, to present evidence in their defence and to be assisted is recognised;
- c. Expedient procedure, which entails the commission's obligation to proceed without delay to resolving the case, with respect for the rights of the persons involved and the rules provided for by law and this Regulation;
- d. Adversarial proceedings, which entail ensuring the possibility for persons in conflicting positions to express their views on any act or fact connected with the disciplinary misconduct for which the Commission has been notified;
- e. Proportionality, according to which a correct balance must be maintained between the seriousness of the act for which the commission was notified, the circumstances of its commission and the proposed disciplinary sanction to be applied;
- f. Legality of the sanction, according to which the commission may only propose the disciplinary sanctions provided for by law;
- g. Uniqueness of the sanction, according to which only one disciplinary sanction may be applied for a disciplinary misconduct;



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h. Obligation to give an opinion, according to which members of the commission are obliged to issue a reasoned opinion for each notification before the commission.

## Art. 26

(1) The Commission has the following duties:

7. provides information to any employee regarding current policies and legislation;
8. provides support and counselling to employees affected by a harassment incident, the situations reported being confidential and analysed with due attention;
9. participates directly in the resolution of complaints made by employees in connection with situations of inappropriate conduct, regardless of whether these complaints are formal or informal;
10. reports to the Rector all harassment-type situations brought to its attention;
11. cooperates with employees in all situations in which they are requested to provide relevant information for the resolution of a harassment case;
12. manages the complaint resolution and/or disciplinary measure processes together with UMFCF management.

(2) The president of the commission has the following main duties:

13. determines the place, date and time of the commission's meetings;
14. chairs the commission's meetings;
15. coordinates the activities of the commission and its secretary;
16. represents the commission before the Rector of UMFCF, other public authorities or institutions, and before any other natural or legal persons.

(3) The commission shall have a secretary with the following duties:

17. receiving and registering complaints/notifications in the commission's special register;
18. convening the commission at the request of the president;
19. summoning the person whose alleged act forms the subject of the file and the persons to be interviewed;
20. drafting the minutes, reports and responses prepared within the commission;
21. keeping documents drawn up/managed, both in electronic format and on paper.

## Art. 27

(1) The mandate of a commission member shall be suspended by operation of law in the following situations:

- (a) the member has been seconded/delegated to another public institution/authority;
- (b) the member has committed an act that is the subject of the commission's complaint/notification;
- (c) the member has expressed an opinion in any manner regarding the reported act, prior to resolving the case;



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(d) the member is directly or indirectly involved in the reported events;

(e) criminal prosecution has been initiated against the respective member.

(2) The suspension of a commission member's mandate shall be established by the commission's report, which shall be brought to the attention of the Rector of UMFCF immediately.

## **Art. 28**

(1) The mandate of a commission member shall cease before its term in the following situations:

(a) by renouncing membership;

(b) by termination of service/employment relations under the conditions provided for, as the case may be, by Emergency Government Ordinance No. 57/2019 on the Administrative Code, with subsequent amendments and additions, or Law No. 53/2003 – the Labour Code, republished, with subsequent amendments and additions;

(c) by the application of a disciplinary sanction.

(2) The request to renounce membership shall be submitted to the president of the commission and takes effect after 5 days from registration, unless the president, by mutual agreement with the applicant, has set a shorter period;

(3) The cessation of a commission member's mandate shall be established by a report of the president, which shall be brought to the attention of the Rector of UMFCF immediately.

## **Art. 29**

In the event of suspension or cessation of a commission member's mandate, their duties shall be exercised by the alternate member and the procedure for appointing a new alternate member shall be initiated.

## **Art. 30**

(1) The Commission shall use adequate security measures to prevent unauthorised access to the personal data and confidential information of the victim, regardless of whether these are communicated on paper, electronically or verbally. The nature of these security measures depends on the level of confidentiality of the information involved.

(2) Access to computers where the personal data and confidential information of the victim are stored, as well as the documentation resulting from the commission's activity, is restricted by individual access codes: username and password.

(3) Documentation resulting from the Commission's activity in paper format is kept in secure cabinets.

(4) Access to and transport of the documents referred to in para. (3) shall be carried out only by the president, members or secretary of the Commission.

(5) Any attempt at unauthorised access to the documents referred to in para. (3) must be reported immediately to UMFCF management.



## Chapter 7. Complaint/Notification and Resolution Procedure

### Art. 31

The complaint/notification and resolution procedures carried out at UMFCF level are administrative in nature.

### Art. 32 – Informal Procedure

(1) Employees who are subjected to harassment should, if possible, inform the alleged harasser that they perceive the conduct in question as unwanted and disturbing.

(2) Harassment situations may arise in unequal relations, i.e. between a person in a management position and a person in an execution position.

(3) There may also be situations in which it is not possible for the victim to inform the alleged harasser that they perceive the conduct in question as unwanted and disturbing, for example the alleged harasser may be the person designated to manage harassment cases or the victim's superior.

(4) If a victim cannot directly approach an alleged harasser, they shall approach the alleged harasser's hierarchical superior about the unwanted and disturbing conduct.

(5) They shall also communicate with another representative in a management role within UMFCF/the employees' representative or trade union representative. In this context, the persons mentioned above shall ensure that the victim is appropriately informed so that the informal choice of resolving the problem does not exclude the possibility that the victim may also wish for a formal resolution, should the harassment continue.

### Art. 33 – Formal Procedure

(1) When the Harassment Complaints and Resolution Commission receives a harassment complaint/notification, it must:

22. register the complaint/notification and relevant information in the Register;
23. ensure that the victim understands the procedures for resolving the complaint/notification;
24. maintain a confidential record of all discussions;
25. respect the victim's choice;
26. ensure that the victim knows that they may also submit a complaint/notification to other institutions that have competence in the field of harassment.

(2) During the complaint/notification resolution procedure, the victim has the right to benefit from the support of an advisor within the institution/employer.

(3) The victim may be assisted by a trade union or employee representative during the complaint/notification resolution procedure.



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(4) The Commission shall ensure that the victim is informed about the possibility of requesting legal or psychological counselling.

## **Art. 34**

The stages of the formal procedure for conducting an investigation into a harassment case are as follows:

- a) Filing the complaint/notification
- b) The case report
- c) The investigation
- d) Resolution of the complaint/notification
- e) External complaint/notification

## **Art. 35 – Step 1: Filing the Complaint/Notification**

(1) The complaint/notification may be submitted by the victim in written form (handwritten or electronic, but mandatorily signed by the victim, with respect for the protection of identity data in order to ensure their protection) or verbally (discussion with the responsible persons, following which minutes shall be drawn up).

(2) The written complaint/notification shall be submitted in person to the commission.

## **Art. 36 – Step 2: The Case Report**

(1) The commission that has received the complaint/notification shall proceed to draw up a case report that shall include:

1. Data from the complaint – all relevant information provided in the complaint shall be immediately recorded: the dates, times and facts of the incident(s).
2. Data resulting from the guidance and counselling process for the victim – the notified commission must:
  - a) communicate to the victim the resolution options and analyse their requests, clarify the victim's views regarding the desired outcome and record the decision taken;
  - b) guide them towards psychological and legal counselling and record the proposed and agreed measure;
  - c) ensure that a confidential register is maintained about the conduct of the investigation.
3. Data resulting from the hearing and counselling process for the person alleged to have committed acts of harassment – the notified commission must:
  - a) offer the alleged harasser the opportunity to respond to the complaint;
  - b) ensure that the alleged harasser understands the complaint mechanism;
  - c) inform the alleged harasser about the institution's policy on harassment, sexual harassment, and about national legislation in the field;
  - d) inform the alleged harasser about possible sanctions;



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e) facilitate, if necessary and only with the prior consent of the victim,

discussions between the two parties;

f) ensure that a confidential register is maintained about the conduct of the investigation.

(2) The case report shall be drawn up within a maximum of 7 working days from the filing of the complaint/notification.

(3) Through the case report, the commission proposes to the Rector of UMFCF, if necessary, victim protection measures in compliance with legal provisions.

### **Art. 37 – Step 3: The Investigation**

(1) The case report is forwarded, depending on the measures taken, to: the human resources department/the Rector of UMFCF/the equal opportunities expert/the ethics advisor.

(2) During the investigation, the Commission must:

a) interview the victim and the accused person separately;

b) interview other relevant third parties separately;

c) draw up an investigation report that includes the notification, investigations, findings and measures taken;

d) in cases where the acts have occurred, propose resolution methods for the notification, taking into account the appropriate solution for the victim, through consultation with the victim;

e) in cases where it cannot determine whether the acts occurred or not, make recommendations to ensure that the working climate is not affected, namely: information, awareness, support groups;

f) keep a record of all actions taken;

g) ensure the preservation of confidentiality of all records relating to the investigated case;

h) ensure that the complaint/notification resolution process is completed no later than 45 working days from the date on which the complaint/notification was made.

### **Art. 38 – Resolution of the Complaint/Notification**

(1) Resolution of the complaint/notification represents the final stage of the procedure, in which the commission draws up a final report detailing the investigations, findings and proposed measures, as appropriate, which it shall forward to the Rector of UMFCF.

(2) Following the administration of evidence, the commission members shall draw up a final report that includes the notification, investigations, the results of the research activity carried out by the commission, the findings and the measures taken.

(3) In cases where the acts have occurred, the commission members propose resolution methods for the notification, taking into account the appropriate solution for the victim, through consultation with the victim.

(4) The final report on the case referred to the commission must contain at least the following elements:



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- a. the registration number and date of the complaint/notification;
- b. the name and surname of the employee whose alleged act was investigated, as well as the functional structure in which they carry out their activity;
- c. the name and surname of the person who reported the alleged act, as well as those of the persons interviewed;
- d. the presentation of the reported act and the circumstances in which it was committed;
- e. the evidence administered;
- f. the proposal regarding the applicable disciplinary sanction or, as the case may be, the dismissal of the case;
- g. the reasoning for the proposal;
- h. in cases where it cannot determine whether the acts occurred or not, contains recommendations to ensure that the working climate is not affected, namely: information, awareness, support groups;
- i. the names, surnames and signatures of the president, members of the commission and its secretary;
- j. the date the final report was drawn up.

(5) Separate opinions, formulated in writing and reasoned, shall be annexed to the final report.

(6) The final report shall be forwarded to the Rector of UMFC D within 3 days from the date of the commission's last session.

## **Art. 39 – External Complaint/Notification**

(1) An employee who has been subjected to harassment may also submit a complaint to other institutions that have competence in the field of harassment.

(2) The complaints referred to in para. 1 may be made in accordance with the provisions of Law No. 202/2002, republished, with subsequent amendments and additions, to:

- the territorial labour inspectorate;
- the National Council for Combating Discrimination;
- the courts of law;
- the criminal investigation authorities if the harassment is so serious that it falls within the forms provided for by the Criminal Code.

## **Chapter 8. Sanctions**

### **Art. 40**

Any person who, following the completion of the complaint/notification procedure, has been found guilty of harassment may be subject to the sanctions provided for by:



# UNIVERSITATEA DE MEDICINĂ ȘI FARMACIE "CAROL DAVILA" din BUCUREȘTI



Str. Dionisie Lupu nr. 37, Sector 2, București, 020021 România, [www.umfcd.ro](http://www.umfcd.ro), email: [rectorat@umfcd.ro](mailto:rectorat@umfcd.ro)

– Law No. 53/2003 – the Labour Code, republished, with subsequent amendments and additions;

- Law No. 286/2009 on the Criminal Code, with subsequent amendments and additions;
- Government Ordinance No. 137/2000 on the prevention and sanctioning of all forms of discrimination, republished, with subsequent amendments and additions.

## Art. 41

(1) The nature of the sanctions provided for in Art. 40 shall depend on the seriousness and extent of the acts of harassment. Proportionate sanctions shall be applied to ensure that harassment incidents are not treated as normal/tolerable behaviour.

(2) The sanctions applicable to the head of the institution are found 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 proportionally to the seriousness of the acts.

## Chapter 9. Monitoring and Evaluation

### Art. 42

The Rector of UMFC D is aware of the importance of monitoring this Regulation on the prevention and combating of sex-based harassment and moral harassment in the workplace and shall ensure its implementation.

### Art. 43

The heads of the directorates, services and departments within UMFC D and the commission for receiving and resolving harassment cases shall monitor and report to the management of the institution 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 preceding year, including the number of incidents recorded and the manner in which these were resolved, as well as the recommendations made.

## Annex No. 1

### NON-DISCLOSURE AND CONFIDENTIALITY AGREEMENT

I, the undersigned (a) \_\_\_\_\_ born in the locality \_\_\_\_\_ county \_\_\_\_\_ on \_\_\_\_\_ holder of Identity Card series \_\_\_\_, no. \_\_\_\_, issued by \_\_\_\_\_ on \_\_\_\_\_ with permanent residence in the locality \_\_\_\_\_, county/sector \_\_\_\_\_



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\_\_\_\_\_ street \_\_\_\_\_, no. \_\_\_\_\_,  
block \_\_\_\_\_, staircase \_\_\_\_\_, floor \_\_\_\_\_, apartment \_\_\_\_\_, employed by the University of Medicine and Pharmacy "Carol Davila" Bucharest as a member of the Harassment Complaints and Resolution Commission on the grounds of sex and moral harassment in the workplace, have been informed of the specific nature of the activity I will carry out and have taken note of the fact that the public institution is a personal data operator as defined by Regulation (EU) 2016/679 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).

I undertake to strictly maintain the integrity and confidentiality of all personal data and information with confidential status entrusted to me or to which I will have access in order to fulfil my duties within the Harassment Complaints and Resolution Commission on the grounds of sex and moral harassment in the workplace, to fully comply with the principles and rules regarding the processing of information, personal data and documents.

I will not use these data for personal purposes, I will not store the data on personal devices and I will not transmit them to unauthorised persons.

I have taken note that the obligation of confidentiality applies to the Commission's work under the sanctions of Art. 26 para. 2 and para. 2 lit. f of Law 53/2003 – the Labour Code, republished with subsequent amendments and additions, corroborated with the provisions of Art. 227 para. 1 of Law No. 286/2009 on the Criminal Code with subsequent amendments and additions.

Date

Signature

### Annex No. 2

#### NOMINAL TABLE OF MEMBERS OF THE HARASSMENT COMPLAINTS AND RESOLUTION COMMISSION

Commission designated by the Rector of UMFCDD Decision No. .... dated .....

Members of the Commission:

1. President – Management staff – email: ....@umfcd.ro



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2. Member – Management staff

3. Member – Human Resources
4. Member – Legal
5. Member – Trade union/employee representative

## Annex No. 3

### CASE REGISTER (PHYSICAL AND ELECTRONIC)

(Register contains: Sequential number | Name and Surname | Complaint/Notification Number |  
Brief Content | Observations)