

Pursuant to Articles 45 and 47 of the Employment Relationships Act (Official Gazette of the Republic of Slovenia, Nos. 21/13, 78/13 – Corr., 47/15 – ZZSDT, 33/16 – PZ-F, 52/16, 15/17 – Constitutional Court Decision, 22/19 – ZPosS, 81/19, 203/20 – ZIUPOPDVE and 119/21 – ZČmIS-A; hereinafter: ZDR-1), and Article 24 of the Occupational Health and Safety Act (Official Gazette of the Republic of Slovenia, No. 43/11; hereinafter: ZVZD-1), the Senate of the College of Management Bled adopted, at its 2/2025 session held on 17 February 2025, the following

RULES ON MEASURES AGAINST VIOLENCE, HARASSMENT AND BULLYING

I. GENERAL PROVISIONS

Article 1

(Content and Purpose)

These Rules on Measures Against Violence, Harassment and Bullying (hereinafter: the Rules) establish the measures by which the College of Management Bled (hereinafter: VM Bled) creates an environment in which the dignity of all persons is respected, as well as the procedure and measures to be applied in the event of a violation thereof.

The provisions of these Rules shall apply mutatis mutandis to conduct constituting discrimination on the grounds of sex, skin colour, age, health condition or physical disability, religious, political or other belief, membership in political, trade union, student or other organisations, national, ethnic or social origin, family status, property status, education, sexual orientation, gender identity and gender expression, or discrimination on the basis of any other personal circumstance.

Article 2

(Gender-Neutral Grammatical Form)

The terms used in these Rules and expressed in the masculine grammatical form shall be used as gender-neutral and shall apply equally to men and women.

In a specific procedure for assessing a violation of dignity, the grammatical form corresponding to the gender of the persons concerned shall be used.

Article 3

(Applicability)

These Rules shall apply to all employees of VM Bled, irrespective of their position, status or type of employment contract, and to all persons studying at VM Bled who hold student status (hereinafter: VM Bled students), for the period during which they participate in activities organised by VM Bled, perform activities directly connected with activities organised by VM Bled, or act as representatives of VM Bled.

The provisions of these Rules shall also apply mutatis mutandis to persons without student status who are completing study obligations, to secondary school pupils and students

performing temporary or occasional work at VM Bled or undertaking practical training at VM Bled, and to persons performing work at VM Bled on the basis of civil law contracts or otherwise participating in education, the work process, or other activities of VM Bled.

The provisions of these Rules shall also apply where the person whose dignity has been violated (hereinafter: the victim) is no longer employed by VM Bled, no longer holds student status, or no longer falls within the category of persons referred to in the second paragraph of this Article at the time of reporting the alleged violation of dignity, provided that such person held that status at the time of the event constituting or potentially constituting a violation of dignity.

Article 4 (Violation of Dignity)

Any violence, sexual or other harassment, and bullying shall constitute a violation of dignity.

Article 5 (Definitions)

Violence shall mean any unlawful interference with the integrity of another person through the use of physical or psychological force.

Harassment shall mean any unwanted interference with another person's personal sphere without the use of force.

Harassment shall include, in particular:

- ridicule;
- sending e-mails, SMS messages and other communications which, by their form or content, are contrary to standards of decency or academic standards of respectful communication;
- harassment through social media;
- humiliation;
- victimisation.

Sexual harassment shall mean any form of unwanted interference of a sexual nature with another person's personal sphere. Sexual harassment shall include, in particular:

- sexually suggestive remarks;
- obscene comments relating to a person's clothing, body or appearance;
- sending electronic, SMS or other messages containing intrusive sexual content;
- sexual harassment through social media;
- inducing or coercing a person into sexual intercourse or another sexual act;
- inducing a person to engage in a sexual act by promising faster academic or career advancement, a higher grade, higher pay, or other advantages in studies or employment;
- unwanted touching;
- sexual intercourse or other sexual acts without consent.

Bullying shall mean unjustified, repeated or systematic behaviour or conduct which reasonably causes discomfort or mental distress to the victim. Bullying shall include, in particular, repeated:

- verbal abuse, insults or ridicule;
- unjustified interference with communication;
- unjustified monitoring of electronic mail;
- unjustified criticism of work;
- unjustified exclusion from the allocation of new work or study tasks;
- obstruction of work through the unjustified withholding of financial or material resources;
- assignment of meaningless or unfeasible work or study tasks for the purpose of victimisation;
- written or verbal threats;
- unjustified threats of termination of employment or threats concerning the inability to progress in studies.

Article 6

(Protection of Personal Data)

All persons involved in proceedings under these Rules, or who become acquainted with such proceedings by virtue of the nature of their work, shall be obliged, in accordance with the applicable regulations, to strictly protect all personal data relating to such proceedings.

Article 7

(Duties of the Management)

The Dean of VM Bled (hereinafter: the Dean) shall be obliged to ensure an environment in which employees, VM Bled students, and the persons referred to in the second paragraph of Article 3 of these Rules are not exposed to violations of dignity. For this purpose, the Dean shall be obliged, in accordance with the applicable regulations and internal acts of VM Bled, to ensure the implementation of these Rules.

The Dean shall be obliged to provide appropriate assistance to the victim.

Where a third person violates the dignity of a person referred to in Article 3 of these Rules, the competent person shall, immediately upon becoming aware of the violation, require the third person to cease the violation without delay and shall ensure that all necessary measures are taken so that the victim is no longer endangered or exposed to a violation of dignity. If the violation of dignity displays the characteristics of a criminal offence prosecuted ex officio, the police shall be notified thereof.

II. MEASURES FOR THE PREVENTION OF VIOLATIONS OF DIGNITY

Article 8

(Awareness-Raising, Information and Prevention)

The Dean shall ensure that all employees and VM Bled students, as well as the persons referred to in the second paragraph of Article 3 of these Rules, are familiarised with the

provisions of these Rules. Such familiarisation shall be ensured through the public publication of these Rules on the VM Bled website.

The Dean may also determine other methods of awareness-raising and information dissemination relating to the issue of violations of dignity.

Article 9
(Confidential Adviser)

For the purpose of providing support and assistance to victims, a person who enjoys the trust of employees and VM Bled students shall be appointed at VM Bled (hereinafter: the Confidential Adviser).

On the basis of these Rules, the Dean shall issue a decision appointing the Confidential Adviser. A person who is a member of the management of VM Bled (the Dean, Vice-Dean, Secretary or Chair of the Management Board of VM Bled), or a person who is not employed at VM Bled, may not be appointed as the Confidential Adviser.

The Confidential Adviser shall provide support to the victim, ensure a safe space for discussions with the victim, inform the victim of his or her rights, provide appropriate information regarding available courses of action and possible forms of psychosocial assistance, and offer other support before and during the procedure. The Confidential Adviser shall be obliged to treat as confidential all information obtained during communication with the victim. Disclosure of such information to third parties shall be permitted only with the victim's consent. The Confidential Adviser may not act as a witness in proceedings under these Rules unless the victim consents thereto.

The Confidential Adviser may not be proposed as a candidate for membership of the Commission referred to in Article 10 of these Rules.

The Confidential Adviser shall maintain records of cases handled and shall, at the end of each academic year, submit an anonymised report thereon to the Dean of VM Bled.

III. COMPETENCES FOR DEALING WITH VIOLATIONS OF DIGNITY

Article 10
(Commission for Establishing Facts and Circumstances)

For the purpose of establishing the facts and circumstances relating to a report of a violation of dignity, the Dean shall appoint a Commission for Establishing Facts and Circumstances (hereinafter: KUDO), composed as follows:

- two representatives of the employees of VM Bled;
- the serving President of the Student Council of VM Bled.

A person shall be deemed professionally unsuitable if it has been established in proceedings or on the basis of a report that he or she has violated the dignity of another person. The term of office of KUDO members shall be four years. Members of KUDO shall be required to undergo training in the field of violations of dignity.

In a particular case, a member of KUDO may not be a person who:

- is the victim, complainant, alleged perpetrator or witness in the specific case of violation of dignity under consideration by the Commission;
- is related to the victim, alleged perpetrator or complainant in the direct line to any degree, or in the collateral line up to and including the fourth degree, or is married to, in a registered partnership with, or related by affinity in the direct or collateral line up to and including the second degree to such person, irrespective of whether the marriage or registered partnership has already ceased, or if he or she lives or has lived with such person in a cohabitation or unregistered partnership;
- is the guardian, adoptive parent, adopted child, foster parent, legal representative or authorised representative of the victim or alleged perpetrator;
- is connected with the victim or alleged perpetrator in such a way that other circumstances exist in which his or her private interest affects, or gives rise to doubt concerning, his or her impartiality in performing duties within KUDO.

The exclusion of a KUDO member due to the circumstances referred to in the third paragraph of this Article shall be decided by the President of KUDO by means of a decision. In such a case, the President of KUDO shall appoint a new member of KUDO for the specific case by means of a decision.

Where a ground for exclusion exists with regard to the President of KUDO, a substitute member shall be appointed by means of a decision to replace the President of KUDO in the specific procedure.

The same shall apply mutatis mutandis in the event of the exclusion of the representative of the Student Council of VM Bled, in which case the Student Council of VM Bled shall appoint a substitute representative for the specific procedure.

Article 11 (Powers of KUDO)

KUDO shall:

- establish the facts and circumstances relating to a specific report of a violation of dignity;
- on the basis of the established facts and circumstances, adopt a decision as to whether a violation of dignity has occurred in the specific case;
- prepare for the Dean a proposal for measures against the alleged perpetrator where the established facts and circumstances indicate a violation of dignity.

Article 12 (KUDO Sessions)

KUDO shall conduct its work at sessions which are not open to the public.

The first session of KUDO shall be convened by the Dean on the basis of the decision appointing KUDO, while subsequent sessions shall be convened by the President of KUDO.

The President of KUDO shall be elected by the members of KUDO from among themselves at the first session.

KUDO shall have a quorum if all members of KUDO are present at the session. KUDO shall take decisions by voting. A decision shall be adopted if supported by a majority of the members of KUDO. A member of KUDO may not abstain from voting.

The members of KUDO may unanimously adopt a decision to make an audio recording of the session. The audio recording may be made solely for the purpose of preparing the minutes and shall be retained together with the decision, the minutes and the other session materials until the minutes are approved at the next session of KUDO. The audio recording shall thereafter be deleted or destroyed.

Minutes shall be kept of each KUDO session. The minutes shall be prepared by a member of KUDO and circulated to the members of KUDO for approval and comments within ten (10) days following the session. The minutes shall be deemed adopted upon approval by all members of KUDO.

IV. PROCEDURE IN THE EVENT OF A VIOLATION OF DIGNITY

Article 13

(Protection of Personal Integrity)

All procedures under these Rules relating to a report of a violation of dignity shall be conducted with due consideration and confidentiality, ensuring comprehensive protection of the personal dignity and privacy of the parties to the procedure.

The victim and persons providing assistance and support to the victim, or participating in the procedure as witnesses, shall not, as a result of their participation in a procedure under these Rules, be subjected to inappropriate treatment, nor shall their employment status be adversely affected or their rights as VM Bled students be restricted (hereinafter: retaliatory measures). Retaliatory measures shall include, in particular, exclusion, intimidation, ridicule, threats of termination of employment, threats concerning the inability to sit examinations, complete compulsory practical classes or complete studies, withdrawal of work assignments, and the allocation of meaningless work or study tasks.

A person claiming to have been subjected to retaliatory measures (hereinafter: the Exposed Person) may submit a written request to the Dean to take action. The request shall include evidence supporting the claim that the person has been subjected to retaliatory measures.

Prior to making a decision, the Dean shall obtain an explanation from the person alleged to have carried out the retaliatory measures. If the Dean determines that there are reasonable grounds to suspect unlawful conduct constituting retaliatory measures, the Dean shall order the immediate cessation of such conduct by means of a decision.

The Dean shall be obliged to ensure a safe working or study environment for the Exposed Person in which retaliatory measures do not occur. The Exposed Person may file a report against the person carrying out retaliatory measures in accordance with the provisions of these Rules.

Article 14

(Reporting a Violation of Dignity)

A report of a violation of dignity shall be submitted in writing to the Dean and shall contain the name of the victim, or an identifiable group of victims where the conduct was directed against multiple persons, identification of the alleged perpetrator, and a description of the violation of dignity, including the place and time of the conduct or, where applicable, the repeated conduct.

The Dean shall subsequently refer the matter to the President of KUDO.

A report may be submitted within three (3) months of the event constituting a violation of dignity.

Article 15

(Consideration of the Violation)

KUDO shall provide written findings of fact and circumstances as soon as possible and no later than within three months.

If KUDO establishes circumstances indicating that no violation of dignity occurred, the President of KUDO shall issue a reasoned decision terminating the procedure concerning the alleged violation of dignity. The decision shall be sent without delay to the alleged perpetrator and to the victim or the victim's authorised representative.

If KUDO establishes circumstances indicating that a violation of dignity occurred, KUDO shall prepare a proposal for measures against the alleged perpetrator.

In preparing measures against the alleged perpetrator, KUDO shall take into account all circumstances of the violation, in particular:

- whether the violation of dignity was committed intentionally or through negligence;
- the circumstances in which the violation of dignity was committed;
- whether the violation was an isolated incident or constituted repeated conduct or behaviour by the alleged perpetrator;
- the extent to which the alleged perpetrator understands the seriousness of the violation and regrets his or her conduct;
- the extent to which the violation affected the victim;
- the nature and severity of the violation of dignity.

Article 16

(Measures Following an Established Violation of Dignity)

Where KUDO's findings establish that a violation of dignity occurred in the specific case, the President of KUDO shall, by decision, impose one or more of the measures referred to in paragraphs 2, 3 or 4 of this Article.

The President of KUDO shall not be bound by the proposal for measures prepared by the Commission but shall provide reasons where the imposed measures differ from those proposed.

Where the perpetrator is an employee of VM Bled, the President of KUDO shall order the perpetrator to cease the violation of dignity immediately and shall impose one or more of the following measures:

- require the perpetrator to attend training aimed at raising awareness of issues relating to violations of dignity;
- where possible, order a modified manner of performing the perpetrator's work duties in accordance with employment legislation;
- issue a warning;
- initiate the procedure for issuing a written warning prior to the ordinary termination of the employment contract pursuant to the legislation governing employment relationships;
- initiate the procedure for ordinary termination of the employment contract for fault-based reasons pursuant to the legislation governing employment relationships;
- initiate the procedure for extraordinary termination of the employment contract pursuant to the legislation governing employment relationships.

The simultaneous imposition of measures referred to in indents 3, 4, 5 or 6 of this paragraph shall not be permitted.

Where the perpetrator is a VM Bled student, the President of KUDO shall order the perpetrator to cease the violation of dignity immediately. In addition, depending on the findings of the Commission, the President of KUDO may order a modified manner of fulfilling study obligations and/or initiate disciplinary proceedings.

Where the perpetrator is a person referred to in the second paragraph of Article 3 of these Rules, the President of KUDO shall order the perpetrator to cease the violation of dignity immediately. Where possible, the President of KUDO may unilaterally terminate the contract forming the basis for the perpetrator's work at VM Bled.

The decision referred to in the first paragraph of this Article shall be enforced by the Dean of VM Bled within the period determined by the President of KUDO.

No appeal shall be permitted against the decision of the President of KUDO referred to in the first paragraph of this Article.

V. FALSE REPORTS OF VIOLATIONS OF DIGNITY AND FALSE TESTIMONY

Article 17

(False Reports and False Testimony)

A false report of a violation of dignity shall mean the intentional submission of a false report for the purpose of causing harm to the person against whom the report is made. A report shall not be considered false under these Rules where it is established that the complainant was reasonably mistaken regarding the classification of conduct constituting a violation of dignity.

False testimony shall mean the intentional provision of a false statement upon which KUDO relied in reaching its decision.

The provisions of these Rules shall apply mutatis mutandis to procedures relating to false reports of violations of dignity and false testimony.

VI. LIMITATION PERIODS

Article 18 (Limitation Periods)

The initiation and conduct of proceedings on the basis of a report submitted under these Rules shall become time-barred ten (10) months after the event constituting a violation of dignity.

Measures imposed under these Rules shall be implemented within 30 days of their imposition.

VII. SERVICE

Article 19 (service of documents)

Service of documents by which parties are invited and informed of the status of proceedings conducted on the basis of these Rules, as well as all notifications and invitations requiring actions of the parties, from which a time limit runs or upon which the rights of the parties depend, shall be effected by e-mail to the employee's e-mail address provided and required for use by the employer, or the rules of administrative procedure shall apply mutatis mutandis.

If a party to the proceedings is a student of VM Bled, service of documents from the first paragraph of this Article shall be effected via the e-mail address which the student specifies at the student office of VM Bled.

VIII. FINAL PROVISIONS

Article 20

Regulation on measures against violence, harassment and bullying at the Higher School of Management Bled, its amendments and supplements shall be adopted by the Senate of VM Bled.

Article 21

The Regulation shall enter into force on the day following its adoption by the Senate of VM Bled and shall be published on the website of VM Bled.

Article 22

This Regulation may be amended in the same manner as it was adopted. Amendments and supplements to this Regulation shall enter into force on the day following their adoption by the Senate of VM Bled and shall be published on the website of VM Bled.

Number: VM-P-002/2025

Date: 17. 02. 2025

Chair of the Senate of VM Bled
mag. Tadeja Krašna