



Fundación TBA21  
Thyssen-Bornemisza Art  
Contemporary  
Calle Amor de Dios 1  
28014 Madrid  
España  
+34 915275986  
madrid@tba21.org  
tba21.org  
twitter.com/tba21  
instagram.com/tba\_21

# Fundación TBA21 Procedure for Investigation of Complaints of Gross Misconduct or Harassment

## Purpose

The purpose of this policy and procedure is to provide a clear and standardized framework for investigating possible situations of moral, sexual, gender-related, and other types of misconduct or harassment within Fundación TBA21. This policy exists to create a safe and inclusive workplace environment where all employees are treated with dignity and respect.

## Scope

This policy applies to all employees, contractors, vendors, clients, and visitors within Fundación TBA21. Misconduct and harassment can take various forms, including but not limited to verbal, physical, visual, and digital harassment.

## Definitions

**a. Gross Misconduct:** Actions that put the Foundation or its work at serious risk, such as fraud, physical violence, gross negligence (failure to take appropriate care of duties or other people; refusal to operate within the agreed ethics and values of the organization).

**b. Harassment:** Harassment is any unwelcome conduct or communication, whether verbal, physical, visual, or digital, that creates an intimidating, hostile, or offensive environment based on an individual's race, color, religion, sex, gender identity, sexual orientation, national origin, age, disability, or any other protected status.

**b. Complainant:** The person who reports an incident of harassment.

**c. Respondent:** The person who is alleged to have engaged in harassment.

## Reporting Harassment and Misconduct

- a. Employees who believe they have experienced or witnessed harassment should promptly report it to their supervisor or manager; if this isn't appropriate, reports can be made in confidence to HR Manager Christiane Wicke ([christiane.wicke@tba21.org](mailto:christiane.wicke@tba21.org)).
- b. Fundación TBA21 is committed to protecting the confidentiality of individuals involved in harassment complaints to the extent permitted by law.
- c. Anonymous reporting mechanisms are publicly provided and available to anyone to encourage reporting without fear of retaliation. ([investigation@tba21.org](mailto:investigation@tba21.org))
- d. This reporting mechanism is provided by a fully independent third party.

## Initial Assessment

- a. Upon receiving a harassment complaint, Fundación TBA21 will conduct an initial assessment to determine the nature and severity of the complaint.
- b. The organization may take interim measures to ensure the safety and well-being of the complainant and any other individuals involved.

## Investigation

- a. Fundación TBA21 will designate an impartial investigator to conduct a thorough and unbiased investigation into the harassment complaint.
- b. The investigator will interview the complainant, the respondent, and any relevant witnesses. All parties will be given an opportunity to provide evidence and documentation.
- c. The investigation will be completed in a timely manner, typically within 10 calendar days, unless circumstances require an extension.
- d. The investigator will maintain confidentiality to the extent possible during the investigation.

## Findings and Remedial Action

- a. Upon completing the investigation, the investigator will prepare a report outlining their findings and conclusions.
- b. If harassment is substantiated, Fundación TBA21 will take appropriate corrective and disciplinary action, which may include counseling, training, suspension, or termination, depending on the severity of the misconduct.
- c. If harassment is not substantiated, Fundación TBA21 will take steps to prevent any retaliation against the complainant and ensure a continued safe working environment.

## Appeals

- a. Both the complainant and respondent will have the right to appeal the findings and sanctions within 10 Calendar days of receiving the investigation report.
- b. Appeals should be submitted in writing to the HR Manager Christiane Wicke (christiane.wicke@tba21.org).

## Non-Retaliation

Fundación TBA21 strictly prohibits retaliation against individuals who report harassment or participate in an investigation. Any retaliation will be subject to disciplinary action.

## Training and Prevention

- a. Fundación TBA21 will provide regular mandatory training on equality, diversity and inclusion, including harassment prevention and awareness to all employees.
- b. The organization will take proactive steps to prevent harassment and create an inclusive workplace culture. These may vary in different contexts and locations.

## Review and Revision

This policy and procedure will be reviewed periodically and updated as needed to ensure its effectiveness and compliance with relevant laws and regulations.

## **Compliance**

Failure to comply with this policy may result in disciplinary action, up to and including termination of employment or contract.

This policy and procedure for investigating harassment are intended to create a safe and respectful workplace for all individuals within Fundación TBA21.

All employees are expected to familiarize themselves with this policy and adhere to its provisions.