

Protocol of the University of Barcelona for preventing, detecting and taking action on situations of sexual harassment or harassment on the grounds of sex, gender identity or sexual orientation, or any other sexist or anti-LGBTQIA+ conduct

Approved by the Governing Council on 13 May 2022

- I. RATIONALE AND JUSTIFICATION OF PROTOCOL AND REGULATIONS
- II. INSTITUTIONAL COMMITMENT AND OBJECTIVES
- III. PREVENTION POLICIES: INFORMATION, AWARENESS RAISING AND TRAINING
- IV. BODIES TAKING PART IN THE APPLICATION, IMPLEMENTATION AND DISSEMINATION OF PROTOCOL
- V. SCOPE OF APPLICATION
 - V.1. Objective scope of application
 - V.2. Subjective scope of application
 - V.3. Locational scope of application
 - V.4. Temporal scope of application
- VI. PROCEDURE FOR TAKING ACTION
 - VI.1. Basic principles and rules applicable in all procedural actions
 - VI.2. People who can lodge a complaint or grievance
 - VI.3. How and where to lodge a complaint or grievance
 - VI.4. Procedural steps
 - VI.4.1. Submission of a complaint or grievance
 - VI.4.2. Admission, non-admission or referral of case
 - VI.4.3. Steps in handling a case
 - VI.4.3.1. Investigating the events
 - VI.4.3.2. Taking witness statements
 - VI.4.3.3. Taking statements from reported individuals
 - VI.4.4. Provisional report and determination of the events
 - VI.4.5. Notification of provisional report, hearing of interested parties, and review of case
 - VI.4.6. Final report and submission of case to the Rector
 - VI.4.7. Decision of the Rector and conclusion of procedure
 - VI.5. Precautionary measures
- VII. REVIEW AND EVALUATION OF PROTOCOL
- VIII. FINAL PROVISION
- IX. FLOWCHART OF PROCEDURE
- X. ANNEXES
 - Annex 1. List of applicable regulations
 - Annex 2. Indicative description of conduct

I. RATIONALE AND JUSTIFICATION OF PROTOCOL AND REGULATIONS

All forms and manifestations of violence and sexual harassment on the grounds of sex, gender identity or sexual orientation, or any other sexist or anti-LGBTQIA+ conduct constitute flagrant violations of universal basic human rights. International, Spanish and Catalan legislation and regulations prohibit any conduct that violates the dignity of the person. They also proclaim the right to equality, integrity, dignity and freedom and affirm that no person shall suffer discrimination or sexual harassment on the grounds of sex, gender identity or sexual orientation. It is therefore also necessary to apply all measures required to eradicate all forms of violence and conduct against LGBTQIA+ individuals. This is the aim of the Agenda 2030 for Sustainable Development,¹ which was approved by the UN General Assembly on 25 September 2015, especially the fourth goal relating to education, which seeks to ensure inclusive and equitable quality education and promote lifelong learning opportunities for all.

The University of Barcelona's protocol for preventing, detecting and taking action on situations of sexual harassment or harassment on the grounds of sex, gender identity or sexual orientation, or any other sexist behaviour entered into effect on 15 May 2019 in pursuance of the mandate of the Spanish constitution (Articles 9 and 14); Law 17/2015, of 21 July, on effective equality between women and men (Articles 3 and 28.2, c and f); and Law 11/2014, of 10 October, guaranteeing the rights of lesbian, gay, bisexual, transgender and intersex people and eradicating homophobia, biphobia and transphobia (Article 13), in order to prevent and respond to any complaints and grievances that may be lodged by any member of the university community in relation to any form of harassment or other sexist conduct.

To the preceding considerations, it is also necessary to add that the 2019 protocol established the following point under Clause X, "Review and evaluation of protocol": "Once the Protocol has been approved, it will be subject to amendment in order to enhance its effectiveness. Similarly, it will be altered as needed to adapt to legislation and regulations and to the policies of the University of Barcelona, and in any case, at a minimum of every two years".

Since then, a changing reality and an increasing number of cases have given rise to the need to review the 2019 protocol not only to adapt it to new legislation and regulations, but also to organize a more efficient procedure. This protocol must respond to all of the issues that have arisen in the past three years, while the previous protocol was implemented, and must provide greater confidence in its implementation as well as an enhanced response to the aims pursued under the protocol.

Based on the above-mentioned clause and the situations identified in implementation, it became necessary to review and update the protocol, focusing primarily on the procedure, in order to improve its effectiveness and adapt it to legislative and regulatory changes and to the policies of the University of Barcelona (UB).

In addition to the updated legal framework to which the new UB protocol for preventing, detecting and taking action on situations of sexual harassment or harassment on the grounds of sex, gender identity or sexual orientation or any other sexist or anti-LGBTQIA+ conduct (Annex 1) is subject, the UB is also a signatory to a number of conventions currently in force on sexist violence that seek to preserve the right to dignity and the free development of the personality, the right to physical and moral integrity, the right to non-discrimination on the basis of any personal or social circumstance, and the right to privacy and honour.

II. INSTITUTIONAL COMMITMENT AND OBJECTIVES

This protocol, which covers all of the University of Barcelona, seeks to meet the UB's institutional commitment with awareness raising, prevention, detection, attention, assistance, advice, support,

¹ Available at: <<https://www.un.org/sustainabledevelopment/es/objetivos-de-desarrollo-sostenible>>.

protection, action and disciplinary steps – by means of procedures and powers to act – in order to safeguard any affected individual and move forward in the eradication of sexist violence, neither tolerating nor justifying any conduct of this sort whatsoever. The UB's public commitment to prevention and action is to ensure rigorous, confidential attention so that any affected individuals are afforded fast, quality mechanisms to address and resolve any problems that they may encounter.

The UB declares its **institutional commitment** to a policy of zero tolerance for any form of sexual harassment or harassment on the grounds of sex, gender identity or sexual orientation, or any other sexist or anti-LGBTQIA+ conduct² in all of its forms and manifestations, and therefore undertakes to:

- a) Formally declare and raise awareness of the UB's rejection of all types of sexist and anti-LGBTQIA+ violence or other related conduct in all of its forms and manifestations.
- b) Promote a culture of preventing sexual harassment and sexist conduct as laid down in this protocol through training and informational activities to raise awareness among the entire university community.
- c) In accordance with the protocol, report, investigate and, where necessary, punish any conduct that may constitute harassment, discrimination or violence.
- d) Assist and advise any member of the university community who has been the object of such conduct.

The actions of the University of Barcelona shall be aligned with the fundamental aims of the Catalan universities, which are to:

- a) Impart the civic and social values of a democratic society.
- b) Act as a point of reference for society in the real and effective respect for fundamental rights.
- c) Prevent and eradicate situations of sexual harassment or harassment on the grounds of sex in order to make progress toward the full participation of all members of the university community in academic activity and, at the same time, ensure respectful coexistence among all people.
- d) Guarantee respect for the dignity of people in the pursuit of their activities, while defending their safety and integrity in the performance of those activities.
- e) Ensure that all members of the university community respect the UB's values and make them their own: "freedom, democracy, justice, equality and solidarity" (Article 4.1 of the Statute of the University of Barcelona).
- f) Promote the preventive aspect of this sort of violence by carrying out education and awareness raising through training activities on the value of equality, the fight against sexist behaviour, and the social stereotypes that produce inequality between women and men.

The UB's commitments and aims in this area take concrete shape in the following **specific objectives**:

- a) Prevent behaviours, repair damage and punish perpetrators of such conduct.
- b) Inform, train and raise awareness among the UB's university community about harassment, discrimination and violence.
- c) Provide guidelines to identify situations of harassment and any other sexist or anti-LGBTQIA+ conduct, not only after they have occurred but also regarding how to prevent them.
- d) Create and implement a flexible procedure for action and support to address and resolve any identified situations with the utmost speed.

² Henceforth, the term "harassment" will be used strictly to refer to the types of conduct laid down in Section V.1 and Annex 2.

The following **measures and safeguards** shall be implemented to meet the objectives set out above:

- a) Safeguarding the security, integrity and dignity of any affected people.
- b) Taking the appropriate steps to protect anyone who has been the object of harassment.
- c) Bringing the harassment to an end, taking into account the particular needs in each case.
- d) Implementing or proposing pertinent measures of attention, support and/or disciplinary action.
- e) Safeguarding the confidentiality of any affected people.
- f) Implementing the measures set out in the section on prevention policies.

III. PREVENTION POLICIES: INFORMATION, AWARENESS RAISING, AND TRAINING

The University of Barcelona shall promote measures involving prevention, information, training, detection and awareness raising to eradicate any types of conduct laid down in this protocol.

For effective prevention and action, it is necessary for all UB groups to become involved and take part in the actions and activities envisaged in this text, including teaching and research staff (PDI), administrative and service staff (PAS), and students.

As a result, the members of the UB's university community, collaborating companies, service providers, companies and entities where UB students carry out work placements, and affiliated or connected institutions need to be informed of the existence of the protocol and its contents, bearing in mind the stipulations of the final provision.

The following actions are critical to achieve an effective prevention policy:

1. Disseminate the protocol through informational documents, advisory and explanatory guidelines, and specific information sessions and campaigns; post the protocol in a prominent place on the UB's transparency portal (the Portal de Transparència) and on other websites of the institution, the Equality Unit and all faculties, as well as on the UB's intranet and the website of any labour union sections; and furnish the protocol in paper form in the busiest areas of the UB.
2. Develop a communication plan for the protocol.
3. Include information on the protocol in the UB's codes of best practices.
4. Administer surveys to address the work environment and assess psychosocial risks relating to any situation or conduct that is sexist, anti-LGBTQIA+, violent, discriminatory or marked by harassment.
5. Give information on the protocol at welcome sessions – including the information appearing in folders provided to students – and on the website of any labour union sections and at open-house days.
6. Provide transversal training to all UB groups on the protocol and the issues that it covers.
7. Establish collaboration programmes, especially among student associations.
8. Establish models of commitment and acceptance for third persons engaged in academic or work activities and for new hires.
9. Submit assessment reports on the results attained by the Equality Unit to the Office of the Vice-Rector for Equal Opportunities and Gender, since the protocol is now part of the Equality Plan of the University of Barcelona.

The assessment reports mentioned above cover the activity carried out – while, in all cases, maintaining the confidentiality of the affected persons – together with data on the number of recorded cases, their nature and the measures adopted. The three purposes of the assessment reports are to:

- Assess the need to intensify the implementation of prevention measures quantitatively and/or qualitatively.
- Obtain baseline statistical information to conduct analyses over time of the effectiveness of the implemented training and prevention measures.
- Conduct an assessment of the current protocol every two years in order to adapt it to legislation and regulations and to the policies of the University of Barcelona and to improve its effectiveness. In any event, approval of a new equality plan may involve reviewing the current protocol to the extent that it is integrated into the new plan.

It is the remit of the Office of the Vice-Rector for Equal Opportunities and Gender, or the equivalent body, and the Equality Unit to design and implement the necessary strategies to raise awareness and provide information and training to PDI, PAS and students on the subject of preventing, detecting and taking action on situations of sexual harassment or harassment on the grounds of sex, gender identity or sexual orientation, or any other sexist or anti-LGBTQIA+ conduct.

The design of prevention policies against situations of sexual harassment or harassment on the grounds of sex, gender identity or sexual orientation, or any other sexist or anti-LGBTQIA+ conduct corresponds to the Equality Committee of the University of Barcelona, while the implementation of those policies corresponds to the Equality Unit under the direction of the Office of the Vice-Rector for Equal Opportunities and Gender, or the equivalent body. Similarly, the UB shall monitor and assess the prevention policies as needed in order not only to prevent the stated conduct, but also to influence the attitudes and behaviours of the people who make up the university community.

Within the UB, the Equality Unit, the Student Support Service (SAE) and the Office for Health, Safety and Environmental Issues (OSSMA) shall coordinate to carry out studies – while always guaranteeing the anonymity of responses – on the perception, knowledge and experience of any types of conduct that constitute sexual harassment or harassment on the grounds of sex on the premises of the UB in order to:

- a) Design any training and prevention measures that need to be implemented.
- b) Assess the need to intensify the implementation of other prevention measures quantitatively and/or qualitatively.
- c) Obtain baseline statistical information to conduct analyses over time of the effectiveness of the implemented training and prevention measures.

IV. BODIES TAKING PART IN THE APPLICATION, IMPLEMENTATION AND DISSEMINATION OF PROTOCOL

a) Equality Unit (UI). The Equality Unit is in charge of implementing and disseminating the protocol and adopting the measures required to achieve its objectives.

The Equality Unit's duties include the following:

- Working to eradicate any type of sexual harassment or harassment on the grounds of sex, gender identity or sexual orientation, or any other sexist or anti-LGBTQIA+ conduct, and to alleviate the inequalities between women and men at the UB.
- Giving advice and information about the protocol to anyone who reports and/or is affected by the conduct laid down in the protocol (Annex 2) and, where appropriate, notifying them of any other relevant procedures within the scope of UB regulations.
- Analysing the events reported in the complaint or grievance to determine whether they constitute conduct to which the protocol is applicable.

- Informing and advising the reporting individual and any affected persons who request advice – even if they have not lodged a complaint or grievance – about the mechanisms for obtaining mental health care available from the University of Barcelona, and making a timely referral as needed.
- Undertaking to activate and implement the protocol, since the Equality Unit is the body responsible for implementing the protocol in collaboration with the other bodies and professionals who are involved.
- Informing the faculty equality committees of the number of cases addressed, the type of cases, and the groups affected.

The members of the Equality Unit (UI) are:

- The Rector's delegate who serves as the head of the UI (henceforth the UI head).
- The Rector's delegate who serves as the deputy head of the UI (henceforth the UI deputy head).
- A psychologist affiliated with the UI.
- A technical specialist in equality, who gives support to the other members of the Equality Unit in cases where they need it.

b) Faculty equality committee (CIC). The faculty equality committees are delegate committees of the faculty boards, and they work together to uphold the UB's policies on equality in each faculty. The composition of committee membership is laid down in their founding regulations.

The specific duties of each CIC include the following:

- In each faculty, ensuring equality and non-discrimination on the grounds of sex, gender identity or sexual orientation or any other sexist and anti-LGBTQIA+ conduct, from an intersectional perspective.
- Giving attention to reporting individuals and referring them to the Equality Unit so that they can, if they so wish, lodge the corresponding complaint or grievance, while at the same time respecting the principle of confidentiality in doing so, and offering support as needed.
- Helping to implement promotion, prevention and dissemination activities to achieve or enhance the protocol's effectiveness.
- Assisting the Equality Unit as needed when proceeding with cases and/or addressing the needs of victims to receive attention or responses to any queries that they may have.

The Equality Unit can notify the faculty equality committees of the initiation of a procedure and the steps required to undertake any measures of prevention, support and resolution adequately.

V. SCOPE OF APPLICATION

The protocol is applicable to all situations arising from any activity that takes place on the premises of the University of Barcelona or in relation to any professional or work-related activities promoted, organized or coordinated by the UB, according to the conditions set out in each of the areas below.

V.1. Objective scope of application

This protocol will be applicable for protecting, giving support, reporting, investigating and, where appropriate, proposing disciplinary measures in the event that any member of the university community engages in any conduct of these types (Annex 2) on the premises of the UB – within the locational scope of the protocol, which is described in Section V.3:

- a) **Sexual harassment:** unwanted verbal or physical conduct of a sexual nature that undermines the dignity of a person and creates an intimidating, hostile, degrading, offensive or uncomfortable environment for the person.

- b) **Harassment on the grounds of sex:** unwanted verbal or physical conduct that undermines the dignity of a person and creates an intimidating, hostile, degrading, offensive or uncomfortable environment, if the behaviour is motivated by or based on the sex or gender of the harassed person.
- c) **Harassment on the grounds of gender identity:** unwanted verbal or physical conduct that undermines the dignity of a person and creates an intimidating, hostile, degrading, offensive or uncomfortable environment, if the behaviour is motivated by or based on the sexual identity of the harassed person.
- d) **Harassment on the grounds of sexual orientation:** unwanted verbal or physical conduct that undermines the dignity of a person and creates an intimidating, hostile, degrading, offensive or uncomfortable environment, if the behaviour is motivated by or based on the actual or presumed sexual orientation of the harassed person.
- e) **Harassment on the grounds of gender expression:** any behaviour based on the gender expression of a person that has the purpose or effect of undermining the person's dignity or their physical or mental integrity, or of creating an intimidating, hostile, degrading, offensive or uncomfortable environment for the person.
- f) **Sexist conduct:** conduct other than harassment that is related to sex, gender or a failure to respect the gender identity, gender expression or sexual orientation of any affected individuals.
- g) **Misconduct** in the teacher/student relationship linked to areas within the scope of this protocol: a set of acts of any sort in which any of the parties, by taking advantage of their situation, position or context and/or violating their ethical or deontological code, creates or tries to create, seeks or fosters conditions that enable them to perform any of the actions or conduct laid down in this protocol, or that contribute to the performance of any of the actions or conduct.
- h) **Secondary victimization:** additional mistreatment as a direct or indirect consequence of any shortcomings (quantitative and qualitative) in the actions taken by the responsible bodies, any misguided actions taken by other involved agents, and any situations of discrimination, harassment or reprisals stemming from a request to safeguard the affected right.
- i) **Physical violence:** any act with the result or risk of producing physical injury or harm.
- j) **Psychological violence:** any conduct or intentional omission that produces a loss of self-esteem or some distress by means of threats, humiliation, mistreatment, demands for obedience or submission, coercion, insults, isolation or any constraint on freedom.
- k) **Digital violence:** online acts of sexist and misogynistic violence that affect the dignity and rights of persons and that are committed, instigated, amplified or aggravated, either wholly or in part, by the use of information and communication technologies, social media platforms, websites and forums, email or instant messaging systems, or any other similar means. These acts cause psychological and even physical harm; reinforce stereotypes; damage dignity and reputation; undermine a person's privacy and freedom to work; cause persons to suffer economic losses; and raise barriers to political participation and freedom of expression.
- l) **Second-order violence:** physical or psychological violence, reprisals, humiliation and persecution enacted against persons who give support to victims of sexist violence. It includes acts that impede prevention, detection, the provision of attention and the recovery of women in a situation of sexist violence.
- m) **Sexual assault:** an act to undermine the sexual freedom of a person through violence or intimidation.
- n) **Sexual abuse:** acts that undermine the sexual freedom or integrity of a person without their consent, but without the use of violence or intimidation.

Any conduct that can constitute a criminal offence – especially those laid down in subpoints *m* and *n* – must be reported by the Rector of the University of Barcelona, with the written consent of the affected person, to the **Public Prosecution Service** as needed. In any event, if it is considered that there are signs of an offence that requires public prosecution, it is necessary to refer the actions to the Rector so that he or she can report them ex officio to the Public Prosecution Service as needed.

Bearing in mind the wide range of situations of discrimination that can face LGBTQIA+ individuals as well as the interactions of being homosexual, bisexual, trans or intersex with other personal or social circumstances that can be a cause of discrimination, the types of conduct covered by this protocol shall be assessed in relation to any **intersectionality** that may arise; in other words, it is necessary for all involved units and responsible bodies to give special attention and heightened protection in this regard, including the consideration of aggravating factors in any disciplinary measures, as established under current legislation and regulations.

V.2. Subjective scope of application

This protocol is applicable in the case of any of the previously described conduct when it is carried out on the UB's premises by any member of the university community, whatever their affiliation may be.

Such conduct can occur between peers, or it can be committed by individuals who are higher up in a hierarchy against individuals who are lower down, or it can be committed by individuals who are lower down in a hierarchy against individuals who are higher up. It may or may not occur repeatedly or continuously over time. Moreover, it can arise between individuals, or it can be enacted by a group or set of individuals against another individual, or it can be the result of environmental harassment in which no one single perpetrator stands out (environmental harassment) but the result is a hostile or intimidating work environment for the person affected.

The following individuals can be the passive or active object of the conduct specified in Point V.1:

- a) Students in official degree programmes (bachelor's, master's and doctoral degree programmes) or in UB-specific degrees and other courses organized by the UB, including visiting mobility students.
- b) Teaching and research staff (PDI), including trainee research staff.
- c) Administrative and service staff (PAS) of the University of Barcelona.
- d) People without any link to the UB, but who perform activities or provide services at the UB or for the UB as a supplier or as an entity or company linked to the UB for academic or research reasons. In these cases, the UB shall adopt all appropriate measures in coordination with those responsible for the individuals in question.
- e) If the situations laid down in this protocol occur among members of the university community but not on the UB's premises, the protocol shall be implemented wherever applicable and always within the scope of the UB's authority to investigate the events in order to propose any appropriate precautionary measures if they have an effect on university life.

V.3. Locational scope of application

This protocol is applicable in the situations described in Section V.1 (objective scope of application) when they occur on the premises of the University of Barcelona, in any of its facilities or buildings, or in any activities that take place outside of the UB's facilities if they are organized, coordinated or supervised by UB academic bodies and they bear some relationship with teaching activity or academic or work life, in whatever way, including the following activities in the case of students:

- a) Academic activities that take place outside of classroom hours or teaching centres.
- b) Work placements, whether part of the syllabus or extracurricular, that are performed by students and arranged and supervised by teaching centres.
- c) Recreational activities such as end-of-course trips and university or other celebrations linked to university life if they are organized, coordinated or supervised by UB academic bodies.
- d) Performances of artistic or sports groups as part of events organized by the UB.

- e) Any hazing of incoming students, regardless of where it occurs.
- f) Situations of harassment or sexist conduct laid down in this protocol, when they arise on digital platforms or electronic devices that are administered by the UB or, in the case of private devices, when the conduct occurs during classroom time between PDI, students or PAS, if it has any effect or consequence on the university life of any of the parties concerned.

V.4. Temporal scope of application

This protocol is applicable to any person with a temporary, permanent or merely transitory relationship with the University of Barcelona, under the terms set out in Section V.2 (subjective scope of application).

It is also applicable to situations that take place within one natural year from the moment when the affected individual ceases to be a member of the PAS, PDI or student group, provided that the alleged perpetrator remains part of the UB community and the events described in the complaint or grievance took place prior to the date on which the affected individual formally left the UB. In any event, it is necessary to abide by the statute of limitations set out in the applicable legislation.

VI. PROCEDURE FOR TAKING ACTION

VI.1. Basic principles and rules applicable in all procedural actions

Any actions, proceedings and measures shall be carried out sensitively and respectfully, protecting the rights, privacy and dignity of each affected individual.

The principles and safeguards governing the procedure are set out below:

a) **Confidentiality**, covering all of the actions and all of the individuals concerned. For this reason:

- Anyone who takes part in the procedure or who is an affected party must be advised of the obligation to maintain confidentiality regarding all actions.
- Only the individuals authorized to receive and handle complaints and grievances and the individuals who are party to the procedure are allowed complete access to the information involved.
- All information relating to actions taken to implement the protocol is especially sensitive and must be treated as such.
- In order to observe this principle more effectively in reports, it shall be necessary to mask the identity of any individuals involved (the reported individual, the reporting individual and witnesses), replacing their real names with P1, P2, P3 etc. The key that links names to codes must be put in a separate document that is to be added to the case file sent for safekeeping to Legal Services.
- It is also necessary to take into account the provisions of Organic Law 3/2018, of 5 December, on the protection of personal data and guarantee of digital rights.

b) **Discretion**. The individuals who are affected parties or who are otherwise involved in the procedure have a duty to maintain discretion about any events that they may know and they cannot make use of the obtained information, except if the documents related to the complaint or the investigation are needed to initiate a legal or administrative complaint or proceedings; in any event, the information shall be limited to those areas and people that are strictly necessary.

c) **Diligence and dispatch**. It is necessary to investigate and resolve the case with the utmost speed, without undue delay.

- d) **Impartiality and contradiction.** The right of defence and the right to an impartial hearing shall be guaranteed to all parties concerned.
- e) **Good faith.** Anyone who is involved in the procedure shall act in good faith in pursuit of the truth and the clarification of any events reported in the complaint or grievance.
- f) **Protection against possible reprisals.** The University of Barcelona shall protect all individuals against any possible reprisals that they may suffer as a consequence of lodging a complaint, appearing as a witness or taking part in the investigation of any conduct described above or in the implementation of any measure.
- g) **No revictimization.** Whenever possible, the University of Barcelona shall seek to reduce the number of times that an individual who has lodged a complaint must give a statement, with the aim of preventing repetition of the same information before others responsible for implementing the protocol, if it is not strictly necessary for the conduct of the procedure.
- h) **Keeping of minutes.** At every step in the procedure (attention, advice or implementation of the protocol), it is necessary to keep minutes, which shall be signed by all individuals concerned.
- i) **Duty to collaborate.** During the conduct of the procedure, the acting body shall request the maximum information possible of all the individuals concerned, taking into account the duty of the university community to collaborate with the investigations of the Equality Unit.
- j) **Right to appear accompanied.** During the steps of the procedure, the individuals concerned can appear accompanied if they so wish by any person, association or professional, and the minutes shall contain any accompanying individuals' identification and the capacity in which they appeared.
- k) **Right of recusal and abstention** of any individual responsible for implementing the procedure, in line with the reasons specifically set out by law and followed by the individual's replacement.
- l) **Notifications.** All procedural steps shall be notified to the concerned parties by any means that enables confirmation of receipt.
- m) **The right of defence and the right to appeal.** Any decisions reached during a procedure shall be notified to the concerned parties, which have a right to defend themselves by filing any arguments and/or appeals that they may deem appropriate.
- n) **Impetus of procedure.** The acting body shall be responsible ex officio for implementing the procedure. If any of the individuals concerned and/or the witnesses do not appear when summoned, the procedure can continue ex officio, provided that all parties are guaranteed their right of defence.

VI.2. People who can lodge a complaint or grievance

2.1 To initiate the procedure laid down in this protocol, two things are necessary: a complaint or grievance and informed consent, signed by any of the individuals listed in the following point.

2.2 The complaint or grievance can be lodged by:

- a) The person or people affected.
- b) People with academic and/or administrative responsibilities at the University of Barcelona, including members of the UB's representative bodies and labour union representatives, or with student responsibilities, such as any individuals responsible for the Tutorial Action Plan or the Student Support Service (SAE).
- c) Third persons who have direct or indirect knowledge of any conduct laid down in the protocol.

- d)* In the case of sexist and/or anti-LGBTQIA+ conduct, all of the people described in the previous subpoints (subpoints *a* to *c*) and any of the student associations or trade unions that are represented at the University of Barcelona.

- b) **Submission of the events to the Rector.** If the events reported in the complaint or grievance are serious or result in serious harm for the reporting person or people or for members of the university community, the Vice-Rector for Equal Opportunities and Gender can undertake to submit the events to the Rector so that the latter can initiate disciplinary proceedings as needed.
- c) **Referral to the Public Prosecution Service.** If it is considered that there are signs of an offence, the Vice-Rector for Equal Opportunities and Gender shall refer the actions to the Rector so that the latter can submit a report to the Public Prosecution Service as needed.
- d) **Initiation of procedure.** If the reported events appear to be covered by this protocol, the Vice-Rector for Equal Opportunities and Gender can undertake to initiate a procedure, which must be done before the Technical Committee in accordance with the following points.

4.2.2 The Technical Committee, which is the body responsible for the conduct of the procedure, is made up of the following members:

- The UI deputy head, who acts as secretary to the Technical Committee.
- The UI psychologist.
- Three additional members, who are professionals and specialists in victim care and in prevention and remediation in situations of psychosocial risks. They are appointed on a standing basis by the Rector and their appointments will be for a maximum of two years in length.

4.2.3 During the conduct of the procedure, the Technical Committee can be assisted and supported, as needed, by a lawyer from Legal Services.

4.2.4 If the case involves any third persons in a position of responsibility who are not part of the structure of the UB – as in the case of external placements undertaken by students or staff from other universities, companies and/or institutions – it is necessary to inform them.

VI.4.3. Steps in handling a case

VI.4.3.1. Investigating the events

The Technical Committee shall carry out all necessary actions to clarify the events reported in the complaint or grievance. In this respect, the following actions may be undertaken:

- a) **Requests for reports or findings from assessments and surveys,** issued by the people in charge of any units, departments, offices or faculties that may be able to contribute pertinent information for the conduct of the case.
- b) **Summons and testimony of affected parties, witnesses, etc.** This procedural step shall be done in accordance with the following points.
- c) **Testimony and right to a hearing for anyone who has been reported.** The procedure is not valid unless any person who has been reported under the protocol has an opportunity to make a statement and request a hearing. This procedural step shall be done in accordance with the following points.
- d) **Specialist consultations.** Any specialist consultations can be obtained as needed in each case. Similarly, any pertinent expert opinions can be requested within the UB's scope for action, in accordance with the UB's own or outside resources, under established agreements.
- e) Any other action that is understood as necessary to clarify the events reported in the complaint or grievance and to move forward properly with the procedure, while safeguarding all the rights of the affected parties.

VI.4.3.2. Taking witness statements

- a) The summons of witnesses shall be done by any means that enables confirmation of receipt, and with sufficient notice so that the summoned individuals are able to appear.
- b) If a summoned person cannot appear on the date in question, another date can be given for the purpose of taking a statement.
- c) If a summoned person still cannot appear, a decision can be taken to move forward without the person's statement.
- d) Summoned individuals who appear for the purpose of giving a statement can be accompanied by any person and/or professional that they may deem appropriate and, at the time of giving the statement or after doing so, they can submit any evidence and/or documents that they may deem appropriate.

VI.4.3.3. Taking statements from reported individuals

- a) The summons of any reported individuals to give a statement shall be done by any means that enables confirmation of receipt, but preferably by the e-Notum notification system.
- b) The summons must be issued with an advance notice of at least seven working days. If a reported individual cannot appear, the individual must notify the Technical Committee and duly justify the reasons for non-appearance. Upon consideration of the reasons, the Technical Committee can offer the reported individual another date to appear. If the individual still cannot appear, **a decision can be taken to move forward without this procedural step** in order to guarantee the rights of the individual who lodged the complaint or grievance.
- c) The summons must be accompanied with an anonymized copy of the submitted complaint or grievance.
- d) Any reported individuals who appear can be accompanied by the people and/or professionals that they may deem appropriate, and they can submit any documents that they may deem appropriate at the time of giving the statement or after doing so, provided that it is prior to completion of the final report.

VI.4.4. Provisional report and determination of the events

- a) After completing the steps laid down in the previous sections and evaluating the findings, the Technical Committee shall make a determination of the events and issue a provisional report.
- b) The provisional report shall clearly and separately convey the following information:
 - Background of the case.
 - Any actions taken.
 - Determination of the events and their proposed characterization.
 - Proposed conclusion of the procedure and the resolution, which can entail:
 - Opening disciplinary proceedings.
 - Adopting preventive and corrective measures as needed.
 - Adopting other measures, including solution, attention, protection, remedy or punishment.
 - Adopting a resolution to close the case.
 - Taking other actions to conclude the procedure, such as mediation.

VI.4.5. Notification of provisional report, hearing of interested parties, and review of case

- a) The provisional report shall be sent to the concerned parties, who are given a period of ten working days to review the report and submit arguments. Any arguments must be submitted in the form of a generic

administrative request.

- b) During the course of pleadings, the parties can submit any evidence and/or request the gathering of any evidence that they may deem appropriate in defence of their rights.
- c) Should the affected parties request the gathering of evidence and the Technical Committee admits the request, the evidence must be taken before the final report is issued so that an assessment of the evidence can be included.

VI.4.6. Final report and submission of case to the Rector

- a) After the submission of any arguments and/or the elapse of ten working days, the Technical Committee shall issue the final report, which will assess any arguments and/or gathered evidence. The final report will then be submitted to the Rector.
- b) The final report shall clearly and separately convey the following information: the background of the case, any actions taken, a determination of the events and their proposed characterization. The report shall duly justify proposing one of the following alternatives:
 - Opening disciplinary proceedings and examining corrective measures as needed.
 - Adopting measures focused on solution, attention, protection, correction, remedy or punishment.
 - Adopting a resolution to close the case.
 - Taking other forms of action to conclude the procedure, such as mediation.

VI.4.7. Decision of the Rector and conclusion of procedure

- a) Upon receipt of the final report, the Rector shall render a final decision to conclude the procedure.
- b) The Rector's decision can conclude the procedure in the following ways:
 - Closing the complaint or grievance in accordance with the report's proposal.
 - Opening disciplinary proceedings in accordance with the final report and/or adopting any appropriate precautionary and corrective measures.
 - Taking other steps to protect the victims.
 - Rejecting the proposal in the final report and providing justifications for doing so.
 - Taking alternative, non-punitive steps proposed in the final report.
- c) The Rector's decision shall be notified to the reporting and reported individuals.
- d) The Vice-Rector for Equal Opportunities and Gender shall communicate any measures taken in the decision to the competent authority, depending on the group that is involved:
 - If students or PDI are affected, the Dean and, if appropriate, the department head will be notified.
 - If PAS and/or UB suppliers are affected, the General Manager will be notified.
 - Any head of a unit, office, body or department that is directly involved in the implementation or fulfilment of the measures will be notified.
 - Any external people who are affected will be notified.
- e) The maximum period for issuing and notifying the Rector's decision is six months from the date of the complaint or grievance.

- f) Upon completion of the procedure, the original signed documents and reports relating to the implementation of the protocol shall be delivered for safekeeping to Legal Services.

VI.5. Precautionary measures

- a) Upon submission of a complaint or grievance, the Vice-Rector shall propose to the Rector that the latter adopt precautionary measures if warranted by the circumstances, in accordance with the severity of the harm that may be inflicted on the affected person and in consideration of the protection of their rights.
- b) If a complaint or grievance affects students, the proposed precautionary measures may involve academic issues.
- c) Without prejudice to any disciplinary provisions set out in the administrative or employment regulations of the group that is involved, the Rector and the corresponding dean, within the scope of their authority, can take appropriate steps to guarantee the rights of the concerned parties and ensure that the reported conduct stops and is not repeated.
- d) These measures can also include a change of unit, office, department group, location, activity or practice; changes in curricular pathway or in the timetable of the people concerned, or any other appropriate change.
- e) In order to request the adoption of precautionary measures, the Equality Unit must provide to the appropriate people the key basic information of the case in order for them to reach the corresponding decision, together with a proposal of the most appropriate measure or measures and a justification. In order to adopt any measures, it is necessary to coordinate or consult with OSSMA, the Student Support Service (SAE) or the coordinator of the Tutorial Action Plan, depending on the group concerned, as well as the person who specializes in gender and diversity within the respective unit.
- f) Any adopted precautionary measures – which in no way predispose the final result of the procedure – must be duly justified so as to guarantee protection of the parties concerned and they must be carried out as an exercise in responsibility by the institution where the events have occurred, evaluating the circumstances and the established evidence. The adoption of any precautionary measures must be respectful of the right to the presumption of innocence of the reported person or people.
- g) Any precautionary measures must be valid for as long as necessary to achieve their purpose and they must end when the procedure is concluded.

VII. REVIEW AND ASSESSMENT OF PROTOCOL

Once approved, the protocol shall be subject to review at least every two years in order to improve its effectiveness and adapt it to legislation and regulations and to the policies of the University of Barcelona.

Each year, the Equality Unit of the University of Barcelona shall prepare a report for the Office of the Vice-Rector for Equal Opportunities and Gender, or the equivalent body, on the activity carried out, while strictly maintaining the confidentiality of all affected individuals. The report must address the number of recorded cases, their nature and any measures adopted.

In any event, the approval of the Third Equality Plan (and its successors) may involve reviewing the protocol to the extent that it is integrated into the plan.

VIII. FINAL PROVISION

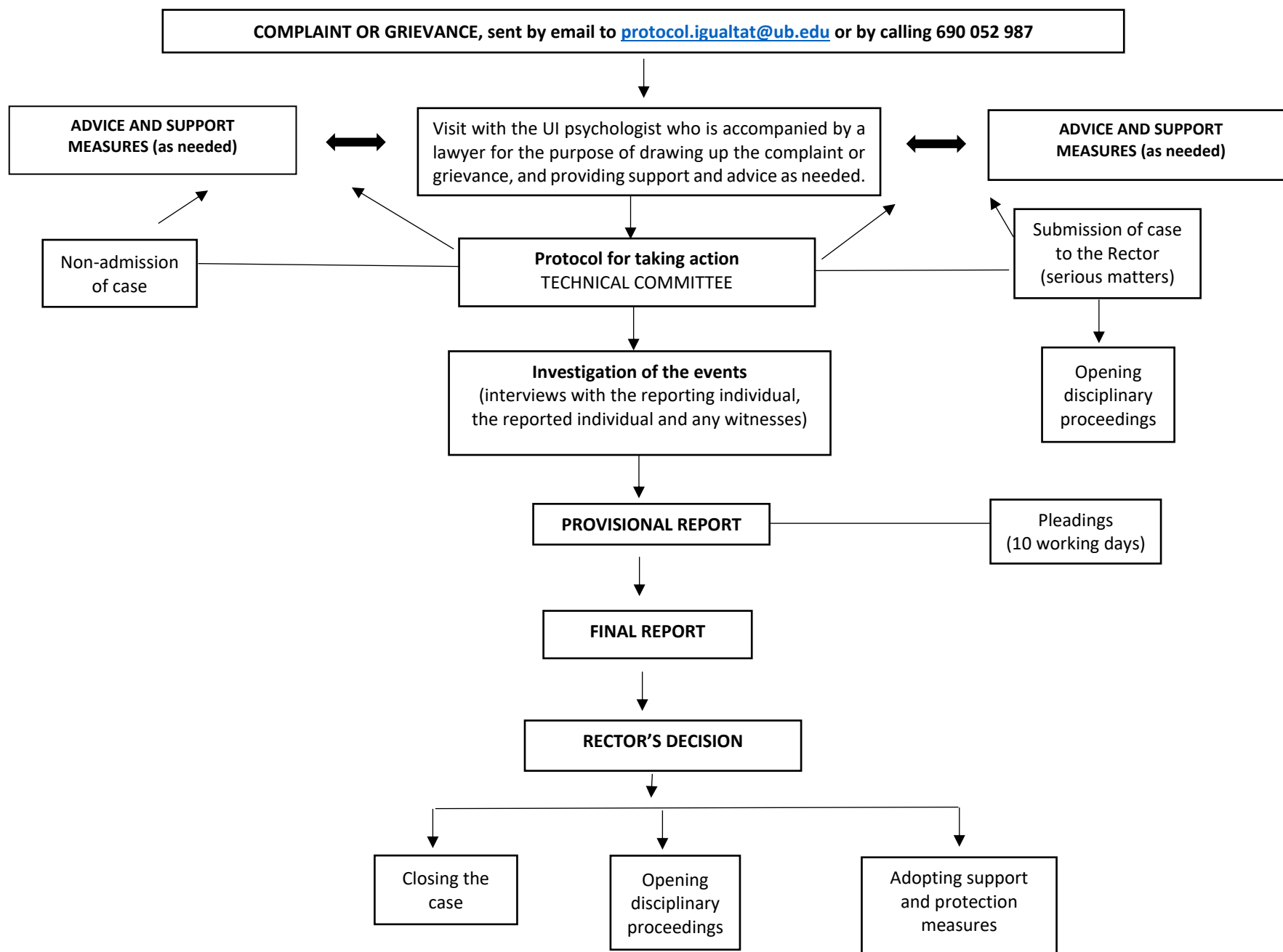
The entities of UB Group, the UB's own halls of residence and any other residences affiliated or connected with the UB must approve a protocol for preventing, detecting and taking action on situations of sexual harassment or harassment on the grounds of sex, gender identity or sexual orientation, or any other sexist conduct. The protocol that they adopt must be modelled on the present protocol.

The Equality Unit can provide advice to the entities in order to prepare their protocol and address any cases.

All entities mentioned here in the final provision must send a report to the managing team of the UB's Equality Unit to describe the types of cases that they have addressed, while ensuring the anonymity of the individuals concerned.



IX. FLOWCHART OF PROCEDURE



X. ANNEXES

Annex 1. List of applicable regulations

International and European regulations and declarations

Universal Declaration of Human Rights, United Nations General Assembly, Resolution 217 A (III), dated 10 December 1948.

Convention on Discrimination in Respect of Employment and Occupation (Convention No. 111), International Labour Organization, 1958.

Declaration on the Elimination of Discrimination against Women, United Nations General Assembly, Resolution 2263 (XXII), dated 7 November 1967.

Resolution relating to the Protection of the Dignity of Women and Men at Work, European Council, dated 29 May 1990 (*Official Journal of the European Union*, No. C 157, 27 June).

Declaration on the Elimination of Violence against Women, United Nations General Assembly, Resolution 48/104, dated 20 December 1993.

Directive 2006/54/CE of the European Parliament and of the Council, 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).

European framework agreement on harassment and violence at work, dated 26 April 2007, European Commission, Com (2007) 686 final.

Convention on preventing and combating violence against women and domestic violence, Council of Europe, dated 11 May 2011.

Council Conclusions on LGBTI Equality, Council of the European Union, 2016.

Spanish, Catalan and University of Barcelona legislation or regulations

Spanish constitution (Articles 14, 15, 18 and 35).

Royal Decree 898/1985, of 30 April, on university teaching staff (Articles 15-19).

Royal Decree 33/1986, of 10 January, approving the disciplinary regulations for officials of the state administration.

Law 14/1986, of 25 April, on general health (Article 18.9).

Law 31/1995, of 8 November, on the prevention of occupational risks (Articles 4, 14, 15, 22 and 24).

Organic Law 10/1995, of 23 November, on the Criminal Code (Article 184).

Royal Decree 39/1997, approving the regulation of prevention services.

Law 29/1998, of 13 July, governing contentious-administrative jurisdiction (Article 19.1).

Royal Legislative Decree 5/2000, of 4 August, approving the recast text of the Law on infringements and penalties relating to labour regulations.

Decree 246/2003, of 8 October, approving the Statute of the University of Barcelona (Articles 3, 4 and 7).

Royal Decree 171/2004, of 30 January, implementing Article 24 of Law 31/1995, of 8 November, on the prevention of occupational risks in relation to the coordination of business activities.

Organic Law 1/2004, of 28 December, on integrated protection measures against gender-based violence.

Organic Law 6/2006, of 19 July, on the reform of the Statute of Autonomy of Catalonia (Articles 4, 19 and 41).

Organic Law 3/2007, of 22 March, on effective equality between women and men (Articles 7, 8, 48 and 62).

Law 36/2011, of 10 October, governing social jurisdiction (Articles 3-4, 95-96, 151-152, 177-184).

Law 11/2014, of 10 October, guaranteeing the rights of lesbian, gay, bisexual, transgender and intersex people and eradicating homophobia, biphobia and transphobia.

Law 17/2015, of 21 July, on effective equality between women and men.

Royal Legislative Decree 2/2015, of 23 October, approving the recast text of the Law on the workers' statute (Articles 4, 17, 54-56, 58, 60, 93-96).

Royal Legislative Decree 5/2015, of 30 October, approving the recast text of the Basic statute of public employees (Articles 14, 93-98).

Law 39/2015, of 1 October, on the common administrative procedure of the public administrations.

Law 40/2015, of 1 October, on the legal regime of the public sector.

Organic Law 3/2018, of 5 December, on the protection of personal data and guarantee of digital rights.

Royal Decree-Law 6/2019, of 1 March, on urgent measures to guarantee equal treatment and opportunities for women and men in employment and occupation.

Law 17/2020, of 22 December, amending Law 5/2008, of 24 April, on the right of women to eradicate sexist violence.

Law 19/2020, of 30 December, on equal treatment and non-discrimination.

Law 3/2022, of 24 February, on university co-existence.

Regulations of the University of Barcelona:

https://www.ub.edu/web/ub/ca/sites/transparencia/normativa/3-normativa_ub/index.html>

VI Collective bargaining agreement of non-statutory PAS at Catalan public universities, 2005.

Regulations governing non-statutory PDI at Catalan public universities:

https://www.ub.edu/dyn/cms/continguts_ca/sites/transparencia/normativa/normativa/2_normativa_legal.html#personal>.

Annex 2. Indicative description of behaviours

As a guideline, the following types of conduct are regarded as **sexual harassment**:

- Making sexual innuendo or humiliating, degrading or obscene remarks of a sexist nature or on the grounds of gender identity or sexual orientation.
- Applying pressure to arrange compromising or sexual meetings within or outside the university setting.
- Writing letters, notes, emails or any other type of textual or graphic message with sexual content aimed at the person who is the object of the conduct.
- Posting comments, photos or any other type of material of a sexual nature on social media, aimed at (or about) the person who is the object of inappropriate attention.
- Deliberately cornering or unnecessarily seeking to be alone with someone in order to create an intimidating or uncomfortable environment.
- Making a request for sexual favours.
- Establishing deliberate and unsolicited physical contact (pinching, touching, kissing, unwanted rubbing or massaging, or making any another type of unwanted contact).
- Intentionally touching the sexual body parts of the harassed person.

- Forcing sexual relations under pressure, coercion, intimidation or drugging (conduct criminally punishable as sexual abuse or assault).

As a guideline, the following types of conduct are regarded as **harassment on the grounds of sex or gender, gender identity and/or sexual orientation**:

- Writing letters, notes, emails or any other type of offensive textual or graphic message based on the sex, gender identity or sexual orientation of the affected person.
- Posting comments, photos or any other type of material on social media, aimed at (or about) the person who is the object of the conduct.
- Deliberately cornering or unnecessarily seeking to be alone with someone in order to create an intimidating or uncomfortable environment.
- Making public or private comments aimed at degrading, disparaging or humiliating the affected person.
- Invading the privacy of the person who is the object of the conduct with the intention of making the person uncomfortable, and using any obtained information publicly.
- Deliberately publishing or spreading personal or confidential information about the person who is the object of the conduct in order to ridicule the person or change the person's public image.
- Publicly disparaging the person who is the object of the conduct in terms of the person's skills and abilities or any other personal aspect.
- Deliberately isolating the affected person from the person's social environment and excluding the person from group or common activities.
- Combining different types of conduct described above, which is regarded as a sufficient sign of harassment.
- Engaging in any abusive conduct of a physical or mental nature that is not sexual, such as in the hazing of incoming students.

As a guideline, the following types of conduct are regarded as **sexist conduct**:

- Making public comments, either spoken or in writing, of a sexist, homophobic or transphobic nature that are not addressed at anyone in particular. Public comments are understood to be any comments that take place in the context of a class, practical session, workshop, lecture, the public defence of a project or before a panel, committees, teaching materials, digital platforms or any other digital media aimed at the university community in general or at a particular group of any size, such as working groups, committees and participatory governing bodies of the UB.
- Posting images for distribution within the university community that are sexist, homophobic or transphobic in nature but not addressed at anyone in particular, under the same conditions as those stated in the preceding point.
- Preventing the identification of sexist conduct at any faculty of the University of Barcelona, of any type, whether subject to complaint or as a feature of how activities, workshops or lectures are organized, or of some other kind.
- Engaging in any of the conduct described above in the context of external activities that are carried out in the facilities of the University of Barcelona and coordinated with the UB as part of a curricular pathway.
- Recommending sexist, homophobic or transphobic bibliography, unless done so for the purposes of research or critical consideration.
- Requiring students to wear a uniform or special apparel that is not necessary for the type of activities pursued in their academic activity.

- Forcing students to engage in academic activities of a sexist nature, which they are entitled to refuse to do.
- Organizing academic or recreational activities in which women have only a token presence or are wholly absent, without due cause.
- Addressing students within or outside class in a sexist, homophobic or transphobic manner, when the conduct is not aimed at anyone in particular.
- Discriminating directly, indirectly, by association, by mistake, in multiple ways, on the grounds of sex, gender identity or sexual orientation, whenever the discrimination is arbitrary, unfair or unreasonable towards a woman or an LGBTQIA+ person.
- Engaging in other similar conduct habitually or sporadically.