

The University of Barcelona's Protocol for Prevention, Detection and Action against Sexual Harassment and Harassment Based on Gender, Gender Identity or Sexual Orientation, and Other Sexist Behaviour

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BACKGROUND

Prior to the development of this protocol, several faculties of the University of Barcelona's had approved their own protocols on sexual harassment. The following protocols are in effect at the University:

- a) The Protocol for Prevention, Detection and Action against Sexual Harassment, approved by the board of the Faculty of Economics and Business on 4 November 2011;
- b) The Protocol of the Faculty of Law of the University of Barcelona for Prevention, Detection and Action against Sexual Harassment and Harassment Based on Gender or Sexual Orientation, approved by the board of the Faculty of Law on 16 November 2011;
- c) The Protocol of the Faculty of Fine Arts of the University of Barcelona for Prevention, Detection and Action against Sexual Harassment and Harassment Based on Gender, Sexual Orientation or Gender Identity, approved on 26 February 2012; and
- d) the Protocol for Prevention, Detection and Action against Sexual Harassment, approved by the board of the Faculty of Biology on 21 March 2013.

The Governing Council, on 13 February 2014, approved the University of Barcelona's Protocol for Prevention, Detection and Action against Sexual Harassment and Harassment based on Gender or Sexual Orientation. This protocol includes much of the content of the aforementioned protocols and is intended to serve for the entire university. However, implementation of the protocol since this date has revealed a need for it to be updated and revised, as established in Section XIII of the protocol itself. Improvements identified in the application of the protocol over the years now need to be incorporated.

For these reasons, this new version is issued, which applies to all activities, people, schools and faculties within the University of Barcelona's area of action. It is the only instrument and tool of reference to comply with the mandate of Article 28.2 *f* of Law 17/2015 of 21 July, on effective equality between women and men, in the prevention of and response to allegations and complaints that could be made by any member of the university community regarding situations of sexual harassment and harassment based on gender, gender identity or sexual orientation, and other sexist behaviour.

The new version provides a response to all potential situations that reveal sexist behaviour in the academic and administrative life of the University of Barcelona, to construct a society that respects the values of equality and diversity.

I. EXPLANATORY STATEMENT AND JUSTIFICATION OF THE PROTOCOL

The Declaration on the Elimination of Violence against Women, adopted by the United Nations to complement the Convention on the Elimination of All Forms of Discrimination against Women, affirmed (for the first time with universal scope) that all forms of gender-based violence constitute flagrant violations of fundamental rights, and urged states to apply all necessary measures to eradicate violence against women.

Regulations governing fundamental rights in the international and European law, and in the Spanish and Catalonian law, prohibit conduct that is contrary to the dignity of the individual and affirm the right to equality and non-discrimination based on sex. Specifically, the Spanish Constitution obliges public authorities to pursue more than mere formal equality, promoting conditions that ensure that equality is real and effective (Articles 14 and 9.2 of the Constitution).

Organic Law 1/2004 of 28 December, on comprehensive protection measures against gender-based violence, was the first legislation to provide a comprehensive system for protecting individuals from gender-based violence. The Law implemented a broad range of legislative measures and included actions related to awareness-raising, prevention and detection in educational settings, intended to prevent and eradicate gender-based violence.

In Catalonia, Law 5/2008 of 24 April, on the right of women to eradicate gender-based violence, increases the area of protection beyond violence in affective relationships, to protect from all forms of violence against women. This is the approach adopted in this protocol, which will therefore adopt the terminology of the Catalan law and consequently refer to gender-based violence.

As regards sexual harassment, Organic Law 3/2007 of 22 March on effective equality between women and men stipulates that public institutions must promote working conditions that prevent sexual and gender-based harassment and establish specific procedures to prevent harassment and deal with any allegations or complaints made by individuals who may have been victims of such conduct (Article 48.1 and the Sixth Final Provision of the aforementioned Organic Law).

In Catalonia, Law 17/2015 of 21 July, on effective equality of women and men, states that public authorities must take the necessary steps and adopt appropriate strategies to ensure equality of women and men in a democratic society. In particular, public authorities must guarantee that all forms of violence against women and actions of a sexist, misogynistic and discriminatory nature shall be dealt with comprehensively (Article 3). It is established that universities must “give information and advice to prevent any discrimination, sexual harassment, harassment on grounds of sex or other form of violence against women” (Article 28.3 c), and “apply affirmative action and include mechanisms of cooperation between institutions that help prevent sexual harassment and harassment on grounds of sex (the highest expression of inequality between the sexes), that guarantee this prevention, and that allow suitable responses to any complaints or claims that may be made in this regard to any member of the university community” (Article 28.2 f).

One of the primary objectives of Catalan universities is to convey the civic and social values of a democratic society (Article 3 of the Law on Catalan Universities), and they must offer society a model of real, effective respect for fundamental rights. Universities must anticipate and eradicate sexual or gender-based harassment in order to progress towards the full participation of members of the university community in academic activity and ensure respectful and harmonious relations between all members of that community.

Universities must protect the rights of people involved in situations of harassment, including the right to dignity and the free development of one’s personality, the right to physical and moral integrity, the right to non-discrimination based on gender or any other personal or social circumstance, and the right to privacy and honour, all of which are governed by international law, the Spanish Constitution, the Statute of Autonomy of Catalonia, and the Statute of the University of Barcelona (see Annex 1).

In its statute, the University of Barcelona undertakes to ensure “respect for the dignity of individuals in the performance of their activities” and to defend their safety and integrity in the exercise of these tasks (Article 4.2). The University of Barcelona also seeks to ensure that all members of the university community respect and internalise the UB’s values; namely, “freedom, democracy, justice, equality and solidarity” (Article 4.1).

This protocol on prevention, detection and action against sexual harassment is intended to further advance the University’s commitment to eradicating gender-based violence in the university setting. Such conduct will not be tolerated or regarded as justifiable in any circumstances.

The University of Barcelona therefore undertakes to act decisively to protect individuals affected by sexual harassment, prevent such conduct, and ensure that there are institutional channels for lodging complaints and responding to incidents. The University offers the university community a procedure for taking action should any situation involving the kind of harassment defined in this protocol be detected.

One of the main aims of this protocol is to prevent harassment and provide support and advice for people who have suffered from it. It is designed to ensure a rigorous, confidential response for affected individuals, and to offer them fast, effective mechanisms for resolving any issues that arise and obtaining support.

It is also essential that the University of Barcelona seeks to prevent this form of violence through its educational activity and awareness-raising actions that focus on the value of equality and the need to combat sexist behaviours and social stereotypes that lead to inequality between women and men, as established in Article 25 of Organic Law 3/2007 of 22 March on effective equality between men and women, and Article 17 of Catalan Law 5/2008 of 24 April on the right of women to eradicate gender-based violence.

This protocol, which applies to the entire University of Barcelona, should serve to prevent, identify, protect and propose penalties in response to conduct that constitutes sexual harassment or harassment based on gender, gender identity or sexual orientation, and to clarify models for action and the responsibilities of the individuals and/or bodies involved when such situations are detected at the University of Barcelona.

The types of behaviour that are reported are differentiated in the procedure, for which there is a specific complaints form and a counter for complaints. Situations identified as sexist behaviour other than harassment are resolved within schools and faculties by their own committees, while harassment situations are resolved within the UB Equality Unit by a committee appointed *ad hoc*.

II. INSTITUTIONAL COMMITMENT AND AIMS

1. Institutional commitment

The University of Barcelona has a zero tolerance policy towards sexual harassment and harassment based on gender, gender identity or sexual orientation. Consequently, it is committed to:

- a) Formally stating and disseminating its rejection of sexual harassment and harassment based on gender, gender identity or sexual orientation, whatever form it takes, and however it is expressed.
- b) Promoting a culture oriented towards preventing sexual harassment and harassment based on gender, gender identity or sexual orientation through activities aimed at the entire university community that provide training and information and raise awareness of this issue.
- c) Reporting, investigating and, where appropriate, penalizing any conduct that may constitute sexual harassment or harassment based on gender or sexual orientation, in accordance with the provisions of this protocol.
- d) Supporting and advising people who have suffered from sexual harassment or harassment based on gender, gender identity or sexual orientation.

These commitments are public and are communicated to all members of the university community.

2. Aims of the protocol

The University of Barcelona wants to make clear its zero tolerance of all types of violence to women and harassment based on sex, gender, gender identity and sexual orientation of people.

The main aim of this protocol is to prevent, act, penalise and protect in situations of sexual harassment and harassment based on gender, gender identity or sexual orientation that could occur in the University of Barcelona and among members of the university community or as a result of the interpersonal relationships that could be established with this community.

Consequently, the specific aims of the protocol are:

- a) To prevent certain behaviour, repair harm and penalise those responsible for the behaviour.
- b) To inform, educate and raise awareness among all members of the University of Barcelona on the subject of sexual harassment and harassment based on gender, gender identity or sexual orientation.
- c) To provide guidelines for identifying situations of harassment and other sexist behaviour when they have occurred and for preventing such conduct.



- d) To organise and regulate an effective procedure for intervention and support to attend to and resolve situations that have been identified, but could not be prevented, as fast as possible and within deadlines so that the resolution does not require a long time.

To achieve the aforementioned objectives, the following measures and guarantees will be enforced:

- a) Ensure the safety, integrity and dignity of affected individuals.
- b) Apply, at all times, measures that are appropriate in each case to protect victims and end harassment.
- c) Apply or propose the relevant punitive measures.
- d) Ensure the confidentiality of affected individuals.
- e) Apply the measures described in the chapter on preventive policies.

3. Recognition of the implication in the application of the protocol

Provided teaching and service needs are covered, the University of Barcelona will recognize and facilitate, through the mechanisms available, the involvement of PDI, PAS and students in the actions and activities referred to in this protocol.

III. SCOPE

This protocol applies to any situation related to any activity that takes place in the university setting or in relation to professional or administrative activities promoted, organised or coordinated by the University of Barcelona, with the following clarifications:

1. Subjective scope of application

This protocol can be applied to report, investigate and propose penalties in the case of sexual harassment and harassment based on gender, gender identity or sexual orientation and other sexist behaviour that occurs in the university environment and involves any member of the university community, whatever their affiliation, and specifically:

- a) students, both of official courses (bachelor's degrees, master's degrees and doctoral programmes) and university-specific degrees and other courses organised by the UB, including mobility students;
- b) teaching and research staff (PDI), including trainee research staff;
- c) administrative and service staff at the University of Barcelona or those who provide services in UB facilities.

The aforementioned individuals could be the alleged perpetrators or the alleged victims of the conduct described in this protocol.

This protocol also covers cases of sexual harassment and harassment based on gender, gender identity and sexual orientation, and other sexist behaviour of people with no affiliation to the University who carry out their activities or provide services at or for the University of Barcelona as a supplier, organizations or company associated with the university for academic or research purposes. In this case, the University should adopt appropriate measures as required (termination of agreement for external placements, demand for replacement of staff, etc.).

The University of Barcelona will offer measures to support and protect anybody affected by any of the situations described in this protocol that occur in the University of Barcelona's facilities or during activities organised by the University, even if the affected individual is not part of the university community, and in accordance with the available budget.

If the situations described in this protocol occur among members of the university community but outside of the university environment, this protocol shall be applied to investigate the facts and propose preventive measures if necessary, if the incidents have an impact on university life.

2. Objective scope of application

This protocol shall apply in the described circumstances to any conduct of sexual harassment and harassment based on gender, gender identity and sexual orientation and other sexist behaviour that takes place within the University of Barcelona's facilities, in any of the University's centres and offices, and in activities that are undertaken outside this University's facilities if they are organised, coordinated or supervised by the University's academic bodies or related with teaching activity, academic or administrative life, of whatever kind, including, in the case of students:

- a) academic activities undertaken outside of teaching hours or teaching centres,
- b) curricular and extra-curricular placements, undertaken by students but arranged or supervised by teaching centres,
- c) leisure activities such as end-of-degree trips, university celebrations, or other types of activity associated with university life, if they are organised, coordinated or supervised by the University's academic bodies,
- d) the activities of art or sports groups at events organised by the University;
- e) initiation of new students, regardless of where the events take place.

3. Temporal scope of application

This protocol shall apply to all individuals who could maintain a temporary, permanent or transient relationship with the University of Barcelona.

It shall also apply to situations that may have occurred on completion of the relationship of any of the individuals involved with the University of Barcelona, within the periods established in the applicable general legislation.

IV. IDENTIFICATION OF RISK SITUATIONS AND DEFINITION OF HARASSMENT

1. Legal definition of harassment

In accordance with Article 7 of Organic Law 3/2007 of 22 March on effective equality between women and men, and Article 5 of Law 5/2008 of 24 April on the right of women to eradicate gender-based violence:

- a) *Sexual harassment* is defined as unwanted verbal or physical conduct of a sexual nature that infringes on the dignity of another person and creates an intimidating, hostile, degrading, offensive or uncomfortable environment for them.
- b) *Gender-based harassment* is defined as unwanted verbal or physical conduct that infringes on the dignity of another person and creates an intimidating, hostile, degrading, offensive or uncomfortable environment for them, if this conduct is motivated by or based on the sex or gender of the harassed individual.
- c) *Harassment based on sexual identity* is defined as unwanted verbal or physical conduct that infringes on the dignity of another person and creates an intimidating, hostile, degrading, offensive or uncomfortable environment for them, if this conduct is motivated by or based on the sexual identity of the harassed individual.
- d) *Harassment based on sexual orientation* is defined as unwanted verbal or physical conduct that violates the dignity of another person and creates an intimidating, hostile, degrading, offensive or uncomfortable environment, if this conduct is motivated by or based on the real or attributed sexual orientation of the harassed individual.

2. Requirements

The types of conduct defined above could occur between equals, be directed at subordinates by their superiors, or be directed at superiors by their subordinates. There does not have to be a relationship of physical, psychological or hierarchical power between the perpetrator and the victim to identify the existence of harassment.

The aforementioned types of conduct do not have to be repeated over time or continuous. In each case, the specific characteristics should be assessed, considering the guidelines described in the following section of this protocol.

The types of conduct could exist between individuals or be carried out by a group or set of people against an individual, or could emerge in a situation of environmental harassment in which no individual perpetrator can be identified, but that results in a hostile or intimidating environment for the affected individual.

3. Accumulation or intersection of situations

The existence of a combination of situations in which the same person is harassed for various of the motives stipulated in this protocol or combined with situations that are not covered by this protocol shall receive reinforced protection and specific support from all the units and responsible bodies that are involved, given the greater need for protection that the affected person(s) may need in the situation that has been reported.

4. Description of types of harassment and difference from other types of conduct

In general terms, the following are considered sexual harassment:

- e) Making sexual advances or sexist remarks that are humiliating, demeaning or obscene, or remarks related to someone's sexual orientation.
- f) Pressuring someone to arrange a date or sexual encounter inside or outside the university premises.
- g) Writing letters, notes, e-mails or any kind of text or graphic message that includes sexual content addressed to the person who is the target of the behaviour.
- h) Publishing comments, photographs or other types of materials of a sexual nature on social networks, aimed at or about the person who is the target of inappropriate attention.
- i) Cornering someone or deliberately seeking to be alone with them when there is no need, thus creating an intimidating or uncomfortable environment.
- j) Requesting sexual favours.
- k) Deliberately making unwanted physical contact with another person (pinching, touching, kissing, giving unwanted massages) or establishing any other kind of unwanted physical contact.
- l) Intentionally touching the sexual parts of another person's body.
- m) Forcing sexual relations under pressure or through coercion, intimidation or chemical submission (conduct that is penalised as abuse or sexual assault).

In general terms, the following conducts are considered harassment based on sex or gender, gender identity or sexual orientation:

- a) Writing letters, notes, emails or any kind of text or graphic message that includes offensive content based on the gender, gender identity or sexual orientation of the affected person.
- b) Publishing comments, photographs or other types of materials on social networks, aimed at or about the person who is the target of inappropriate attention.



- c) Cornering someone or deliberately seeking to be alone with them when there is no need, thus creating an intimidating or uncomfortable environment.
- d) Making public or private comments designed to demean, discredit or humiliate the affected person.
- e) Impersonating the affected person in online environments to publicly humiliate him/her.
- f) Invading the privacy of the person who is the target of the conduct to make him/her uncomfortable and use the information obtained publicly.
- g) Publishing or deliberately disseminating personal or confidential information about the person who is the target of the conduct to mock or ridicule them or change their public image.
- h) Publicly discrediting the person who is the target of the conduct in terms of their skills and abilities or any other personal aspect.
- i) Deliberately isolating the affected person from their social environment and forcing their exclusion from collective or joint activities.
- j) A combination of the types of conduct described above is considered sufficient indication of harassment.
- k) Any abusive conduct of a physical or mental nature that is not sexual, for example in the context of initiations of new students (hazing).

5. Description of other sexist behaviour

Sexist behaviour other than harassment, relating to sex and gender, along with and/or a lack of respect for gender identity and/or sexual orientation of the affected people shall also be the subject of investigation, support and resolution within the University of Barcelona's policy for preventing discrimination based on gender, sex, gender identity or sexual orientation, in accordance with the following general definition.

In general terms, sexist behaviour is defined as the following for the purposes of this protocol:

- a. Making public verbal or written comments of a sexist or homophobic nature or relating to transgender people that are not aimed at a specific person. Public comments are defined as those that are made in the context of a class, practical session, meeting, conference, public defence of theses, examination panel, committee, teaching materials, digital platforms or other online means aimed at the university community in general or at a group (of any size) in particular as well as working groups, committees or UB governing and participatory bodies.
- b. Publishing images disseminated within the university community that are of a sexist or homophobic nature or relate to transgender people but are not aimed at a specific person, under the same conditions as specified in the above section.
- c. Stopping people from expressing opinions that highlight sexist behaviour at any University of Barcelona school or faculty, of any type, whether in the form of a complaint, the organisation of activities, meetings, talks or others.
- d. Behaving in any of the ways described above in the context of activities external to those carried out in the University of Barcelona's facilities, coordinated with the University as part of a course of study.
- e. Recommending sexist, chauvinist or homophobic literature or literature that disrespects transgender people, unless it is for the purpose of research and criticism.
- f. Demanding a uniform or specific clothing that is not necessary for the type of activities undertaken by students in their academic work.
- g. Demanding the undertaking of sexist academic activities, which the students shall have the right to refuse to do.



- h.* Organising academic or leisure activities with a negligible number of women or the complete absence of women for no justified reason.
- i.* Addressing students within and outside of class in a sexist or homophobic way, or a way that is not respectful of the rights of transgender people when the behaviour is not aimed at a specific person.
- j.* Other similar habitual or sporadic behaviour.

6. Application guidelines

The protocol will be accompanied by various guidelines providing orientation and explanations of its concepts and actions, to assist in its application to all the stakeholders. In addition, models of each of the reports required in the corresponding procedures will be provided. The models can be found in the annexes to this protocol.

V. PROCEDURES FOR ACTION

1. Procedures

The protocol establishes two channels of action, depending on the type of conduct that is reported:

- a)* Procedure for harassment.
- b)* Procedure for other sexist behaviour.

2. Principles and guarantees in all procedures

In both cases, the following principles and guarantees apply:

- a)* **Respect and protection of dignity.** Actions and inquiries must be conducted with the discretion required to protect the privacy, respect and dignity of all persons involved. The University of Barcelona must take appropriate steps to uphold the right to protection of dignity of affected persons.
- b)* **Training to implement the protocol.** Everyone involved in the application of the procedure must be informed of the content of this protocol.
- c)* **Confidentiality.** All queries or complaints that are processed are protected by the principle of confidentiality of all those involved. For this reason:
 - Only people with the authority to receive and process complaints will have full access to the personal information that is involved.
 - All information on complaints that leads to application of the protocol are particularly sensitive data and shall be processed in such a way to maintain the confidentiality and right to privacy of all of the people who are involved.
 - Documents related to the complaint or investigation cannot be disseminated except when necessary to initiate a complaint or judicial or administrative proceedings. Information obtained in the course of this procedure must be incorporated in the record of the administrative inquiry undertaken or commissioned by the authority concerned. In any event, circulation of these documents must be strictly restricted to these domains and to the group of persons who are absolutely necessary.
 - All people who are involved in the procedure (investigators, committee members, witnesses, experts, etc.) will be informed and notified of the obligation to keep the existence of the procedure and their role in it confidential.
- d)* **Diligence and promptness.** Cases must be investigated and resolved in a professional and diligent manner and without undue delay. The procedure should be completed as quickly as possible while



respecting the guarantees that apply. In any event, the procedure described in this protocol must be completed within six months.

- e) **Impartiality and the rule of audi alteram partem principle of a contradictory process.** All persons involved must act in good faith in seeking the truth and clarifying the incident(s) that led to the complaint. The procedure must ensure that all individuals involved receive a fair hearing and are treated fairly.
- f) **Protection from reprisals.** The University of Barcelona will protect the complaining party against potential reprisals that they may suffer as a result of their complaint, their intervention as witnesses, and their participation in investigations into harassment as described above or any application of the procedure ruled by this protocol, in the terms established in the applicable regulations.
- g) **No revictimisation.** This principle of no revictimisation of individual(s) who report conduct covered by this protocol means that the complaining party should only have to make one statement before the committee in the faculty where the complaint is submitted. The complaining party should not have to repeat the same statement before other people who are responsible for the protocol procedure if this is not strictly necessary, according to the development of investigation of the case.

VI. INITIAL STAGE OF THE PROCEDURE. LODGING OF A COMPLAINT AND INITIATION OF PROCEEDINGS

1. Persons entitled to lodge a complaint

A complaint may be lodged by:

- a) The affected person(s)
- b) Anyone with academic and/or administrative responsibilities at the University, including members of the UB's representative bodies, union or staff representatives and works councils and student representatives as well as those responsible for the tutorial action plan or the Student Support Service (SAE).
- c) Others who have direct or indirect knowledge of inappropriate conduct described in this protocol.
- d) In the case of other sexist behaviour referred to in Section 5, Part IV of this protocol, student associations or trade unions that are represented at the University of Barcelona, when the behaviour is general, indeterminate or not directed at specific individuals.

Complaints lodged by anyone other than the person directly affected must include the affected individual's express consent to initiate proceedings under this protocol. This provision shall not apply in the case of a group complaint or complaint submitted by an association or trade union represented at the University of Barcelona in relation to the other sexist behaviour described in Section 5. If the affected person does not give their consent, the complaint shall be closed and the responding party shall be informed.

2. Lodging of the complaint

- a) **Place of submission and bodies with authority to receive the complaint.** Complaints must be submitted to a validly constituted equality committee in the faculty related or associated with the incidents that are reported, except in cases that affect more than one faculty or the entire university, or staff who are not associated with a faculty. In this case, the complaint must be submitted to the Equality Unit of the University of Barcelona.

If a complaint is lodged with any other university authority, that authority must refer the complaint to the equality committee of the relevant faculty or the Equality Unit of the University of Barcelona, as applicable.



If the relevant faculty does not have an equality committee, the complaint shall be submitted to the Equality Unit of the University of Barcelona.

- b) **Form of the complaint.** Complaints may be made verbally or in writing, and can be submitted by e-mail or in person. If a complaint is made verbally to the person responsible for the equality committee of a UB faculty or the Equality Unit of the University of Barcelona, as applicable, a written report must be drawn up and signed by those present (see the complaint form provided in Annex 2).

Whether a complaint is lodged verbally or in writing, the basic details must be recorded digitally in accordance with the provisions of Articles 5 and 8, in relation to Article 11 of Organic Law 3/2018, of December 5, on the Protection of Personal Data and Guarantee of Digital Rights.

The registration and centralisation of data with a guarantee of rights and security will be completed using a specific data management programme with secure, restricted access that is available to the Equality Unit and the presidents of the equality committees, who will only be able to access their own cases.

- c) **Probative evidence.** Along with the complaint, the complaining party shall submit any evidence they have available to them, although no probative action is required on their part. In any case, the relevant equality committee (or the Equality Unit, when applicable) shall undertake actions focused on investigating the facts.
- d) If the equality committee or the Equality Unit consider that the Protocol does not apply, they shall communicate this fact in writing to the responding party, who may appeal before the rector. If it is considered that the case is not covered by the protocol, but is an interpersonal conflict, it could be referred to the Office for Conflict Resolution and Mediation.

3. Precautionary measures

- a) Once a complaint has been lodged, if the circumstances so warrant and considering the seriousness of the harm that may be caused to the affected individual and the need to protect his/her rights, the body responsible shall propose to the rector that precautionary measures be taken.
- b) If the complaint affects students and the precautionary measure involves academic matters, the adoption of the precautionary measure could be proposed directly to the dean. If the dean rejects the measure, the case could be submitted to the rector who shall make a decision after listening to the dean and the faculty's equality committee.
- c) Without prejudice to administrative provisions concerning sanctions, the rector or dean, acting within his/her competence, may implement appropriate measures to ensure that the harassment ceases, the conduct is not repeated, the rights of the parties involved are protected and the reported sexist behaviour is discontinued.
- d) Such measures may include transfers to another unit, service, department, group, location, activity, placement, changes in the course of study or timetable or any other suitable measure on request of the complaining party and/or the responding party. In any case, the bodies responsible for the precautionary measures could consider other alternatives that are appropriate to the case and the context in which they must be applied.
- e) To request the adoption of precautionary measures, the acting body shall send the main, essential information on the case so that the corresponding decision can be made by the appropriate person, along with proposed measures and a justification of their suitability. For the measures to be adopted, coordination and consultation is required, depending on the group that is affected, with the OSSMA, the Student Support Service (SAE) or the coordinator of the Tutorial Action Plan and, within these units, with the person who is most specialised in gender and diversity.
- f) Precautionary measures, which shall in no way prejudice the outcome of the procedure, must be justified as a means of ensuring that the parties involved are protected, and as an exercise in



responsibility by the institution in which the incident took place, in light of the circumstances and the verified evidence. The adoption of precautionary measures should respect the right to presumption of innocence of the responding party.

- g) Precautionary measures should be in place long enough to achieve their purpose and should end when the procedure is terminated.

4. Start of the complaint procedure

- a) **Report to the Equality Unit.** Once a complaint has been received by a faculty's equality committee, the committee president must report the contents to the Equality Unit of the University of Barcelona.
- b) **Decision on the application of a suitable procedure.** Depending on the type of incidents that are described in the complaint, the president of the faculty's equality committee shall decide whether it should be handled in the Equality Unit for harassment or whether it should initiate the procedure for other types of sexist behaviours described in this protocol.
- c) **Coordination and involvement of others.** When the case involves others outside the structure of the UB, for example, in students' institutional or company placements, the handling of the case shall require the collaboration of the bodies responsible for the faculties' institutional relations. If staff of other universities, companies and/or institutions are involved, the rector's office must be informed previously.
- d) **Other actions.** The handling of a complaint via this procedure shall in no case prevent the persons concerned from initiating administrative or judicial proceedings simultaneously or at a later time.
- e) **Doubtful or particularly complex cases.** In case of doubt or the specific complexity of the case, it could be referred directly to the Equality Unit so that this Unit can decide how to categorise the incident. The director of the Equality Unit shall have sole responsibility for resolving uncertainties and categorising incidents for the purposes of applying this protocol and any associated measures relating to situations protected by the protocol.

5. Stage of investigating the facts

- a) **Maximum amount of information.** During the conduct of the procedure, the body responsible must request as much information as possible from all those involved to make an initial assessment of the case.
- b) **Speed and confidentiality.** Information must be gathered as quickly as possible while taking all possible steps to maintain confidentiality and ensure sensitivity and respect for the rights of those affected. At all times, to prevent dissemination of confidential information, when information is shared on the incidents that are analysed, it shall never be accompanied by the names of the people involved.
- c) **Interviews.** The affected individuals (the alleged perpetrator of the harassment and the alleged victim or victims) and any witnesses or others connected to the case must be interviewed. Electronic notification shall be used to call the people involved to meeting. Such meetings shall be obligatory for members of the university community.
- d) **Accompaniment.** Throughout the procedure, those involved may be accompanied by an individual, professional or association of their choice (including legal, union or student representatives) if they so request. All those involved must maintain confidentiality about the existence of the procedure and their role in it.
- e) **Obligation to cooperate.** All members of the university community must cooperate with the Committee during the investigation process.
- f) **Use of standardised, validated instruments** when necessary.

- g)* **Right of recusal and disqualification.** Right of the person(s) investigated to reject the investigators in the procedure for reasons that are established in law, or for the investigators to withdraw for the same legal reasons, and the corresponding referral of the case to other people who will be entrusted with the investigation.
- h)* **Right of the responding party to be heard.** The responding party has the right to be heard in the protocol procedure. The procedure will not be valid unless this process is offered to the responding party. If the responding party fails to appear, the body in charge of the investigation can draw the conclusions that it considers appropriate, given the analysis of the facts.

6. Personal support for the complaining party

- a)* The University of Barcelona shall try to provide psychological support for those affected or the complaining party when required. At all times, this support shall be coordinated with the resources available at the University of Barcelona or in the relevant faculty. The aim is to provide the highest level of support for the complaining party when required, considering the circumstances in each case.
- b)* The complaining party shall receive advice and counselling from the bodies that receive the complaints, with the help of the required collaborators, depending on the complaining party's needs and the University's available budget.
- c)* Support for the complaining party is compatible with that which should be provided for the responding party to correct their behaviour.
- d)* Those who intervene should be the people who are most specialised in the gender perspective.

VII. PROCEDURE FOR OTHER SEXIST BEHAVIOUR

1. **Incidents that do not constitute harassment.** This procedure shall be applied if the incidents that are the object of the complaint do not involve a situation of harassment, in the opinion of the president of the faculty's equality committee, but do involve other sexist, chauvinist or homophobic behaviour or conduct that is contrary to respect for diversity of gender identity. In case of doubt, the faculty's equality committee shall consult the Equality Unit on the categorisation of the incidents.
2. **Hearing stage.** Once the president (and secretary) of the equality committee has received the complaint, a hearing shall be given to all the parties involved, separately and individually, to clearly establish the facts that will be recorded in a written report.
3. **Issue and communication of the report.** The president of the equality committee shall send the report to the relevant authority depending on which group is affected, with a proposal of a solution and/or penalty:

 - a)* If it affects students: the Dean.
 - b)* If it affects administrative and service staff and/or UB suppliers: the General Manager.
 - c)* If it affects teaching and research staff: the Dean.
4. **Submission of the proposal.** If the adoption of disciplinary measures is proposed, the dean or the general manager shall submit the proposal to the rector so that the corresponding disciplinary proceedings can be initiated, which will include actions undertaken by the faculty's equality committee or by the Equality Unit, if necessary.
5. **Sending information to the parties involved.** The faculty's equality committee or the Equality Unit must notified the parties involved of the decision that has been adopted.



VIII. PROCEDURE FOR HARASSMENT

1. **Type of incidents.** This procedure shall be implemented if the incidents that are the object of the complaint appear to constitute harassment, in the opinion of the president of the faculty's equality committee, through the application of the definitions established in this protocol.
2. **Report to the Equality Unit.** In this case, the president of the equality committee must refer the case to the University of Barcelona's Equality Unit, with its own report of the circumstances of which it is aware and the original complaint.
3. **Constitution of the specific committee.** Once the complaint has been received by the Equality Unit, this Unit shall convene a specific committee to evaluate the incident. This committee shall be comprised of the director of the Equality Unit as chair and two other people with proven expertise in the situations under analysis, selected from the following:
 - a. an expert from the Health, Safety and Environmental Issues Office (OSSMA) who is specialised in psychosocial risk and harassment;
 - b. a person who is a member of the representative bodies of teaching and research staff and/or administrative and service staff;
 - c. a legal specialist designated by the General Secretary's Office.
 - d. If any of the people involved are students, an expert from the Student Support Service (SAE) could also participate or the coordinator of the Tutorial Action Plan (PAT) and a designated person from the student representative bodies.

The number of committee members can also be extended when required to include advisors or people with training and/or experience in equality and harassment, who may be selected from among prevention representatives who serve on the Safety and Occupational Risks Committee. At any stage in the procedure, the Committee may require the participation of one or more experts because of the nature of the issues involved.

4. **Stage of reviewing and expanding information on the incident.** The process of reviewing and, if necessary, expanding the available information must be carried out as quickly as possible. Information can be expanding through documents, interviews of other means that the committee consider to be relevant. In all cases, a statement must be taken from the responding party.
5. **Report of the specific committee.** The specific committee shall issue a report in which the incidents are established and actions proposed, which could include protection, reparation and penalisation.
6. **Communicate the result of the report to the parties involved and declarations.** The report's contents shall be communicated to the parties involved so that they can make any declarations they consider to be relevant.
7. **Final report with recommendations.** When the investigation has been completed, the committee or unit responsible must issue an assessment report indicating their conclusions and recommendations, which must be approved by the majority of members. Committee members who do not agree with the recommendations can attach their dissenting vote to the final report. The report shall be sent to the rector to announce a decision on the matter and a copy shall be sent to the dean and the general manager.

The report must be accompanied by all supporting documentation concerning the steps taken and must propose one of the following courses of action:

- a) **Close the complaint.** A proposal to close the case that led to the complaint must be justified on one of the following grounds:
 - Withdrawal of the complaint by the person who made it. In any case, if it considered that a crime of public persecution may have occurred, the actions shall be communicated ex-officio



to the rector so that they can report the case to the prosecution authorities and the procedure shall be halted.

- Unfounded or clear lack of sufficient evidence.

- b) Proposal to initiate disciplinary proceedings.** If analysis of the case leads to the conclusion that a non-criminal offence has been committed (i.e. an offence other than sexual or gender-based harassment) according to current legislation, the report must propose the initiation of the appropriate disciplinary proceedings.
- c) Proposal to initiate disciplinary proceedings and remedial action.** If the report clearly indicates that harassment has occurred, the issuing body must propose the initiation of disciplinary proceedings and appropriate steps to remedy the situation, when required.
- d) Initiation of the relevant disciplinary proceedings** if it is deduced from the procedure that the complaint is clearly unfounded. If it is clearly proven that the reported incidents are false or never occurred, actions shall be undertaken to initiate the relevant disciplinary proceedings.
- e) Proposal to adopt alternative, non-punitive measures** that are appropriate to the case and designed to correct the attitudes that have been detected.

8. Decision by the Rector. The Rector shall make a decision, which could be:

- a) Close the complaint, in accordance with the committee's proposal.
- b) Initiate disciplinary proceedings, in accordance with the committee's proposal and/or adopt the precautionary and remedial measures that are considered appropriate.
- c) Reject the committee's proposal, with justification of this decision, after consultation with the director of the Equality Unit.
- d) Adopt the alternative non-punitive measures proposed by the committee.

The rector's decision shall be communicated to the complaining party, the responding party, the dean of the faculty and the director of the Equality Unit.

9. Custody of documents. Documents and reports relating to the application of the protocol must be transferred to the legal services so that they can be archived and kept securely.

IX. DISSEMINATION OF THE PROTOCOL AND POLICIES TO PREVENT SEXUAL HARASSMENT AND HARASSMENT BASED ON GENDER, GENDER IDENTITY OR SEXUAL ORIENTATION AND OTHER SEXIST BEHAVIOURS

1. Dissemination of the protocol

Members of the UB university community must be informed of the existence of this protocol and of its content. The protocol must be disseminated by means of documents that provide information and publicize the protocol and its main features, and through information sessions and specific campaigns aimed at explaining its content and that help to detect these situations. The protocol must also be featured prominently on the UB Transparency Portal, the University's other websites, the Equality Unit website, and the websites of all UB faculties.

The protocol, and the need for strict compliance with it, must be communicated to collaborating companies, suppliers, service companies and companies or organisations where students undertake work placements and institutions in which UB staff are affiliated and/or assigned.

2. Inclusion of the protocol in the Equality Plan

This protocol forms part of the University of Barcelona's Equality Plan, together with the plan of action regarding sexual violence against women or due to gender identity and sexual orientation.

3. Prevention policies

- 1) **Competence.** The University of Barcelona, acting through the Vice-Rector for Equal Opportunities and Social Action and its Equality Unit, may design and apply strategies as required to inform, educate and train students and teaching, research, administrative and service staff in the prevention, detection and reporting of violence against women, sexual harassment, and harassment based on gender, gender identity or sexual orientation.

Policies to prevent gender-based violence are designed by the University of Barcelona's Equality Committee and executed by the Equality Unit, under the direction of the Vice-Rector for Equal Opportunities and Social Action or the body that replaces this entity in the future.

- 2) **Monitoring and assessment.** The University of Barcelona must also carry out monitoring and assessment activities to prevent harassment and influence the attitudes and behaviours of members of the university community. Specifically, the University must take the following steps:
 - a) Produce and disseminate a guide to university resources aimed at combating gender-based violence, including tools oriented towards prevention and early detection of any situation involving discrimination or gender-based violence.
 - b) Carry out information campaigns aimed at PDI, PAS and students.
 - c) Include specific content aimed at preventing harassment in training plans for PDI and PAS.
 - d) Carry out a study, at least once every three years, of a representative sample of the various groups that make up the university community.

The Equality Unit of the University of Barcelona, the Student Support Service (SAE), and the Office of Health, Safety and Environmental Issues (OSSMA) must work together to carry out this study, which will focus on investigating perceptions and knowledge of the conduct that constitutes sexual or gender-based harassment in the university setting, and any training and preventive measures that have been implemented. The anonymity of replies to surveys, questionnaires or interviews must be ensured.

The results of this study will be regarded as indicators for two purposes:

- a) to assess the need to intensify, quantitatively and/or qualitatively, the application of preventive measures;
 - b) to obtain reference statistical data that can be used to analyse changes in the effectiveness of the training and preventive measures implemented over time.
- 3) **Resources.** As part of the implementation of the protocol and the third Equality Plan, the University of Barcelona must recruit staff who are specialised in gender-based violence. These specialists will be responsible for promoting and carrying out the preventive and training actions described in this protocol, advising and supporting the committees of faculties when required and handling the entire complaints and resolution procedure in harassment and complex/serious complaints.

4. Specific measures

As part of the prevention policy and the plan of action described in the above section, the protocol shall be accompanied by:

- a) **A training programme** designed for those in academic and administrative positions and those responsible for equality in teaching centres. The training should address harassment and other sexist behaviour as well as the application of the protocol.
- b) **An induction plan** for new students at the start of each academic year that refers to the protocol within the welcome sessions organised in each school or faculty. A brief guide on the protocol should be included in the enrolment folder, within the UB agenda provided with the enrolment form and folder.



During the induction event organised by each teaching centre to welcome new students, this protocol should be described or a session should be held on it.

- c) **A guide to identify the bodies that are responsible** for this area, in accordance with the information attached to this protocol. This guide should be visible in every faculty, physically and online.
- d) **An explanatory guide describing concepts and procedures** relating to the application of this protocol, available to all the stakeholders involved.
- e) **A collaboration programme** with student associations to implement all measures. In particular, collaboration to create "Punts Liles" (information points) for each activity that requires them, as established in section IX.6.
- f) **A commitment form** for other parties involved in academic or administrative activities, as described in the following section.
- g) **A form for people who are recruited for the first time** by the University of Barcelona to confirm their knowledge of the area. The form must be signed by teaching, management, administrative and service staff on recruitment.

5. Protocol of commitment of other parties associated with the University of Barcelona

To ensure that this protocol is respected and implemented in activities undertaken outside the University of Barcelona's facilities or by others who are not members of the UB, each collaboration agreement or subcontract for activities signed by the University of Barcelona with other parties must contain a commitment to the content of the Protocol, and a clause to respect the rights protected by the Protocol.

For the same purpose, on recruitment, people who are hired for the first time by the University of Barcelona will sign a document accepting the conditions relating to this Protocol and confirming their knowledge of it.

6. Participation of student associations

The participation of student associations shall be encouraged in the implementation of preventive actions and campaigns relating to the protocol. In particular, student associations shall be responsible for organising "Punts Liles" information points for each activity that takes place within or outside UB facilities. For this purpose, the student associations shall be assisted by the bodies responsible for the facilities in which the aforementioned leisure or sports activities will take place.

This protocol recognises the legitimacy of Puntetes Liles for the submission of complaints regarding general sexist behaviour or sexist behaviour towards a group, without a specific recipient.

X. REVIEW AND ASSESSMENT OF THE PROTOCOL

Following its approval, the protocol may be modified to improve its effectiveness. Likewise, the protocol may be amended when necessary to adapt it to the regulations and policies of the University of Barcelona, and in all cases within a minimum period of two years.

Annually, the University of Barcelona's Equality Unit shall send a report to the Vice-Rector for Equal Opportunities and Social Action or an equivalent body on the activity that has been undertaken (in all cases, the confidentiality of the people involved shall be maintained). The report will state the number of cases registered, their nature and the measures adopted.

Approval of the third or following Equality Plan(s) could lead to a review of the Protocol, depending on the extent to which it is incorporated within the Plan.

FINAL PROVISION

Entities in the UB Group and UB halls of residences must approve a protocol for the prevention, detection and action against situations of sexual harassment or harassment based on gender, gender identity and

sexual orientation and other sexist behaviour. The protocol should be based on the principles of the protocol described here.

The UB Equality Unit could advise these entities on the creation of the protocol and on the management of cases.

Annually, entities in the UB Group and UB halls of residence must send the director of the UB Equality Unit a report on all cases that have been processed.

The University of Barcelona shall ensure that its affiliated centres have an equality plan and a protocol for the prevention, detection and action against sexual harassment and harassment based on gender, gender identity and sexual orientation and other sexist behaviour.

ANNEXES

Annex 1. Summary of applicable regulations

International and European regulations and declarations

- European framework agreement on harassment and violence at work of 26 April 2007, European Commission COM (2007) 686 final.
- C111 *Discrimination (Employment and Occupation) Convention*, 1958. *Discrimination (Employment and Occupation) Recommendation*, 1958 (No. 111).
- Council of Europe *Convention on preventing and combating violence against women and domestic violence*, Istanbul, 11 May 2011.
- *Declaration on the Elimination of Discrimination against Women*, United Nations General Assembly, resolution 2263 (XXII) of 7 November 1967.
- *Declaration on the Elimination of Discrimination against Women*, United Nations General Assembly, resolution 48/104 of 20 December 1993.
- Universal Declaration of Human Rights, United Nations General Assembly, resolution 217 A (III) of 10 December 1948.
- 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).
- Council Resolution of 29 May 1990 on the protection of the dignity of women and men at work, *Official Journal of the European Union* C 157, 27 June 1990.

Regulations of Spain, Catalonia and the University of Barcelona.

- Spanish Constitution (Articles 14, 15, 18 and 35).
- Decree of 8 September 1954, regulating the system of academic discipline.
- Decree 246/2003 of 8 October, approving the Statute of the University of Barcelona (Articles 3, 4 and 7).
- Law 14/1986 of 25 April, General Health (Article 18.9).
- Law 31/1995 of 8 November, on prevention of occupational risks (Articles 4, 14, 15, 22 and 24)
- Law 29/1998 of 13 July, governing administrative courts (Article 19.1).
- Law 7/2007 of 12 April, on basic regulations relating to public servants (Articles 14, 93-98).
- Law 5/2008 of 24 April, on the right of women to eradicate gender-based violence (Article 5.)
- Law 36/2011 of 10 October, governing labour courts (Articles 3-4, 95- 96,151-152,177-184).
- Law 17/2015, of 21 July, on effective equality between women and men.
- Organic Law 10/1995 of 23 November, on the Penal Code (Article 184).
- 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).
- Royal Legislative Decree 1/1995 of 24 March, approving the consolidated text of the Law on the Workers' Statute (Articles 4, 17, 54-56, 58, 60, 93-96).
- Royal Legislative Decree 5/2000 of 4 August, approving the consolidated text of the Law on infringements and penalties in the social order (Article 8).
- Royal Decree 171/2004 of 30 January, which develops Article 24 of Law 31/1995 of 8 November, on prevention of occupational risks, in relation to coordination of business activities.
- Royal Decree 898/1985 of 30 April, on the system governing university teaching staff (Articles 15-19).
- Royal Decree 33/1986 of 10 January, approving regulations governing the disciplinary regime for public officials in the state administration.
- Sixth Collective agreement for university-contracted administrative and service staff of Catalan public universities. Collective agreement for university-contracted teaching and research staff of Catalan public universities.
- 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.



Annex 2. Complaint form

PERSONAL DETAILS

Name: Surname(s):

ID/passport No:

NIUB:

Email:

Contact phone:

Address (of any kind) for notifications:

Do you accept notifications by email?: yes no

RELATION TO THE UNIVERSITY OF BARCELONA

Teaching and research staff

Department, unit or service:

Workplace address:

Administrative and service staff

Department, unit or service:

Workplace address:

Trainee researcher

Doctoral studies:

Student:

Degree programme:



Annex 3. Informed consent form for the affected person

PERSONAL DETAILS

Name: _____ Surname(s): _____

ID/passport No: _____

NIUB: _____

Email: _____

Contact phone: _____

Address (of any kind) for notifications: _____

I GIVE my express consent to activate the University of Barcelona's Protocol for the prevention, detection and action against situations of sexual harassment or harassment based on gender, gender identity and sexual orientation, and other sexist behaviour.

_____, ____ of _____ of 20 ____

[Signature]

Annex 4. Report

Basic elements of reports

Reports on conclusions must include, at minimum, the following information:

- a) A list of members of the committees responsible for issuing the report and identification of the alleged victim and alleged perpetrator of the harassment, using the corresponding numerical code.
- b) Background to the case, complaint and circumstances.
- c) Steps that have been taken by the relevant committees.
- d) Other steps taken: witnesses, evidence, summary of key facts, etc.
- e) Conclusions reached and specific measures proposed.
- f) Stipulation of a date, in the short or medium term, to oversee and review the implementation of measures and ensure the absence of sexual harassment or harassment based on gender, gender identity or sexual orientation.

Template of a Protocol activation report

To Mr./Mrs./Ms./Dr. _____, director of the UB Equality Unit

The president of the Equality Committee of _____ [faculty] initiated the procedure established in the Protocol of the University of Barcelona for the prevention, detection and action against situations of sexual harassment and harassment based on gender, gender identity and sexual orientation, and other sexist behaviour, approved by the Governing Council on ___ of _____ of 20___¹, to address the complaint presented to this committee on ___ of _____ of 20___, given the following:

BACKGROUND

According to the following evaluation of the facts and conclusions

The procedure carried out by the committee to implement the aforementioned Protocol is completed, and the president of the Equality Committee of _____ [school or faculty] sends the Director of the UB Equality Unit the report containing the conclusions.

_____, ___ of _____ of 20___

[Signature]

Chair of Equality Committee of _____

¹ http://www.ub.edu/genere/docs/pla_igualtat_en.pdf

Annex 5. Template for requesting precautionary measures

The president of the equality committee of _____ [school or faculty], by virtue of a request to activate the Protocol of the University of Barcelona for the prevention, detection and action against situations of sexual harassment or harassment based on gender, gender identity and sexual orientation, and other sexist behaviour, by _____ [indicate the job, position or condition of student, without giving the names of the affected people], and, given the circumstances determined after interviewing the people involved, either directly or indirectly, as required to adopt the proposed precautionary measures,

REQUESTS from the addressed unit the following PRECAUTIONARY MEASURES be adopted:

For the following reasons:

The president of the Equality Committee shall provide, if necessary, the identity of the people who are affected if it is vital to the adoption of the requested precautionary measure.

_____, ____ of _____ of 20____

[Signature]

To the Dean of the Faculty of _____

To the Vice-Dean of Institutional Relations [or a competent body in the area of relations with companies or institutions in which academic placements are held] / To the Head of Staff _____



Annex 6. Template for the constitution of a Specific Committee

In accordance with the application of the Protocol of the University of Barcelona for the prevention, detection and action against situations of sexual harassment and harassment based on gender, gender identity and sexual orientation, and other sexist behaviour, approved by the Governing Council on ___ of _____ of 20___, the Vice-Rector for Equality and Social Action of the University of Barcelona, [Mr./Mrs./Ms./Dr.] _____ has decided to form a Specific Committee of the University of Barcelona to address a complaint, with reference code _____, presented to the UB Equality Unit on ___/___/_____.

The people appointed² to form part of the Committee are:

- _____, director of the Equality Unit, as Chair of the Committee.
- _____, specialist in the legal field.
- _____, expert specialised in ergonomic and psychosocial risk in the Office of Health, Safety and Environmental Issues (OSSMA), as a specialist in psychosociology and harassment.

The Committee members agree to undertake the functions established in the aforementioned protocol, and will consider the investigation process completed when the corresponding assessment report is issued with the associated conclusions and proposals, which must be approved by the majority of members.

Once the established functions have been undertaken, the committee shall be dissolved.

_____, ___ of _____ of 20_____

[Signature]

² If considered necessary, the number of members can be extended according to the Committee's criteria.

Annex 7. Convening a meeting

The responding party must be convened by email sent from the institutional email address of the school or faculty's equality committee (an email address must be created if none exists). The following can be used as a template:

Dear Sir/Madam,

The Equality Committee of _____ [school or faculty] requests your presence _____ [indicate the date or ask for availability to the concerned party], in relation to a complaint on incidents of a sexist nature that could affect you.

You can attend the aforementioned meeting accompanied by whoever you consider appropriate, if you so wish. The president and secretary of the Committee shall be present.

Please confirm receipt of this notification.

[Position of sender]

[Signature]

[Name and surname(s) of sender]

_____, ____ of _____ of _____

Annex 8. Template of the Specific Committee's final report

Final assessment report of _____ of _____ of 20____, of the committee against gender-based violence of the University of Barcelona, in relation to the complaint formulated by _____

BACKGROUND

ACTIONS TAKEN

FACTS VERIFIED BY THE COMMITTEE

CONCLUSIONS

PROPOSAL

Finally, the Committee has unanimously approved the content of the assessment report that is submitted to the Rector of the UB, [Mr./Mrs/Ms./Dr.] _____, for [his/her] information and appropriate purposes.

_____, ____ of _____ of 20____

[Signature]

Head of the Equality Unit

[Signature]

Chair of the Committee

[Signature]

Rector of the University of Barcelona

On conclusion of the investigation of the procedure established in the Protocol of the University of Barcelona for the prevention, detection and action against situations of sexual harassment and harassment based on gender, gender identity and sexual orientation, and other sexist behaviour, the Chair of the Committee shall send to the rector of the University of Barcelona a report with the conclusions relating to the complaint presented to the UB Equality Committee on ____ of _____ of 20____, which was [*approved unanimously/approved by the majority*] of members of the Committee.

Annex 9. Interview with complaining party, responding party and witnesses in cases of harassment

The interview with the complaining party could be undertaken using the following validated, standardised tool: the *Revisió de la Guia d'Avaluació del testimoni en violència de gènere (GAT-VIG- R) [Revised guide for assessing testimony in cases of gender-based violence]* of the Government of Catalonia's, available at: http://justicia.gencat.cat/web/.content/documents/arxiu/guia_avaluacio_testimoni_violencia_genere.pdf

This guide can only be applied by people with accredited training and specific experience in its management.

In all interviews, the interviewees shall be informed of the confidentiality of the content of the interview, which will be documented in writing so that it can be reviewed and signed immediately. The aforementioned documentation shall be saved and safeguarded by the UB Legal Services.

Annex 10. Coding

To code the identity of those involved in the harassment procedure, the following system can be used to replace the real names in all internal communications regarding the implementation of the protocol and in reports prior to the final report that must be sent to the Rector:

PERSON 1 (or P 1): complaining party

PERSON 2 (or P 2): responding party

PERSON 3 (or P 3): witness 1

PERSON 4 (OR P4): witness 2, etc.

Annex 11. Conceptual model for preparing questions

- **Person** (who is it/who are they, identification, what is their relation to the University, how long have they been at the UB, where do they undertake their activity).
- **Context** (where does or has the stated behaviour occur: office, classroom, meeting rooms, shared spaces, public spaces, with which activity was it associated, etc.).
- **Relationship** (what is the current relationship between the people, how has it arisen, how has it developed and what are the current circumstances).
- **Content** (the interactions, what are their characteristics, how often have they recurred or what is their frequency)
- **Consequences** (how is the situation affecting the person, that is, at work, personal relationships, health, professional image, etc.).

Annex 12. Diagram of actions

GRAPHIC DIAGRAM (see Catalan version)

Annex 13. Training course

Course on the application of the protocol against sexual harassment and other sexist behaviour

1. Equality between men and women:
 - a. Evolution of the feminist movement
 - b. Legal framework (the Spanish equality law, the Catalan law against gender-based violence)
 - c. Obligations of universities (by groups)
2. Conceptual framework
 - a. Equality and non-discrimination
 - b. Sex and gender
 - c. Sexual identity
 - d. Sexual orientation
 - e. Multiple discrimination (intersectionality and sum of causes)
 - f. Examples
3. What is harassment and how can we identify it:
 - a. Sexual harassment and harassment based on gender or sexual orientation
 - b. Concepts relating to harassment: verbal comments, jokes, etc.
 - c. Sexist behaviour that is not harassment but is covered by the protocol
4. Exchange of experiences and cases: practical workshop
5. The UB protocol: procedure and action
 - a. Stages of the procedure
 - b. What each stage involves
 - c. Coordination between units and jobs
 - d. The management of psychosocial risks of UB staff and coordination in relation to the protocol: basic concepts:
 - e. Framework of competences and coordination
 - f. Practical issues
6. Practical tools for applying the protocol
 - a. Preparation of the report by the committees Structure and content. How to write the report
 - b. How to interview the parties involved
 - c. Empathy and management of situations
 - d. Support for the complaining party and treatment of the responding party
7. Management of the protocol: practical workshop
8. Protection of rights
 - a. Protection of the right to honour and the right to privacy (the complaining party, responding party and others involved)
 - b. The principle of confidentiality
 - c. The data protection law
 - d. Tools to manage data confidentiality
9. Procedural concepts: right of defence and presumption of innocence
 - a. The principle of a contradictory process
 - b. Reversal of the burden of proof
 - c. Practical workshop
10. The sanctioning power of the UB



- a. Teaching and research staff group
- b. Administrative and service staff group
- c. Student group
- d. Associated others

11. Mediation and referral of cases to other competent bodies

12. Simulation

SESSIONS (4 h)

Session 1

1. Equality between men and women
 - a. Evolution of the feminist movement
 - b. Legal framework (the equality law, Catalan law against gender-based violence)
 - c. Obligations of universities (by groups)
2. Conceptual framework
 - a. Equality and non-discrimination
 - b. Sex and gender
 - c. Sexual identity
 - d. Sexual orientation
 - e. Multiple discrimination (intersectionality and sum of causes)
 - f. Examples

Session 2

3. What is harassment and how can we identify it
 - a. Sexual harassment and harassment based on gender or sexual orientation
 - b. Concepts relating to harassment: verbal comments, jokes, etc.
 - c. Sexist behaviour that is not harassment but is covered by the Protocol
4. Exchange of experiences and cases

Session 3

5. The UB protocol: procedure and action
 - a. Stages of the procedure
 - b. What each stage involves
 - c. Coordination between units and jobs
 - d. The management of psychosocial risks of UB staff and coordination in relation to the protocol: basic concepts:
 - e. Framework of competences and coordination
 - f. Practical issues

Session 4

6. Practical tools for application of the protocol (OSSMA)
 - a. Preparation of the report by the committees. Structure and content. How to write the report
 - b. How to interview the parties involved
 - c. Empathy and management of situations
 - d. Support for the complaining party and treatment of the responding party
7. Management of the protocol: practical workshop

Session 5

8. Protection of rights
 - a. Protection of the right to honour and the right to privacy (the complaining party, responding party and others involved)
 - b. The principle of confidentiality
 - c. The data protection law
 - d. Tools to manage data confidentiality
9. Procedural concepts: right of defence and presumption of innocence
 - a. The principle of a contradictory process
 - b. Reversal of the burden of proof
 - c. Practical workshop

Session 6

10. The sanctioning power of the UB
 - a. Teaching and research staff group
 - b. Administrative and service staff group
 - c. Student group
 - d. Associated others
11. Mediation and referral to other competent bodies (Office for Conflict Resolution)
12. Simulation

Annex 14. Application guidelines

Guidelines for heads of academic departments

Guidelines for heads of administrative staff

Guidelines for heads of teaching staff

Guidelines for students

Guidelines for other collaborators