

UIC Barcelona harassment prevention, assessment and intervention protocol

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Introduction

The right to equality is one of the central pillars around which not only modern society revolves, but the very concept of democracy and the rule of law.

Therefore, our Constitution defines it from a threefold perspective: as a superior **value** of the legal system, as a fundamental **right**, thus prohibiting any type of discrimination, and as a **basis** for intervention by public authorities.

The right to equality means that all people can and must demand equal and non-discriminatory **treatment** –treated equally under all circumstances and in all situations–, the right to be treated with dignity and with **respect** for their private life and **physical and moral integrity**, as well as the chance to benefit from educational and professional environments **free from any kind of violence or discrimination**, whether it be sexist or for ideological, religious or political reasons etc.

This mandate, contained in the Spanish Constitution and binding on the whole of society, acquires a superior status when it comes to public authorities, educational institutions and government, entities which are constitutionally obliged to guarantee these rights.

As such, this Protocol is based on a **comprehensive regulatory framework** and must be implemented in accordance with other actions carried out by the Equality Unit (**Agreement 414/18-19 of 17 June 2019**) for men and women at UIC Barcelona, as well as future institutional action plans in this area, with and for the academic community.

The Protocol's scope is **threefold**:

- Primary prevention measure: to **raise awareness** among the whole university community with a view to eradicating this kind of behaviour, as well as identifying and detecting it.
- Secondary prevention measure: to provide **mediation** in contexts, circumstances and risk factors that facilitate the emergence of harassment in its different types and forms, as well as for the people affected by these situations.
- Tertiary prevention measure: to **apply** existing **legislation** in order to research and **respond to** reported cases of harassment.

The university has an **interpersonal conflict** protocol, approved on **20 February 2012**, which guarantees the appropriate handling of these situations by prioritising mediation and, if a resolution cannot be found, provides to refer the matter to the General Secretariat to manage the information or disciplinary case in question.

The subjective scope of this Protocol encompasses both women and men who are members of **administration and service staff (PAS), teaching and research staff (PDI) and the UIC**

Barcelona student body, as well as any other person who, although belonging to an external entity, lends their services to UIC Barcelona (provided that the accused party in the dispute is a member of the university community); anyone who lends their services to UIC Barcelona, whatever the nature or legal status of their relationship with the university; staff assigned to **contracts or subcontracts**; staff hired through temporary employment agencies and self-employed workers connected by a contract to UIC Barcelona for the provision of work or services.

This Protocol will be included in the Equality Plan in conjunction with the Vice-Rectorate for the University Community and with People Management.

1. Definitions, objective and scope

The Equality Unit and the Occupational Risk Prevention Unit, as well as the Ombudsperson, will offer support to affected staff, as well as information about procedures that can be initiated at UIC Barcelona, as part of their responsibilities in this area. These services must act in accordance with comprehensive consideration for individuals' dignity and health, the university's ideology ([link to Ideology](#)), the interpersonal conflict protocol and UIC Barcelona's current Equality Plan, as well as the legal framework in force in the country at the time: The Gender Equality Act and the Law on occupational risk prevention. It therefore serves to:

- **Guarantee** all members of the university community **the right to respectful and dignified treatment** by protecting their right to privacy and freedom of thought.
- Favour a **proactive attitude** towards injustices and conflicts generated by violence and/or sexual or moral harassment, by promoting prevention, detection, information and awareness measures, the objective of which is to develop healthy behaviour and relationships among all members of the university community.
- **Circulate** and extend this **Protocol** to all members of the university community by means of the university's intranet.

This Protocol has been drawn up in accordance with the most common **definitions** for forms of harassment in **current legislation**:

- **Discriminatory behaviour**: All undesired behaviour related to a person's race, ethnic origin, religion or beliefs, disability, age or sexual orientation, which has the purpose or effect of violating their dignity and creating an intimidating, humiliating or offensive environment (Art. 28 of Law 62/2003 of 30 December, on Fiscal, Administrative and Social Measures).
- **Moral/psychological harassment**: Repeated and continuous display of violent psychological abuse toward one or more individuals by another individual(s) in a position of relative power (not necessarily hierarchical). Said behaviour occurs between employees and poses a health risk.

- **Workplace harassment:** psychological or hostile harassment in the workplace that humiliates the victim and seriously impairs their dignity (Organic Law 5/2010 of 22 June reforming the Spanish Penal Code).
- Any **unfavourable treatment related to pregnancy, maternity, paternity** or the acquisition of alternative family care shall also be covered by this Protocol as and when the requirements outlined in the previous paragraph are met.
- **Cyberbullying:** A series of actions by which an individual, group of people or an organisation uses ICT (information and communication technology) to harass another individual or group of people.

1.1. Scope of application

This Protocol will be applied to the behaviour of members of the university community against other members of the same community, or anyone who collaborates in any way with UIC Barcelona.

Specifically, it will apply to:

- a) Teaching and research staff
- b) Administration and service staff
- c) Grant holders, trainees and staff hired for research projects linked to UIC Barcelona, providing that they carry out their activities at UIC Barcelona.
- d) Students
- e) Anyone who provides their services to UIC Barcelona, whatever the nature or legal status of their relationship with the university
- f) Staff assigned to contracts or subcontracts, staff hired through temporary employment agencies and self-employed workers contractually connected to UIC Barcelona for the provision of work or services.

2. Harassment prevention measures

UIC Barcelona, through its various collegiate and single-person bodies, will promote **prevention, information, training, detection and awareness actions** in order to combat any type of harassment and eradicate this type of behaviour from the university environment. In order to do so, the following measures have been proposed:

- **Suitable use of the intranet** and the university's communication channels, opting for a respectful tone in group emails and when communicating through the university's social media networks.
- **Employee Welcome Guide** for civil servants
- **Welcome Sessions** for both students and staff

- Development of a **conflict resolution management system**, which will be supported by the application of the interpersonal conflict protocol in force at the university.

2.1 Developing a conflict resolution management system

This Protocol and potential resolution channels, **with particular priority given to mediation**, to be carried out by the University Ombudsperson in those cases deemed appropriate, will be promoted.

The following actions will also be promoted:

- **Good practices codes** aimed at the whole university community:
- Informative documents that clearly outline preventive actions, codes of conduct, rights, duties and responsibilities.
- Initiatives by UIC Barcelona's centres, departments and services to prevent harassment and promote healthy relationships.
- **Training programmes** that form part of the training for teaching, research, administration and service staff (PAS and PDI) at the university.
- Training the student body in these matters through coordination actions established between the Equality Unit and the above-mentioned departments and different Faculties.
- **Surveys regarding the workplace climate** that include this matter by making regular reference to it in the periodic reports published by the university.

3. Management procedure

If the conflict cannot be solved through mediation, the procedure established for cases of interpersonal conflict will be initiated.

Both the person who presented the **complaint** to the **University Ombudsperson**, and the person being accused of harassment, may be **accompanied** by the head of the **Equality Unit** or by someone else of their choosing throughout the management procedure of the harassment case.

Once this **complaint has been received**, the **Ombudsperson will pass the matter onto the Conflict Committee (director of People Management, head of the Occupational Risk Prevention Unit and University Ombudsperson)** so it can be registered and managed. This committee will assess and address cases in accordance with the procedure outlined in the interpersonal conflict resolution protocol, which was approved on 20 February 2012.

A **confidentiality** agreement will be signed at the start of the procedure and will remain in force during the length of the process. The parties involved in the harassment complaint will be informed as to how the procedure will ensue.

The harassment complaint shall not be admitted if it is clear that the facts presented do not fall within the scope of this Protocol.

In the event that the situation presented is not deemed as pertaining to a case of harassment, but still requires mediation of another kind to improve the workplace climate, the case will be passed on to People Management at UIC Barcelona who will intervene and provide guidelines for action and proposals to resolve the situation and prevent it from recurring in the future, as part of occupational risk prevention.

A **follow-up committee** will also be set up to ensure hostile behaviour against those individuals involved in a harassment complaint does not occur in the workplace.

The following considerations must be adhered to in order to guarantee the procedure:

- **Respect** and the protection of people
- **Confidentiality.** Any personal data generated in the application of this protocol will be governed by Organic Law 3/2018 of 5 December, on the Protection of Personal Data and the Guarantee of Digital Rights, as well as other applicable regulations.
- **Diligence and immediacy**
- **Impartiality**
- **Protection of dignity** of the person(s) affected