

UIC Barcelona Protocol for the Prevention, Detection, Assessment and Intervention in Sexual Harassment Cases

(Agreement N.R. 7/24.25, approved by the Executive Committee of the Governing Board of UIC Barcelona at the session held on 17 September 2024)

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1. Introduction

The right to equality is one of the fundamental pillars of a modern democratic society, alongside the principles of democracy and the rule of law.

The Spanish Constitution defines equality from a threefold perspective: First, as a supreme value of the legal system; second, as a fundamental right that prohibits any form of discrimination; and finally, as a guiding principle for the actions of public authorities.

Having the right to equality means that all people can and must demand equal and non-discriminatory treatment (being treated equally under all circumstances and in all situations); they must be treated with dignity and with respect for their privacy and physical and moral integrity; and they must have the opportunity to enjoy educational and working environments free from all forms of violence and discrimination, whether sexist, ideological, religious, political, or otherwise.

This obligation, set out in the Spanish Constitution and binding on the whole of Spanish society, is of particular importance for public authorities, educational institutions, and public administrations, which are constitutionally obliged to guarantee these rights.

This Protocol, as a continuation of its 2020 predecessor, is based on a broad legal framework and must be applied in coordination with other initiatives carried out by the UIC Barcelona Equality and Inclusion Office (Agreement 414/18-19 of 17 June 2019), as well as with any future institutional measures developed regarding this matter for and with the University Community. In addition to the measures for preventing, identifying, assessing and addressing potential cases of inequality and/or harassment outlined in this Protocol, a key complementary feature is the introduction of a dedicated communication channel where individuals can report any attitudes, behaviour, or incidents that may involve unlawful harassment. In line with legal requirements (Law 2/2023 of 20 January, implementing Directive 2019/1937 of the European Parliament and Council of 23 October 2019), the University has, since 2023, made the Open Channel available to the entire University Community. It is a confidential communication channel that, when needed, allows reports to be made anonymously, supporting the overall process of prevention and detection set out in this Protocol.

The Protocol sets out three levels of preventive action:

- Awareness initiatives for the entire University Community, designed to help recognise, identify and prevent all forms of harassment.

- Intervention targeting the contexts, circumstances and risk factors that enable behaviour associated with harassment to develop in their various forms, as well as providing support to individuals who may be affected.
- The application of existing regulations to investigate and respond to reported cases of harassment using established procedures.

The University has a Protocol for interpersonal conflicts, approved in 2012, which provides a framework for addressing certain situations and prioritises mediation as a means of amicably resolving potential conflicts. The University has also developed the necessary tools for cases where behaviour may, as noted above, constitute allegedly unlawful or illegal acts under the applicable regulations, through the Open Channel's system of communication and resolution, as outlined in its regulations (<https://www.uic.es/en/canal-obert?active=web-results>).

The scope of this Protocol covers administration and service staff (PAS), teaching and research staff (PDI), and UIC Barcelona students, as well as anyone who, although employed by third parties, provides services within UIC Barcelona (provided the accused party is a member of the University Community). It therefore applies to anyone working at the University, regardless of the nature or legal basis of their relationship with the institution. The Protocol also applies to staff working under service or subcontracting agreements, temporary employment agencies, and self-employed individuals engaged by UIC Barcelona under a service contract.

Any reference in this Protocol to individuals or roles should be understood as referring to the person or role concerned, regardless of the gender indicated in the wording.

2. Legal Framework

Since 2020, when the current Protocol was approved, a number of new international, national and regional legal regulations have come into force, along with additional, complementary internal regulations. This new Protocol is the result of a thorough review and updates in line with these new regulations.

Internally, UIC Barcelona's III Gender Equality Plan (2022–2026), approved by the Executive Committee of the Governing Board in January 2022, and the rules of university coexistence and student disciplinary regime, approved by the Board of Trustees in May 2023, are currently in effect. These regulations, together with others, such as UIC Barcelona's Code of Conduct, form a comprehensive framework governing equality and the prevention, detection, assessment and intervention regarding any behaviour, actions,

attitudes or risk factors that in any way impact fair and equal treatment of any individual that forms part of the University Community.

Some of the most recent legislative changes at the national level include Law 17/2020 of 22 December (amending Law 5/2008); Organic Law 10/2022 of 6 September; Law 15/2022 of 2 July; Law 4/2023 of 28 February; and Organic Law 2/2023 of 22 March. Equality policies have also been strengthened by Law 9/2022 of 21 December, which, in Article 7.3, states that public-sector research, development and innovation bodies must include in their codes of ethics an obligation to act against sexual harassment, repeat victimisation and gender-based violence, and to establish protection mechanisms for individuals affected.

In line with the provisions of Law 17/2022 of 5 September, amending Law 14/2011 of 1 June on science, technology and innovation, Article 4.bis requires public-sector research bodies to establish protocols to address harassment, sexual harassment, sex-based harassment, and other forms of harassment. Additionally, Royal Decree 640/2021 of 27 July, on the creation, recognition and authorisation of universities and university centres, and the institutional accreditation of university centres, specifies in Article 10, section 4 (j), that universities must include in their internal regulations an equality policy, consisting of a gender equality plan as well as a protocol to address sexual harassment and sex-based harassment in the workplace.

Alongside the above legislation, the following have also been taken into account: Law 3/2022 of 24 February on university coexistence and, at a regional level, Law 5/2008 of 24 April on women's rights to eradicate gender-based violence; the Framework Protocol of 22 November 2022 approved by the Government of Catalonia (Agreement GOV/248/2022); and, the 2023 University Sector Protocol Guide issued by the Government of Catalonia.

These regulatory changes have led to the full replacement of the UIC Barcelona 2020 Harassment Protocol with this updated Protocol, as set out in the Final Provisions.

3. Purpose and definitions

The purpose of this Protocol is to establish the procedures for preventing, identifying, assessing and responding to potential situations of any type of harassment at UIC Barcelona, with a particular focus on actions that:

- Guarantee respect for the dignity and equality of individuals.
- Promote civic and social values.
- Inform, provide training and raise awareness on harassment-related issues.

- Detect, prevent and assess situations of harassment or risks that could lead to harassment.
- Foster an environment of respect and positive coexistence.
- Carry out investigation and fact-finding through the Harassment Intervention Committee.
- Respond to any incidents that may arise, without prejudice to the existing procedure for reporting via the Open Channel in accordance with its regulations.
- Safeguard the safety and well-being of affected individuals.
- Protect, support and help affected individuals in dealing with the consequences of harassment, and apply appropriate preventive and precautionary measures.
- Ensure confidentiality.
- Improve both response measures and preventive efforts.
- Where applicable, report the harassment case to the Open Channel coordinator.

In all cases, the aims are to:

- Guarantee the right of every member of the University Community to be treated with respect and dignity, safeguarding their rights to privacy, freedom of conscience, and other rights established by law.
- Encourage a proactive stance against behaviour, actions, attitudes, risk factors, injustice or conflicts that may lead to violence and/or sexual or moral harassment, by promoting prevention, detection, information and awareness-raising measures that foster healthy behaviour and relationships throughout the University Community.
- Raise awareness and inform the entire University Community about this Protocol and the measures and actions it sets out (or may set out) using UIC Barcelona's communication channels.
- Uphold equality within the University Community, ensuring that no cases of inequality and/or discrimination occur, in line with the provisions of Law 3/2022 of

24 February on university coexistence, which informs UIC Barcelona's internal coexistence regulations.

This Protocol refers to the most common definitions provided in current legislation regarding the different forms of harassment. In general terms, harassment is understood to mean any behaviour, whether verbal or physical, that is sustained over time and is intended to, or has the effect of, undermining a person's dignity, particularly in situations where the individual feels defenceless, intimidated, degraded or offended.

In this context, the following can be identified as examples of harassment:

- Physical and/or psychological harm, which may take various forms.
- An intention to demean and undermine a person's dignity.
- Repetition over a period of time.
- An imbalance of power between the harasser and the victim, leaving the latter isolated and unable to defend themselves.

Because repeated behaviour over time is required, one-off interpersonal conflicts that arise at a specific moment, where there is no intention to personally, academically or professionally harm or demean any of the parties involved, will not be considered harassment. In such cases, the 2012 Protocol for Interpersonal Conflicts shall apply.

Harassment cases can also be assessed from the following perspectives:

- Downward harassment: Occurring from a position of superiority (not necessarily hierarchical) over the affected person.
- Horizontal harassment: Occurring between individuals of the same role or hierarchical level.
- Upward harassment: Occurring from a position of inferiority (again, not necessarily hierarchical) toward the affected person.

Without aiming to be exhaustive, and without prejudice to the legal definitions stated above, some key definitions of harassment include:

- Discriminatory moral harassment: Any unwanted behaviour linked to a person's racial or ethnic origin, religion or beliefs, which is intended to, or has the effect of,

undermining their dignity and creating an intimidating, humiliating or offensive environment (Organic Law 62/2003 of 30 December).

- Sexual harassment or sex-based harassment: Any verbal or physical behaviour of a sexual nature that is intended to, or has the effect of, undermining a person's dignity, particularly when it creates an intimidating, degrading or offensive environment (Organic Law 3/2007 of 22 March; Law 5/2008 of 24 April).
- Psychological harassment: Any verbal or written behaviour, carried out repeatedly and over a prolonged period, that directly or indirectly undermines or attacks a person's dignity, with the aim of subjecting them to emotional and psychological harm through violent or hostile actions. This type of harassment typically arises within a workplace relationship and poses a risk to the person's health.
- Workplace harassment: Any behaviour, statement or demand that could be considered offensive, humiliating, violent or intimidating within the scope of work activities, which humiliates the victim and imposes seriously degrading treatment.
- Discrimination related to pregnancy, maternity or paternity: Any unfavourable treatment linked to pregnancy, maternity, paternity, or the assumption of other family care responsibilities also falls under the scope of this Protocol, where it meets the criteria defining harassment.
- Cyber harassment: A range of behaviours or forms of harassment in which an individual, group, or organisation uses ICT (Information and Communication Technologies), including platforms, social networks, websites or forums, email, instant messaging systems, or similar means, in order to harm a person's dignity and rights. Examples of behaviour that may be considered cyber harassment include:
 - Sending degrading images or videos, tracking someone with spyware, sending computer viruses, or humiliating someone through online gaming.
 - Impersonating or manipulating another person's identity using their email account, intranet, or social media profile to send or publish compromising material.
 - Defamation or invasion of privacy using confidential information or secrets obtained through deceit.

- Cyberstalking or online harassment, involving repeated acts of harassment and/or intimidation by sending of offensive, obscene or insulting messages, as well as persistent online pursuit. This also includes threats of harm or intimidation that cause a person to fear for their safety.
- Peer harassment or bullying: Ongoing and deliberate verbal and/or non-verbal mistreatment of a student by one or more others, involving cruel behaviour intended to dominate, intimidate, isolate, exclude, threaten or extort something from the targeted individual through blackmail, infringing on their dignity and fundamental rights.
- Any other type of behaviour, action, attitude or risk factor that constitutes physical, verbal or psychological aggression, within the scope of this Protocol or the applicable regulations.

4. Scope of application

This Protocol applies to the behaviour, actions, attitudes and risk factors exhibited by any member of the University Community towards others within the community or towards anyone collaborating with UIC Barcelona.

1. Teaching and research staff.
2. Staff hired for research projects linked to UIC Barcelona, provided their activities are carried out at the University.
3. Students, work placement students, and, where relevant, UIC Barcelona alumni.
4. Administration and service staff
5. Anyone providing services at the University, regardless of the nature or legal basis of their relationship.
6. Staff employed through contracts or subcontracts and/or supplied by temporary employment agencies, as well as self-employed workers engaged by UIC Barcelona under service or project contracts.

7. Occasional users of the university's facilities, services, or any events, activities or functions organised, provided or hosted by UIC Barcelona.

5. Harassment prevention measures

In addition to directly intervening in confirmed cases of harassment, UIC Barcelona, through its Equality and Inclusion Unit, promotes a range of initiatives (including prevention, assessment, information, training, detection, awareness-raising and support) aimed at eliminating such behaviour from the university environment. As such, the following information and measures to help raise awareness have been proposed, among others, which are either already in place or may be established in the future based on practice and experience:

- Providing information about the Protocol on the University's website.
- Including information in the staff Welcome Handbook.
- Sharing information during student and staff Welcome Days.
- Informing the University Community via the appropriate use of the University's intranet and communication platforms, as well as encouraging a respectful tone in all emails and on social media channels.
- Raising awareness on conflict resolution management supported by the application of the University's current Interpersonal Conflicts Protocol.
- Promoting the UIC Barcelona Open Channel as a means for reporting known breaches of general regulations, particularly those actions covered by this Protocol.

The University will also promote training activities that support inclusion, such as:

- Training programmes within the professional development plans for administration, service, academic and research staff (PAS and PDI).
- Student training focused on harassment prevention and fostering healthy relationships, coordinated by the Equality Unit in collaboration with UIC Barcelona's centres, departments and services.
- Development of codes of good practice aimed at the entire University Community.

- Preparation of materials that aim to inform about preventive actions, codes of conduct, and an outline of rights, duties and responsibilities.

6. Harassment Intervention Committee

The Harassment Intervention Committee is the institutional body responsible for conducting the necessary investigations and gathering the required evidence to fully understand the facts behind any reported incidents of harassment.

The Committee is composed of:

- The Secretary General, who chairs the Committee
- The Director of the Equality Office
- The Vice-Rector for Teaching and Research Staff, when the reported person falls under categories 1 or 2 of Section 4 above
- The Vice-Rector for the University Community, when the reported person falls under category 3 of Section 4 above
- The General Manager or a director (excluding the Director of People Management), when the reported person falls under categories 4 to 7 of Section 4 above

If a member of the Committee is the subject of the report, the Committee will carry out its duties collectively, excluding the member concerned.

The duties of the Committee are as follows:

- To fulfil the aims and objectives set out in this Protocol.
- To investigate cases where there are signs of, or a formal complaint about, violent, discriminatory or harassing behaviour, and to prepare investigative reports based on the preliminary technical report provided by the Equality and Inclusion Unit.
- To decide, after completing the necessary investigations, whether to close the case or to forward it to the decision-making body, which is the coordinator of UIC Barcelona's Open Channel.
- To issue an evaluative report with conclusions and a proposed resolution regarding the reported behaviour.
- Propose any precautionary measures it deems necessary to protect the individuals involved.

- Oversee the implementation and effectiveness of the measures adopted.

These investigative actions must be completed within a maximum period of one month from the Committee's convening. In carrying out its duties, the Committee will follow the following guidelines:

- It will be constituted with the members necessary to fulfil its functions, either at the request of its Chair or when requested by at least two of its members.
- It may seek advice from external experts as deemed appropriate.
- Members of the Committee are subject to the provisions on abstention and disqualification as set out in Law 40/2015 of 1 October.
- A majority vote of the members present at the meeting is required to adopt any decisions. In the event of a tie, the Chair has the casting vote. Proxy votes and advance votes are not permitted.
- The Committee's decisions are not subject to appeal.

The Committee will forward its evaluative report, conclusions, proposed resolution regarding the reported behaviour, as well as all other actions taken during the investigation to the decision-making body, which is the UIC Barcelona Open Channel coordinator.

7. Action principles

In applying this Protocol, all individuals and bodies involved in the investigation processes must adhere to the principles outlined in the 2023 University Sector Protocol Guide issued by the Government of Catalonia, including the following:

- Protection of individuals' dignity and privacy
- Non-discrimination, impartiality, and equal treatment
- Presumption of innocence
- Confidentiality
- Protection of personal data in line with applicable regulations
- Diligence and promptness
- Information and transparency
- Prohibition of retaliation
- Restoration of rights

UIC Barcelona, through the appropriate body, may take any lawful measures it deems necessary if a harassment claim is found to be false or made in bad faith.

7.2. Procedure for addressing harassment cases

Any member of the University Community who believes they are suffering from harassment, or who becomes aware of someone else who may be, may report the behaviour covered by this Protocol through the following channels:

1. Equality and Inclusion Unit, by contacting igualtat@uic.es. Please note that the Equality and Inclusion Unit will not process anonymous reports sent through this channel. To ensure proper handling, the sender must be identified in any communication submitted this way. The Equality and Inclusion Unit will forward any harassment reports it receives to the Harassment Intervention Committee for processing under the established procedure.
2. UIC Barcelona Open Channel, which allows for anonymous reporting. The Open Channel coordinator will inform the Equality and Inclusion Unit of any information or reports relevant to the scope of this Protocol.

7.3. Disciplinary framework criteria for handling harassment cases

The competent bodies at UIC Barcelona responsible for applying disciplinary and sanctioning measures in confirmed harassment cases must take into account the potential impact on the affected individual when determining the appropriate actions and sanctions to impose. As such, cases will be considered more serious when:

- There is repeated involvement in harassment-related behaviour, actions or incidents.
- Two or more individuals are affected.
- Intimidating behaviour or acts of retaliation are demonstrated.
- The supposed aggressor holds decision-making power over the affected person's employment situation.
- The harassment takes place during a recruitment or promotion process.
- The affected individual is in any of the following employment situations: temporary contract, probation period, work placement, or non-employment-based collaboration.

- The affected individual has a physical or mental disability.
- The affected individual has suffered serious psychological or physical harm, medically verified.
- Pressure or coercion is exerted on the affected individual, witnesses, or members of their work or family environment, with the aim of obstructing or interfering with the investigation.

8. Guarantees and rights of affected individuals

8.2. Rights of the harassed individual

Any individual who, under this Protocol, believes they have experienced harassment has the right to:

- Report the facts without fear of intimidation, unfair treatment, discrimination, or suffering retaliation or harm as a result.
- Be heard, informed, and advised, and to receive fair treatment throughout the procedure.
- Receive the attention and support measures they may require.

8.3. Rights of the accused individual

Any individual who, under this Protocol, is accused of harassment has the right to:

Be informed of the nature and content of the complaint in terms that protect the confidentiality of the informant; this means that the informant's identity, the area or department from which the report originated, or any other identifying information will not be disclosed.

- Have the right to be presumed innocent and defend themselves against the accusations, with the opportunity to present and support any arguments or evidence they believe are relevant, in line with the established rules and procedures.
- Be heard and informed and receive fair treatment throughout the procedure.

- Ensure that the initiation and handling of an investigation does not result in any penalty or unfair treatment against them.

9. Support and guidance measures

Support and guidance measures are available to everyone at the University. The Equality Unit will inform, advise, and provide guidance to any members of the University Community who may be affected by harassment. Specific preventive and restorative measures will also be put in place depending on the circumstances of each case.

The Equality and Inclusion Unit can receive enquiries and requests for support in particular situations, in line with the provisions of Law 5/2008. The Unit may refer individuals to UIC Barcelona's Support Clinic, where psychological assistance will be provided as needed. If appropriate, referrals can also be made to public services or other specialised organisations offering psychological or legal support.

The University will assess which measures are most appropriate in each individual case, and where necessary, may also issue public statements or institutional declarations aimed at restoring trust and addressing harm.

Final provisions

First. This Protocol will come into effect the day after its approval by the Executive Committee of the Governing Board of UIC Barcelona.

Second. As soon as this Protocol enters into force, the previous UIC Barcelona Protocol for the Prevention, Assessment and Intervention in Harassment Cases, approved by Agreement 459/19-20 of the Executive Committee of the Governing Board at its session on 15 July 2020, will be repealed.

ANNEX. Complaint form

REQUEST TO INITIATE THE HARASSMENT PROTOCOL

<input type="checkbox"/>	Individual affected
<input type="checkbox"/>	Other (please specify)

TYPE OF HARASSMENT

<input type="checkbox"/>	Sexual
<input type="checkbox"/>	Sex-based
<input type="checkbox"/>	Other (please specify)

INFORMATION ABOUT THE INDIVIDUAL AFFECTED

Name and surname(s)
Job title
Department

DESCRIPTION OF THE FACTS

Name and surnames(s) of the individual accused
Description of the facts

POSSIBLE WITNESSES

Name and surname(s)

Date
Signature