

# **Protocol to prevent and act against sexual harassment, harassment on grounds of sex, sexual orientation, gender identity and gender expression, and male chauvinist violence<sup>1</sup>**

(Agreement by the Governing Council of 7 November 2018 and amended by agreement of 14 December 2022)

## **PREAMBLE**

This protocol is based on:

- The Convention on the Elimination of All Forms of Discriminating against Women (CEDAW, 1979), which establishes the principle of non-discrimination and proclaims that all human beings are born free and equal in dignity and rights, regardless of any distinction, neither on grounds of sex, and which urges to appeal to all rights and freedoms it proclaims, with particular emphasis, in Articles 10 and 11, to equal rights between women and men in education and employment.
- The Declaration on the Elimination of Violence against Women by the General Assembly of the United Nations, resolution 48/104/1993, which defines in the Articles 1 and 2 what constitute acts of violence against women and the frameworks within which this violence is committed.
- The Charter of Fundamental Rights of the European Union (Nice, 2000), which prohibits, in Article 21, any form of discrimination and, in particular, on the grounds of sex, race, ethnic or social origin, disability, age or sexual orientation, among others, and which also defines the right to education and employment in Articles 14 and 15.
- Directive 2002/73/EC of the European Parliament and of the Council of 23 September 2002 amending Council Directive 76/207/EEC of the Council, on the implementation of the principle of equal treatment for men and women regarding access to employment, vocational training and promotion, and working conditions, whose Article 2 defines and prohibits conducts of harassment.
- 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 regarding employment and occupation; which proclaims that situations of sexist harassment and sexual harassment constitute a form of discrimination and shall therefore be prohibited and be subject to effective, proportionate and dissuasive penalties. The Commission Recommendation on the protection of the dignity of women and men at work of 27 November 1991 is the European standard to develop preventive measures regarding this EU Directive.
- The Spanish Constitution advocates the concepts of freedom, respect, and equality among citizens in Articles 1.1, 9.2, 10.1, 14, 15, 18.1, 35.1 and 53.2.
- Organic Law 1/2004 of 28 December on comprehensive protection measures against gender-based violence, whose Articles 33, 34, 35, 36, 37, 38, 39, 40 and 41 complement

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<sup>1</sup> In case of linguistic discrepancies between the English version and versions of this document in other languages, the original Catalan version shall prevail.

and modify some measures on violence from the Criminal Code to protect victims of any situation of violence.

- Organic Law 3/2007 of 22 March for effective equality between women and men, which defines, in Article 7, the concepts of sexual harassment and harassment on grounds of sex. Article 13 rules that in non-penal proceedings in which the plaintiff alleges discriminatory conducts on grounds of sex, it shall be incumbent upon the defendant to prove the absence of discrimination. Moreover, it condemns gender-based violence and includes in Article 48, specific measures to prevent such conducts and institute procedures in companies to handle formulated accusations or claims. In Article 51, it presents the criteria for action deployed by public administrations, which shall establish effective protective measures against sexual harassment and harassment on grounds of sex. Finally, Article 62 provides that public administrations shall have a protocol to handle such situations.
- The Organic Law 4/2007 of 12 April amending the Organic Law 6/2001 of 21 December on universities, whose preamble acknowledges the role of the university in conveying values and as an institution that respects the rights and freedoms of individuals and equality between men and women. It also establishes the existence of equality units in all universities to exercise duties related to the equality principle between women and men.
- The Criminal Code, which describes, in Articles 184 and 173, the conducts of sexual harassment and harassment on grounds of sex.
- Law 31/1995 of 8 November on Occupational Risk Prevention, which describes infractions and prevention actions in matters of occupational risks, including psychosocial risks at the workplace.
- Legislative Decree 1/1997 of 31 October, approving the recast in a sole document of certain precepts on civil service from applicable legal texts in Catalonia.
- Law 1/2003 of 19 February on universities in Catalonia, which specifies, in Article 5, the importance of teaching values and, in Article 37, provides the right of students not to be discriminated on grounds of birth, gender, sexual orientation, ethnical origin, opinion, religion or any other personal or social circumstance.
- Royal Legislative Decree 5/2015 of 30 October, approving the recast of the Basic Statute of Public Employees, which governs public employees of public universities, decrees in Article 52 the duty of employees to treat each other with respect, and categorises, in Article 95, that sexual harassment and harassment on grounds of sex behaviours constitute severe misconduct which under no circumstances shall be tolerated.
- Law 5/2008 of 24 April on the right of women to eradicate violence against women, which defines, in Article 3, the concept of violence against women. Chapter 2 and 5 include the obligation to train and raise the awareness of the population on violence; and it specifies, in Article 28, that the Government shall urge companies to create specific measures and procedures to prevent, repair, and sanction cases of sexual harassment and sex-based harassment.

- Catalan Law 11/2014 of 2 October to guarantee the rights of lesbians, gays, bisexuals, transgenders and intersexuals, and to eradicate homophobia, biphobia, and transphobia, which establishes in Article 1 the right of equality and non-discrimination on the grounds of sexual orientation, gender identity and gender expression, and which defines, in Article 4, the different forms of discrimination and harassment. Article 13 specifies that these principles on non-discrimination and respect are applicable to universities, and that the Government of Catalonia and the universities of Catalonia, with due respect to academic freedom and university autonomy, must cooperate to promote protection, support, and research measures to give visibility to the LGBTI community, and to develop non-discrimination and awareness-raising measures within the university, and they must create a protocol against discrimination on grounds of sexual orientation, gender identity or gender expression.
- The Law 17/2015 of 21 July, of effective equality between women and men, which in Article 18.3 obliges all public powers to approve within two years a protocol to prevent sexual harassment and sex-based harassment.
- The 6th Collective Bargaining Agreement of the administration and services staff from Catalan public universities, which declares in Article 46 that staff who is a victim of gender-based violence is entitled to a reduction of working hours with the corresponding reduction of salary, or to reschedule working days by means of flexible working hours or any other method used at universities. The first, second and third additional provisions are committed to eradicating any discrimination on grounds of gender and to take appropriate action to prevent, avoid and sanction all sexual harassment conducts.
- The 1st Collective Bargaining Agreement of the teaching and research staff from Catalan public universities, which establishes in its first additional provision (on gender policy) that universities shall develop the necessary actions and implement mechanisms to favour gender equality within the institution. The second additional provision (on sexual harassment and moral and psychological harassment) rules that universities shall create a protocol on situations of harassment, and implement detection mechanisms and preventive and sanction measures against abuse and sexual harassment conducts affecting their staff. Furthermore, it emphasises the necessity to: detect risk groups and affected sectors, create indicators, analyse frequencies and know the negative consequences to the health of the harassed, establish host programmes for staff where the corresponding university shall clearly state its policies against harassment, and promote training and pay particular attention to issues that encourage harassment free working environments.
- The Royal Decree 33/1986, of 10 January, which approves the Disciplinary System Regulations of the State Administration's public workers.
- The Royal Legislative Decree 2/2015, of 23 October, approving the recast of the Worker's Statute Law.
- The Royal Legislative Decree 5/2000 of 4 August approving the recast of the Law on infringements and penalties in the social order (Articles 8.13 and 8.13 bis).

- The Decree 243/1995 of 27 June on the Regulation of public employee’s disciplinary rules of the Administration of the Government of Catalonia.
- The Royal Decree 1791/2010 of 30 December on the Statute of the university student, whose Article 4 contemplates non-discrimination on grounds of sex or gender identity, among others. Moreover, Chapter 15, on the assistance services for students, includes psychological and health counselling, as well as equal treatment of women and men.
- Law 15/2022 of 12 July, comprehensive on equal treatment and non-discrimination.
- Law 17/2020, of 22 December, amending Law 5/2008, on the right of women to eradicate violence against women.
- Law 3/2022 of 24 February, on university coexistence.

This protocol enters into force in coordination with the existing tools at the UAB which guarantee an environment free from harassment, regulated by the agreement of the Universitat Autònoma de Barcelona’s Governing Council of 17 July 2008, approving the Policy for the dignity of people, which describes the action procedure of the Commission for Intervention and Resolution of Harassment Cases (CIRCA). This commission is delegated by the Security and Health Committee to intervene and solve harassment cases, in all their kinds, that may affect UAB personnel (academic staff and administration and services staff).

This protocol is in the framework of axis 5. *Promotion of an organisation free of sexism and gender violence* of the 4th Action Plan for Equality between Women and Men at the UAB.

## **CHAPTER I. COMMITMENTS, GOALS, DEFINITIONS, SCOPE, RESPONSIBLE BODIES AND UNITS**

### **Article 1. Commitments by the Universitat Autònoma de Barcelona**

The UAB considers sexual harassment, harassment on the grounds of sex, sexual orientation, gender identity or gender expression and male chauvinist violence as condemnable behaviours (article 3 of Law 17/2020), and hence commits to take a comprehensive approach:

- To formally declare and spread its rejection to all types of male chauvinist harassment or violence, in all forms or manifestations.
- To promote a prevention culture against harassment and male chauvinist violence by the means of training and information actions to raise awareness among the whole university community.
- To report and investigate, according to this protocol, any behaviour which may constitute harassment or male chauvinist violence (article 3 of Law 17/2020).
- To accompany, advise and ensure the protection of the victims of harassment or male chauvinist violence and the people who support them.

These commitments are public and are shared to all the member of the university community.

### **Article 2. Goals**

This protocol has the following goals:

- a) To prevent the emergence of sexual harassment behaviours and harassment on the grounds of sex, sexual orientation, gender identity or gender expression and male chauvinist violence among the members of the university community.
- b) To establish action guidelines in the case of a report of the aforementioned behaviours and, if necessary, to adopt the appropriate prevention or correction measures, regardless of whether the affected person decides to resort to other administration or judicial procedures different from this protocol.
- c) To establish support and accompaniment measures for the affected persons.

### **Article 3. Definitions**

3.1. Sexual harassment and harassment on the grounds of sex, sexual orientation, gender identity or gender expression behaviours:

- a) *Sexual harassment* is defined as any behaviour unwanted, verbal, nonverbal or physical, of a sexual nature that has the purpose or effect of violating the dignity and freedom of a woman and of creating an intimidating, hostile, degrading, humiliating, offensive or disturbing environment (article 5.b) of Law 5/2008, amended by Law 17/2020).
- b) *Harassment on grounds of sex* is defined as any unwanted behaviour, verbal or physical, related to the sex or gender of women, done with the purpose or effect of violating the dignity, the indemnity or working conditions of women based on the fact that they are women, creating an intimidating, hostile, degrading, humiliating, offensive or disturbing environment that hinders career advancement, performance of duties, access to management positions, remuneration and professional recognition, on an equal basis with men (article 5. a) of Law 5/2008, amended by Law 17/2020). This kind of harassment also includes attitudes or behaviour in the workplace based on sex-related reasons or events, such as those taking place due to women's pregnancy or maternity in relation to the enforcement of labour rights designed to balance personal life, family and work (for instance, schedule changes, change of duties or workplace).
- c) *Harassment on grounds of sexual orientation, gender identity or gender expression* occurs when any behaviour is based on a person's sexual orientation, gender identity or gender expression with the purpose or effect of violating their dignity or their physical or psychological integrity or of creating an intimidating, hostile, degrading, humiliating, offensive or disturbing environment (Law 11/2014).

3.2. Male chauvinist violence behaviours

Following the definition of the types of male chauvinist violence in Law 17/2020 of 22 December, amending Law 5/2008 of 24 April, on the right of women to eradicate violence against women, this protocol may be activated in the occurrence of the following behaviours:

- a) Physical violence: any act of force against the body of a woman, with the result or risk of causing her a physical wound or damage.
- b) Psychological violence: any behaviour or omission causing devaluation or suffering to a woman, by means of threats, humiliation, vexations, undermining, belittlement, requirement of obedience or submission, verbal coercion, insults, isolation or any other limitation of her freedom. Male chauvinist violence can also be carried out through threats or the infliction of physical or psychological violence against the woman's loved ones, especially against her children or other family members who live with her or have a direct relationship with her, which seeks to distress the woman. It also includes environmental violence, which is carried out through the exercise of violence against a woman's property, with economic or sentimental value, or against animals with whom she has a bond of affection, with the aim of distressing her or creating an intimidating environment.
- c) Sexual violence: any act that violates a woman's sexual freedom and personal dignity by creating conditions or taking advantage of a context that directly or indirectly impose a sexual practice without the woman's consent or will, no matter if the alleged aggressor has an affective relationship with the woman or not.
- d) Obstetric violence and sexual and reproductive rights violations: is the prevention or hindering of access to truthful information necessary for autonomous and informed decision-making. It may affect different areas of physical and mental health, including sexual and reproductive health, and may prevent or hinder women from making decisions about their sexual practices and preferences, and about their reproduction and the conditions under which it takes place, in accordance with the assumptions included in the applicable sectoral legislation. It includes forced sterilisation, forced pregnancy, preventing abortion on legally established scenarios and the difficulty to get access to contraceptive methods, methods to prevent sexually transmitted infections and HIV, and assisted reproduction methods, as well as gynaecological and obstetric practices that do not respect the decisions, bodies, health and emotional processes of women.
- e) Economical violence: is the intentional and unjustified deprivation of resources for the physical or psychological well-being of a woman and, when applicable, her children, in the repeated and unjustified non-payment of child support stipulated upon separation or divorce, hindering the disposal of the woman's own or shared resources within the family or couple, and the unlawful appropriation of the woman's assets.

- f) Digital violence: acts of online sexist and misogynist violence committed, instigated, amplified or aggravated, in whole or in part, through the use of information and communication technologies, social network platforms, websites or forums, e-mail and instant messaging systems and other similar means that affect women's dignity and rights. These acts cause psychological and even physical harm, reinforce stereotypes, damage dignity and reputation, infringe on women's privacy and freedom of action, cause economic loss, and hinder women's political participation and freedom of expression.
- g) Second-order violence: physical or psychological violence, retaliation, humiliation and persecution against those who support victims of gender-based violence. It includes acts that impede the prevention, detection, care and recovery of women in a situation of gender-based violence.
- h) Vicarious violence: any type of violence against children with the aim of causing psychological harm to the mother.

3.3. Those behaviours that may be considered a crime are reported to the Prosecution Ministry, with the consent of the affected person. If it is a public crime, the university reports it to the Prosecution Ministry after informing the affected person about it.

#### **Article 4. Scope**

4.1. Material scope. This protocol applies to any of the behaviours defined in article 3 taking place orally, face-to-face or electronically (e-mail, social networks, instant messaging, etc.).

4.2. Subjective material scope. This protocol shall apply to:

a) All staff with a labour or statutory relationship with the UAB, and all students. If less than a year has passed since the person has ceased to be part of the administration and services staff or student community, regardless of the reason, this protocol is equally applicable, given that the author or authors of the behaviour are still part of the university community staff and that the reported events happened before the date the affected person ceased to have a link with the UAB.

b) The staff of external companies hired by the UAB and carrying out their services in the university premises, as long as one of the persons involved is part of the groups described in point *a*. In application of the obligations established for the coordination of enterprise activities detailed in Law 31/1995 and Royal Decree 171/2004, of 30 January, developing article 24 of the aforementioned law, external companies shall be informed about the existence of this protocol. When there is a conflict between UAB staff and the staff of an external company hired by the UAB, there shall be reciprocal communication of the case, so

each of the parts applies their respective action protocol and carries out the corrective or disciplinary actions deemed necessary.

c) Those people who are not part of any of the previous communities but who are users of the services provided by the Universitat Autònoma de Barcelona as long as the reported person is part of the university community.

All the affected people shall receive psychological assistance and accompaniment by the UAB's Observatory for Equality.

4.3. Territorial scope: the behaviour should have happened inside the organisation or service provision scope of the UAB, that is, in any area of the campus or the university's premises, or outside of the university's premises when the behaviour takes place during an activity or a service organised by the UAB or when the behaviour is linked to a relationship originating from labour or academic activity.

#### **Article 5. Responsible bodies and units**

All the bodies, units, services and structures of the University are responsible of ensuring respect for human rights and of communicating all situations that may arise and which are regulated in this protocol within the responsible bodies and units.

The bodies and units which are responsible, according to their competences, of making effective the contents planned in this protocol are the following:

— Rector: body responsible for starting and solving all the necessary procedures started through this protocol to investigate behaviours of sexual harassment and harassment on the grounds of sex, sexual orientation, gender identity or gender expression and male chauvinist violence, and later decide, if necessary, the appropriate disciplinary responsibility.

— General secretary: responsible for reporting the facts to the Prosecution Ministry when the behaviour could constitute a crime.

— UAB's Observatory for Equality: responsible for the attention, accompaniment and support during the activation of the Protocol. The Observatory shall write an annual report regarding the presented reports and the adopted measures (prevention, support, accompaniment and action procedure), which shall be sent to the University Senate.

— Technical Advisory Commission (TAC): a collegiate body of a stable nature which exercises the functions described from this protocol.

The TAC is formed by the following members:

— The Director of the Observatory for Equality, or the person delegated, who is ex officio and will hold the presidency.

— The Head of the Law Office, or the person delegated, who is ex officio.

— The Head of the Area of Risk Prevention and Healthcare, or the person delegated, who is ex officio.

— A UAB worker with accredited expertise on the prevention and treatment of situations of sexual harassment, harassment on the grounds of sex and male chauvinist violence, named by the united bodies (assemblies and committees) of UAB staff, named by the Rector for a period of two years, when a person who is part of the academic staff or administration and services staff is involved in the facts.

In addition, when the situation so warrants, the TCA may be assisted by a psychologist with expertise on sexual harassment, sex-based harassment and male chauvinist violence appointed by the Rector.

The TAC shall meet at least once every year, and this meeting shall include the participation of the Prevention and the Office of the Executive Administrator delegates and the following contents: control of the effective application of the Protocol, evaluation of the implemented measures in relation to the action procedure and, if necessary, proposal for amendments or improvements of these measures. These contents shall be collected in an evaluation document that shall be sent to the UAB's Observatory for Equality in order to include it in the annual report on the Protocol.

## **CHAPTER II. PREVENTION MEASURES OF SEXUAL HARASSMENT BEHAVIOURS AND HARASSMENT ON THE GROUNDS OF SEX, SEXUAL ORIENTATION, GENDER IDENTITY OR GENDER EXPRESSION AND MALE CHAUVINIST VIOLENCE**

### **Article 6. Prevention measures**

The UAB shall promote actions on preventing, training and raising awareness regarding sexual harassment, harassment on the grounds of sex, sexual orientation, gender identity, gender expression and male chauvinist violence, with the goal of completely eradicating this kind of behaviours in the university environment and contributing to raise awareness among the university community. To do this, the following measures are proposed:

- a) To develop a communication strategy, with the goal of making this protocol known by all the members of the university community.
- b) To carry out recurring campaigns to inform and raise awareness addressed to the whole university community: write dissemination documents, organise yearly events and campaigns, etc.
- c) To include specific training programmes in the training plans of the different groups in the university community:
  - To draw up a programme of specific seminars for the different associations in the university community with contents regarding equality between women and men, sexual diversity and non-discrimination.

- To organise specific courses on the prevention, detection and action regarding violent, discriminatory or harassing behaviour for all the people who carry out management and direction tasks, academic staff, administration and services staff and student associations.
- To organise specific courses on the prevention, detection and action regarding violent, discriminatory or harassing behaviour for all the staff representants and course delegates.
- d) To create a continuous training programme for the people who are part of the TAC, or for people delegated by the members.
- e) To write and publish reports on the actions which have been carried out and their consequences. Specifically, an internal database including, anonymously and without references to personal data, all the information requests, reports, actions, and resolutions shall be created. This responsibility shall be taken by the UAB's Observatory for Equality.
- f) To value in public contracting tender processes those companies who have a protocol to prevent sexual harassment and harassment on the grounds of sex, sexual orientation, gender identity or gender expression.
- g) To promote mechanisms so supplying companies, service users and external staff working at the UAB know about the Protocol, according to the stipulations of Law 31/1995 on the prevention of labour risks.

### **CHAPTER III. SUPPORT AND ACCOMPANIMENT MEASURES FOR THE AFFECTED PERSONS**

#### **Article 7. Support measures**

The University has several services and units which can take a first action in cases of male chauvinist harassment or violence:

- The UAB's Observatory for Equality is the body responsible of carrying out the first attention and informing about all the services available in the university to offer support and accompaniment to the affected persons, and about the rights according to the current legal regulations. Likewise, the Observatory shall assume the coordination between services and units in order to facilitate an integral approach in all cases.
- The Security and Surveillance Service shall be responsible for the activation of preventive measures to offer protection and support during the formalisation of the report.
- The Healthcare Service shall be responsible for medical attention.
- The Psychogender Unit of the Psychology and Speech Therapy Service of the Faculty of Psychology shall be responsible for the specialised psychological attention.
- The UAB's Area of Risk Prevention and Healthcare shall guide administration and services staff and academic staff in the activation and development of the protocols.

### **CHAPTER IV. ACTION PROCEDURE IN THE CASE OF A REPORT**

#### **Article 8. Action principles**

The principles governing the administrative procedure initiated as a result of a report of sexual harassment, harassment based on sex, sexual orientation, gender identity or gender expression and gender-based violence are as follows:

8.1. Hearing, impartiality and contradiction: the action procedure shall guarantee the hearing, fair treatment and the defense of all the people involved, which may be accompanied by the person they choose, including social agents or legal advisors, if considered opportune.

8.2. Protection of the dignity of the people involved: the university shall adopt the necessary measures to guarantee the right to protect the dignity of the people involved, including the reported people, by giving them support throughout the different stages of the procedure.

8.3. Confidentiality: the action procedure and its documentation are confidential. The confidentiality obligation extends to all persons taking part in the procedure. Accordingly, only the parties involved in the case, members of the TAC and anyone involved in the procedure may have access to its documentation, and shall therefore be under the confidentiality obligation. If the confidentiality obligation is not respected, the appropriate disciplinary measures shall be adopted.

8.4. Diligence and celerity: the information compilation process shall be carried out as fast as possible and taking as much sensibility and respect of the rights of each of the people involved as possible. The investigation and resolution of the conflict shall be carried out professionally, with diligence and without undue delays, so the procedure can be completed as fast as possible respecting its guarantees. In any case, the time to solve the actions planned in this protocol shall not exceed two months, starting from the day the corresponding report is presented, except in cases requiring more time due to their exceptional complexity.

8.5. Responsibility principle: Everyone is accountable for their actions and decisions and has to bear the consequences of those actions and decisions.

8.6. Protection against possible reprisal: all the necessary measures shall be taken to guarantee the absence of reprisals against the persons presenting a report, appearing as witnesses or taking part in an investigation on behaviours such as the ones described in this protocol, except in the cases in which these people act in bad faith, which may lead to disciplinary responsibilities.

8.7. *Non bis in idem* principle: The same person cannot be punished twice for the same act, nor can two proceedings be carried out for the same reason.

### **Article 9. Rights of the victim of sexual harassment, harassment on the grounds of sex, sexual orientation, gender identity or gender expression, or male chauvinist violence and of the reported person**

The procedure that is initiated as a result of a report of sexual harassment, harassment on the grounds of sex, sexual orientation, gender identity or gender expression, or male chauvinist violence at the Universitat Autònoma de Barcelona, will have the following rights:

### 9.1. Rights of the victim

- a) To be informed about the procedure initiated as a result of the report.
- b) To be accompanied by someone reliable or by legal representation throughout the whole process, as well as by an interpreter if the person does not understand or speak Catalan or Spanish.
- c) To be accompanied by legal representation at the university.
- d) To be called and listened.
- e) To be treated fairly.
- f) To be notified about the adopted cautionary protection measures.
- g) To receive a full copy of the record's documentation.
- h) To receive information on the resolution of the record.

### 9.2. Rights of the reported person.

- a) To be informed about the actions initiated as a result of the report.
- b) To be informed about the report.
- c) To have their presumption of innocence respected.
- d) To be called and listened.
- e) To be accompanied by someone reliable or by legal representation throughout the whole process.
- f) To be notified about the adopted cautionary protection measures.
- g) To receive a complete copy of the record's documentation.
- h) To be informed about the resolution of the report.

## **Article 10. Start of the procedure**

10.1. The procedure against behaviours set out in article 4.1 of this protocol begins when there is a report addressed to the rector by the affected person or by any member of the university community who has direct or indirect knowledge of the facts that give rise to the

report. The report is presented at the University's General Registry or at the Observatory for Equality's Registry of the UAB with the subsequent registration at the University's General Registry.

Members of the university community who are part of academic staff or administration and services staff may alternatively choose to start the action procedure of the CIRCA regulated by the agreement of the Governing Council of 17 July 2008, which approves the Policy for the dignity of people and the intervention actions in cases of work harassment.

10.2. The request shall be submitted in a closed envelope containing the description of the facts leading to the request and the request to start the action procedure against the behaviours described in article 4.1 of this protocol. The forms corresponding to annexes I and II are attached.

10.3. In view of the submitted request, the Legal Office's Head or the delegated person to assist the TAC will act as an investigator. The delegated investigator will evaluate if there are signs of sexual harassment, harassment on the grounds of sex, sexual orientation, gender identity or gender expression or male chauvinist violence from the relation of the facts. If the procedure has begun and refers to a person from an external company, the company shall be notified about it.

#### **Article 11. Procedure to determine behaviours**

The person designated as the investigator must evaluate the report within the maximum period of five working days from the date the application is received at the UAB General Registry and, depending on the facts, propose one of the following alternatives to the TAC for a decision to be taken:

- To continue with the investigation, if the reported facts or the people responsible for them are considered not to be sufficiently clarified.
- To report the facts that give rise to the report to the Prosecution Ministry.
- To begin disciplinary procedure when the reported facts may constitute a minor, serious or very serious offence, in accordance with the applicable regulations.
- To adopt corrective or protective measures that it deems appropriate.
- To make the Observatory for Equality aware of those facts that do not constitute harassment but do constitute sexist or discriminatory behaviour or behaviours that violates personal dignity, so that it can articulate possible solutions.
- To archive the actions.

#### **Article 12. Ordering investigation proceedings**

12.1. The TAC shall order any investigation proceedings that may be appropriate for determining and verifying the facts and, in particular, any evidence that may lead to shedding light on the facts.

The first actions will be to listen and assist the affected person and take their statement, and to set in motion, if necessary, the necessary aid and support mechanisms. A statement will also be taken from the reported person, and the proceedings, deduced from the report that led to starting the actions and from what the claimants have alleged in their declaration, will also be carried out.

12.2. In the exercise of their duties, the investigator is assisted by a psychologist specialized on sexual harassment and they may request any necessary reports and ask, if necessary, for the collaboration of individuals to take due action. The whole university community has the obligation to collaborate in the developing processes, by providing all the necessary documentation and information.

12.3. The investigator shall guarantee during the whole process the confidentiality of the obtained data and information, except for those which should be communicated to third persons due to what is planned in this protocol. Regarding the treatment of personal data, the current regulations on data protection are taken into account.

#### Article 13. Cautionary measures

Taking into account the circumstances of each case, the TAC may propose to the Rector the adoption of cautionary measures to prevent contact or academic or organic dependency between the affected person and the reported person, as well as to make the accompaniment of the affected person easier.

The adopted cautionary measures do not prefigure in any case the final result of this procedure. Measures that could cause damage of difficult or impossible reparation for the interested people or implying a violation of their rights cannot be adopted.

In any case, these measures expire with the enforcement of the resolution ending the procedure.

#### **Article 14. End of the procedure as a consequence of article 11.1) of the present protocol**

14.1. The TCA shall send the final report to the Rector, who using their competences, may decide:

- a) To continue the investigation, if the reported facts or the people responsible are considered not to be sufficiently clarified.
- b) To end the procedure by adopting the appropriate correction and protection measures (for example, a final schedule or group change, a reorganisation of workgroups, accompanying the victim as long as required, etc.).
- c) To begin the corresponding disciplinary procedure when, based on the investigation record (statements by the victim, by the reported person and the witnesses, reports and other types of evidence) by the TAC, it can be proven that the reported facts may constitute a minor, serious or very serious offence according to the regulations in force for students.

- d) To archive the actions. If it is determined that there is bad faith in the report or that the data and witnesses are not real, the Rector may begin the appropriate disciplinary procedure.
- e) To present a report of the facts that motivate the report to the Prosecution Ministry to be constituted as a criminal offence.

14.2. The UAB will order the adoption of the measures planned in the Law for the prevention of labour risks, for the coordination of enterprise activities (Law 31/1995), when the person who has been reported is part of an external company which is a UAB collaborator or contractor.

#### **Article 15. Duration of the procedure**

The procedure resulting from a report under article 10 of this protocol shall have a maximum duration of two months since the request is submitted to the UAB's General Registry and ends with the Rector's decision. This period may be extended exceptionally, in case the complexity of the case requires so.

#### **Article 16. Follow-up**

The resolution will specify, if necessary, the indications and deadlines for notifying and accrediting the compliance with the established measures or actions.

The Observatory for Equality is responsible for monitoring the cases in which it has intervened

#### **Article 17. Filing and custody of documentation**

Once the procedure has finished and the agreed actions have been implemented, the Law Office shall be responsible for archiving and storing the record.

#### **Transitional disposition**

Until the Action Procedure of the Commission for Intervention and Resolution of Harassment Cases (CIRCA), approved by the agreement of the Governing Council on 17 July 2008 are amended to the provisions set out in this Protocol, if the procedure begins has been started via the aforementioned CIRCA, its president shall relay the specific cases of sexual or sex-based harassment to the TAC for a technical and specialised investigation.

Once the TAC finishes its procedure, it shall send the CIRCA the technical report, with a binding character, so that the latter can ratify or reject the proposed measures within a maximum period of 10 days.

#### **First final provision**

This protocol shall enter into force on the day following its approval by the Governing Council of the Universitat Autònoma de Barcelona.

### **Derogatory provision**

The approval of this Protocol revokes the Protocol against sexual harassment on grounds of sex, sexual orientation, gender identity or gender expression by the Universitat Autònoma de Barcelona, approved by the Governing Council on 10 March 2018.

### **Annex I**

#### **TO THE RECTOR OF THE UNIVERSITAT AUTÒNOMA DE BARCELONA**

*(Request to be submitted to the General Registry of the Universitat Autònoma de Barcelona in a closed envelope, accompanied by a description of the facts leading to the petition)*

#### **INTERVENTION REQUEST FOR THE TECHNICAL ADVISORY COMMISSION**

##### **APPLICANT'S INFORMATION**

Name and surname:

ID:

Postal address:

E-mail:

Telephone:

Relationship with the UAB:

**Enclosed in this request is the description of the facts leading to the intervention of the Technical Advisory commission:**

**Signature:**

**Name and surname:**

**Date and place:**

## **Annex II**

*(Document to be submitted in a closed envelope to the General Registry of the Universitat autònoma de Barcelona accompanying the request for intervention of the Technical Advisory Commission)*

### **COMMUNICATION OF THE FACTS LEADING TO THE REQUEST TO THE ADVISORY TECHNICAL COMMISSION**

#### **APPLICANT'S INFORMATION**

Name and surname:

ID:

Postal address:

E-mail:

Telephone:

Relationship with the UAB:

#### **INFORMATION OF THE PERSON FOR WHOM THE INTERVENTION IS REQUESTED**

Name and surname:

Postal address *(if known)*:

E-mail *(if known)*:

Phone number *(if known)*:

Relationship with the UAB:

#### **DESCRIPTION OF THE FACTS LEADING TO THE REQUEST TO THE ADVISORY TECHNICAL COMMISSION**

*Describe the events leading to this request, which shall be brought to the attention of the Technical Advisory Commission.*

#### **ATTACHED DOCUMENTATION *(if available)***

*Attach, if available, documentation supporting the petition.*

#### **OTHER CONSIDERATIONS**

*Name any other considerations if they are relevant.*

**Signature:**

**Name and surname:**

**Date and place:**