
UOC protocol for the prevention, detection, handling and resolution of cases of sexual harassment and harassment on the grounds of sex, sexual orientation and gender identity and/or expression

Text approved by the Executive Board on 21 December 2020. Last amended approved by the same Board on 4 March 2024

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Objectives

The specific objectives of this protocol are:

1. To raise awareness among the entire UOC community and network regarding sexual harassment and harassment on the grounds of sex, sexual orientation and gender identity and/or expression (hereinafter “harassment”).
2. To lay down the procedure for intervention and support to deal with and resolve any such situations as quickly as possible and in accordance with the protocol.
3. To ensure a work and university environment in which all people respect each other’s integrity and dignity.
4. To guarantee the right to fair treatment and confidentiality of the affected people.

Scope of application

Core principles

The objective, subjective, time and geographical scope of this protocol are as established in the UOC Regulation against sexual harassment and discrimination based on sex, sexual orientation and gender identity and/or expression.

Principle of due diligence

The members of the UOC involved in the activation of this protocol in situations of sexual harassment and harassment based on sex, sexual orientation and gender identity and/or expression must, pursuant to this principle, act proactively and with the necessary speed and efficiency to prevent, investigate, prosecute, punish and provide adequate reparation for these acts.

The UOC works on prevention and reparation for these acts with the aim of eliminating this type of behaviour at the university and to protect, support and provide reparation to everyone in the university community who has been the victim of harassment or violence.

The UOC's Equality Unit promotes **structural prevention** actions and is responsible for the **individual monitoring plan** for recovery and to prevent the behaviour from recurring. This plan sets out the individual support and reparation measures that should help rectify the damage caused by the experience. It also ensures that the necessary support and advice are provided to the person(s) concerned.

Gender approach principle

The UOC incorporates the gender and women's perspective into its structural prevention actions, as well as into the actions arising from the application of this protocol.

This approach includes understanding gender stereotypes and relations and knowing the forms and scope of the various types of violence and harassment and their roots and consequences when interpreting and applying the current legal system and this protocol.

Scope of application

Specialization principle

In accordance with Art. 17 of Law 5/2008, of 24 April, on the right of women to eradicate gender-based violence, the UOC provides those involved in the activation of the protocol – whether at the start of reporting procedures, when responding to queries or when starting disciplinary proceedings – with specialist training on the gender perspective, violence and non-revictimization as an essential condition for detecting and recognizing these behaviours, on the provision of adequate information and assistance to the university community and on how to start and manage the resulting procedures, as well as on designing the reparation of the damage with due diligence.

Guarantees of conduct

The intervention procedure provided for in this protocol must guarantee:

Respect and protection

- All steps shall be carried out with respect and discretion to protect the privacy and dignity of the affected people.
- Those involved may be accompanied in every phase of the procedure by someone they trust from their workplace, by their legal representative or by a legal representative of the workers. They may also be accompanied by a representative from the Equality Unit or the Health and Safety Service who was involved in the information and advice phase and is not a member of the Investigation Board.

The number of people that may accompany the parties is based on the specific circumstances of each case.

The person may not be accompanied by their hierarchical superior or by any person who may be called upon to testify as a witness.

Presumption of innocence

- To ensure that the mere making of a report or complaint does not in itself detrimentally affect the alleged perpetrator, such person shall be protected by the fundamental right to the presumption of innocence, such that they shall be regarded as innocent until proven otherwise.

Confidentiality

- The information collected in the proceedings is confidential.
- The people involved in the procedure are under a strict confidentiality and secrecy obligation and may not convey or disclose any information on the content of the reports submitted, resolved or under investigation of which they become aware. To this end, they shall sign a confidentiality agreement based on the template attached hereto as Appendix II.
- The person responsible for processing the proceedings shall assign identifying alphanumeric codes to both the alleged victim and the alleged perpetrator in order to protect their anonymity.
- Health information is processed in a specific manner and added to the file only once the affected person has given express authorization to do so.

Guarantees of conduct

Right to information

- All the parties involved have the right to receive information about the procedure, their rights and duties, what phase of the procedure is being carried out and, depending on the nature of their involvement, the result of the phases.

Diligence and speed

- When a procedure is initiated, information on the deadlines for resolving its various phase is provided for speed and to ensure a quick resolution of the request for intervention.

Fair treatment

- All the parties involved are guaranteed *an impartial hearing and fair treatment*.
- All the parties involved in the procedure must act *in good faith* in the search for the truth and to ascertain the events reported.

Protection against possible reprisals

- Nobody shall suffer reprisals as a result of their involvement in the process of reporting or intervening in a case of alleged harassment.
- Personal and academic records shall only place on record the outcomes of reports that have been investigated and upheld.

Cooperation

- Everyone who is called on to participate in a procedure is under a duty to cooperate unless the Investigation Board considers that there are personal or family circumstances that may result in a conflict of interest.

Guarantees of conduct

Precautionary measures

- If, during a procedure and prior to its resolution, there is evidence of ongoing harassment, the people responsible for the various intervention phases may suggest to the company management that precautionary measures be taken (e.g. a change of workstation, the reorganization of the victim's work schedule, paid leave, etc.). If the reported conduct was carried out electronically, the adoption of the relevant technological measures may be requested.
- These measures must under no circumstances have a detrimental effect on the working conditions and/or remuneration of the victim or the alleged perpetrator and must be accepted by these parties.
- The interested parties and the direct superiors of the affected people must be informed of these precautionary measures.

Intervention process

4.1. Phase 1: Information and advice

4.1.1. Objectives

The objectives of this phase are:

1. To inform, advise and support the person requesting an intervention so that they can make an autonomous and informed decision regarding activating the complaint and investigation phase (phase 2).
2. If necessary, when the person requesting the intervention decides to activate the complaint and investigation phase, to provide them with advice on how to write the written complaint.
3. In the case of people requesting an intervention who are reporting other types of conduct not falling within the scope of the UOC Regulation against sexual harassment and discrimination based on sex, sexual orientation and gender identity and/or expression, to refer them to the competent bodies.

4.1.2. Parties requesting an intervention

Requests for intervention may be made by anyone in the UOC's university community and network, whether they are witnesses to the facts or the affected people themselves.

4.1.3. Request for intervention

Any of the groups forming part the UOC's university community and network can submit a request for intervention using the UOC's Channel for queries and complaints. This channel can be accessed from the UOC web portal and, in the case of academic and administrative staff, also from the IntraUOC, as well as from the mobile app that can be downloaded through the App Store and Google Apps.

Additionally, each of the aforementioned groups may submit a request for intervention by sending an email to the address of the relevant department, as indicated below:

Academic and administrative staff

To the email address of the Equality Unit (igualtat@uoc.edu) or the Health and Safety Service (salut@uoc.edu), or to any hierarchical superior, who must refer the request to the Equality Unit at the aforementioned email address.

Students and alumni

To the email address of the Equality Unit (igualtat@uoc.edu). The request for intervention may also be submitted through the support channels available to members of this group, and they must refer the request to the Equality Unit.

Affiliated teaching staff

To the email address of the Equality Unit (igualtat@uoc.edu). The request for intervention may also be submitted through the affiliated teaching staff help service, which must refer the request to the Equality Unit.

Contractors and associated organizations

To the email address of the Equality Unit (igualtat@uoc.edu). Requests for intervention may also be submitted to the email address of the Health and Safety Service (salut@uoc.edu), which must forward them to the Equality Unit.

If the person requesting an intervention belongs to two groups (for example, if they are a student and a worker), the request for intervention may be submitted through any of the channels provided for in this Section 4.1.3.

If the aggressor and the person requesting the intervention belong to different institutions, the institution to which the aggressor belongs will be responsible for activating the protocol and must investigate the facts and, where appropriate, initiate disciplinary proceedings and carry out the relevant corrective measures. In any case, the intervention of the university's Equality Unit or the equivalent body of the other institution shall be guaranteed in order to provide adequate assistance to the affected person.

4.1.4. Information and advice

The Equality Unit deals with requests for intervention and therefore carries out the information and advice sessions for the person who has made the request for intervention, in accordance with the specialization principle. It is also important that throughout the process the people who have made the request for intervention or the alleged victims have the same member of the Equality Unit as their contact in order to avoid unnecessary repetitions in the description of the facts and to establish a bond of trust.

Information and advice sessions can be held face-to-face at any UOC facility or online using the UOC's tools and resources.

Intervention process

The first information and advice session shall be held within three business days from the date on which the request for intervention was received by the Equality Unit, unless the person making the request indicates that they would prefer it to be held at a later date.

If this communication is carried out through the UOC's Channel for queries and complaints, this information and advice session may only be carried out if the person making the request for intervention provides identification.

Following the information and advice session, the Equality Unit will, if necessary, have 14 business days to meet with the complainant to gather more information and the necessary evidence and prepare a **preliminary technical report**.

If no communication is received from the advised person and after 12 months from the provision of the advice, the process will be deemed to have been withdrawn in the Channel for queries and complaints.

4.2. Phase 2: Complaint and investigation

4.2.1. Objectives

The objectives of this phase are:

1. To thoroughly investigate the facts set out in the complaint.
2. To issue a binding report on whether a case of harassment has occurred.
3. If necessary, to propose the adoption of precautionary measures.

4.2.2. Complaint

The investigation begins based on the complaint made by the affected person. The complainant must provide solid evidence to back up their claims of harassment.

The complaint must be made **in writing** using the template attached hereto as Appendix I. If the complaint is not submitted directly by the affected person, it must include their express informed consent to initiate the measures described in this protocol. The complainant may submit any type of proof they have either at the time of making the complaint or subsequently, as long as the Investigation Board has not issued the report referred to in Section 4.2.5.

Intervention process

Any of the groups forming part of the UOC's university community and network can file a complaint using the UOC's Channel for queries and complaints. This channel can be accessed from the UOC web portal and, in the case of academic and administrative staff, also from the IntraUOC, as well as from the mobile app that can be downloaded through the App Store and Google Apps.

Additionally, depending on the group to which the affected person belongs, the complaint can also be filed at:

- a) **In the case of academic and administrative staff:** before the **Equality Unit** or the UOC's **Health and Safety Service**, either in person or by email at their respective addresses.
- b) **In the case of students and alumni:** the **Equality Unit** at its email address (igualtat@uoc.edu).
- c) **With regard to other groups in the university community and network:** the **Equality Unit** at its email address (igualtat@uoc.edu).

This protocol also applies to complaints filed with non-UOC public bodies or authorities.

By submitting a complaint, the affected person agrees to cooperate with all the evidence and actions needed to investigate the case. If the affected person does not consent to the actions needed to be taken in relation to their case, the competent body in each case shall carry out the necessary procedures and take the appropriate measures.

Once the complaint has been received, the **Equality Unit** or, if appropriate, the **UOC's Health and Safety Service**, will check that it complies with the minimum content requirement and, if necessary, that it also includes the complainant's express and informed consent if it was not submitted by them directly, and will refer it to the Investigation Board.

If the Equality Unit finds that the complaint does not comply with the minimum content requirement, it must require the complainant to correct the rectifiable defects within the period granted for this purpose. If the complainant does not correct these defects, the complaint will be shelved.

If the Equality Unit finds that the facts contained in the complaint do not fall within the scope of this protocol, it must refer the complainant to the competent bodies.

If the UOC's Equality Unit or Health and Safety Service receives a complaint from an affected person directly without having attended an information and advice session as provided in Section 4.1.4, they must be advised to make the appropriate request for intervention in accordance with Section 4.1.3 and to decide whether to go ahead with the complaint based on the outcome of these sessions. If the affected person does not follow this recommendation, the investigation will continue its course.

A formal complaint is not a mandatory requirement for receiving psychological support or other support measures, and neither is the identification of the offender.

4.2.3. Investigation Board

The purpose of the Investigation Board is to thoroughly examine the complaints submitted, carry out an investigation, issue a binding report on whether or not harassment has taken place and, where appropriate, make recommendations on the necessary measures, as established in Section 4.2.5 of this protocol.

Depending on the group to which the alleged perpetrator(s) belong(s), the Investigation Board will have the following members:

1. If they are **academic or administrative staff**, it will have the following members:
 - A member of the Equality Unit.
 - A specialist from the Health and Safety Service.
 - A psychologist or an external specialist in sexual harassment or harassment on the grounds of sex, sexual orientation and gender identity and/or expression.
 - A labour relations specialist.
 - A lawyer from the UOC's Legal Office.
 - A member of the UOC's Compliance Committee.
2. If they are a **student or alumnus**, it will have the following members:
 - A member of the Equality Unit.
 - A student support services specialist.
 - A psychologist or an external specialist in sexual harassment or harassment on the grounds of sex, sexual orientation and gender identity and/or expression.
 - A specialist appointed by the office of the vice rector responsible for students.
 - A lawyer from the UOC's Legal Office.
3. If they belong to **another group within the university community and network**, it will have the following members:
 - A member of the Equality Unit.
 - A specialist from the Procurement office.
 - A psychologist or an external specialist in sexual harassment or harassment on the grounds of sex, sexual orientation and gender identity and/or expression.
 - An affiliated teaching staff management specialist.
 - A lawyer from the UOC's Legal Office.

Intervention process

The members of the Investigation Board must refrain from taking part in the procedure or may be prevented from sitting in its meetings if they are affected by any of the following circumstances:

- a) Having a personal interest in the matter in question.
- b) Being related within the fourth degree of consanguinity or affinity to any of the parties to the dispute or any of the advisors, legal representatives or proxies involved in the procedure.
- c) Being a close friend or declared enemy of any of the persons mentioned in the previous section.
- d) Having been involved in the procedure as an expert or witness.

The Investigation Board shall carry out the following tasks:

1. Examining the complaint and the attached documents.
2. Meeting with the complainant(s).
3. Meeting with the alleged perpetrator(s).
4. Interviewing any possible witnesses and other people who may have relevant information (and informing them of the need for confidentiality throughout the process).
5. Assessing, where appropriate, whether it is necessary to adopt precautionary measures, which may be adopted by the competent body depending on the group in question.
6. Issuing the final binding report.
7. Following up the complaints that have been resolved and the measures adopted.

An initial session to establish the Investigation Board must be held, and signed minutes with a record of the people involved must be drawn up.

At this meeting, the Investigation Board must designate from among its members the person(s) who will carry out the interviews. It must also appoint from among its members a secretary and a case manager.

Resolutions of the Investigation Board are reached by an absolute majority, and minutes are taken of all its meetings.

Intervention process

The parties must be informed of the establishment and composition of the Investigation Board by email. They must also be informed of the deadline by which the Investigation Board must issue the report. In addition, the affected people's superiors and the relevant HRBPs must be informed of the start of the investigation in order to manage the atmosphere in the affected teams and monitor how the people involved in the process are. Anyone who is aware of the process must sign the corresponding confidentiality agreement.

4.2.4. Investigation actions

In this phase, the Investigation Board will plan and design the investigation actions to be carried out. The following steps, among others, must be taken to investigate each case:

a) Statement by the parties

First of all, the complainant's statement will be received. The alleged perpetrator will then be summoned to appear at the time and date established.

At this meeting, the chosen member of the Investigation Board will inform the alleged perpetrator of the acts of which they are accused, of the body responsible for the investigation and of their rights.

If the alleged perpetrator states that they wish to be accompanied by a third party, the meeting must be postponed until the date and time that may be established.

The investigation will follow its course even if the alleged perpetrator refuses to give a statement.

b) Witness statements

After the parties' statements, the witnesses will give their statements. For this purpose, the chosen person from the Investigation Board will summon them to appear at the time and date established.

c) Expert opinions

If the Investigation Board deems it appropriate, the relevant expert opinions will be requested. If the conduct was carried out electronically, the department with responsibility in the field of technology will be asked to issue an expert opinion on the matters asked by the Investigation Board.

The interviewers appointed by the Investigation Board will formally summon the parties and witnesses to make their respective statements.

These statements may be given at any facility of the UOC and/or its group companies in accordance with the needs and circumstances of each case. Statements can be made in person or online using the UOC's tools and resources.

4.2.5. Preparation of the final report

The investigation process concludes with the issuing of a binding report that sets out the findings and, if appropriate, proposes the corrective measures that may be deemed appropriate.

The Investigation Board must issue this report within a maximum of thirty business days from the date of receipt of the complaint or of the notification if the complaint was submitted to non-UOC public bodies or authorities, and the report must include at least the following information:

- a) The identity of the person who submitted the complaint.
- b) The identity of the alleged victim(s) and the alleged perpetrator(s).
- c) The names of everyone who has taken part in the investigation and in the preparation of the report.
- d) The background of the case, the complaint and the circumstances.
- e) Other actions: evidence and a summary of the main facts and the measures taken. In order to guarantee the confidentiality of the witnesses when witness statements have been given, the summary of this action must only include – or not – the facts that have been proven, without mentioning the identity of the person who has made the statement.
- f) Aggravating circumstances identified:
 1. The alleged perpetrator has previously carried out acts of harassment.
 2. Two or more people have been harassed.
 3. The alleged perpetrator is proven to have intimidated or taken reprisals.
 4. The alleged perpetrator has decision-making power over the victim's employment conditions.
 5. The victim has a disability of any type.
 6. The victim has suffered serious physical or psychological consequences that have been proven by a doctor.
 7. The victim, witnesses or people from their work or family environments are pressured or coerced for the purpose of avoiding or hindering the investigation being carried out.

g) Findings, which must be one of the following:

- 1) The claim of sexual harassment (as defined in this protocol) is substantiated, and precautionary and/or reparation measures are proposed if appropriate.
- 2) No proof of harassment (as defined in this protocol) is found, and reparation measures are proposed if appropriate. In any case, facts that could not be proved do not amount to false complaints.

The Investigation Board may make recommendations in relation to the facts investigated and, if appropriate, may convey them to the member of the Investigation Board for all appropriate purposes.

The Investigation Board will notify the complainant and the alleged perpetrator of the final report by e-mail and will send a copy to the competent academic or management authority so that it may, if appropriate, apply the appropriate disciplinary action, penalty or grounds for termination depending on the group to which the alleged perpetrator belongs.

The Investigation Board is responsible for managing and safeguarding the report and must ensure the confidentiality of all the documents created in this phase.

4.3. Phase 3: Applicable disciplinary regime

Academic and administrative staff

After reading the final report issued by the Investigation Board, the director of the UOC's department responsible for labour relations can begin to carry out the following actions:

- Initiate disciplinary proceedings against the alleged perpetrator, in accordance with the provisions of the collective agreement, if there is sufficient evidence of the existence of a situation or conduct of harassment covered by the UOC Regulation against sexual harassment and discrimination based on sex, sexual orientation and gender identity and/or expression. If necessary, it may also adopt corrective organizational measures (such as a change of workstation or centre) or measures focused on the individual (such as psychological support, training or coaching).
- Shelve the complaint against the alleged perpetrator if there is insufficient evidence of the existence of a situation or conduct of harassment covered by the UOC Regulation against sexual harassment and discrimination based on sex, sexual orientation and gender identity and/or expression. If necessary, it may also adopt corrective organizational measures (such as a change of workstation or centre) or measures focused on the individual (such as psychological support, training or coaching).

Intervention process

Students

After reading the final report issued by the Investigation Board, the vice rector responsible for academic organization may begin to carry out the following actions:

- Initiate disciplinary proceedings against the alleged perpetrator, in accordance with the provisions of the UOC Coexistence Regulations, if there is sufficient evidence of the existence of a situation or conduct of harassment covered by the UOC Regulation against sexual harassment and discrimination based on sex, sexual orientation and gender identity and/or expression. If necessary, they may also adopt provisional organizational measures (such as a change of classroom or exam sitting) or measures focused on the individual (such as psychological support, training or coaching).
- Shelve the complaint against the alleged perpetrator if there is insufficient evidence of the existence of a situation or conduct of harassment covered by the UOC Regulation against sexual harassment and discrimination based on sex, sexual orientation and gender identity and/or expression. If necessary, they may also adopt provisional organizational measures (such as a change of classroom or exam sitting) or measures focused on the individual (such as psychological support, training or coaching).

Affiliated teaching staff

After reading the final report sent by the Investigation Board, the director of the department responsible for managing affiliated teaching staff

will request the termination of the civil contract for services and the immediate replacement of the alleged perpetrator from the Teaching Support Service of the course concerned, if there is sufficient evidence of the existence of a situation or conduct of harassment covered by the UOC Regulation against sexual harassment and discrimination based on sex, sexual orientation and gender identity and/or expression.

If necessary, they may also adopt provisional organizational measures (such as a change of classroom) or measures focused on the individual (such as psychological support, training or coaching).

Intervention process

Contractors and associated organizations

After reading the final report issued by the Investigation Board, the person in charge of the contract or the person that arranged the agreement will ask the contractor or associated organization to immediately replace the alleged perpetrator on the work team assigned to the performance of the contract or project, if there is sufficient evidence of the existence of a situation or conduct of harassment covered by the UOC Regulation against sexual harassment and discrimination based on sex, sexual orientation and gender identity and/or expression.

Referral to the Public Prosecutor's Office

If the investigation carried out in relation to any of the groups concludes that there is reliable evidence of the existence of conduct that could be considered a crime, the institution must refer it to the Public Prosecutor's Office after informing the affected person.

Suspension of the investigation due to the start of criminal proceedings

If a situation that is being internally investigated also becomes the subject of criminal proceedings, the Investigation Board and/ or competent body, depending on the group to which the alleged perpetrator belongs, must agree to suspend the investigation and/or processing of the relevant disciplinary measures (although without this preventing the application of corrective measures) pending a final court ruling that concludes the criminal proceedings.

If the UOC's Investigation Board has not been established, it must be established and then suspended until a final court ruling has been issued. In addition, a person from the Investigation Board must be appointed to act as liaison between the Investigation Board and the person in charge of the victim's legal defence.

In each case, the UOC's reparation mechanisms must be established in relation to the victim who is involved in legal proceedings: continuation of the support, psychological support or postponement of talks.

4.4. Monitoring and evaluation

A technical committee is established within the framework of this protocol to monitor and assess the protocol and its implementation and gradually improve it based on changes to regulations and knowledge acquired during its implementation.

The Technical Committee is made up of the specialist staff of the Equality Unit, the Legal Office, the Health and Safety Service, the Help Services, the Office of the Vice Rectors and the UOC staff's administrative staff. It holds an ordinary meeting at least once every three months.

As a result of its operational role, this committee is responsible for:

- The regular monitoring of open and completed investigation procedures.
- Identifying and proposing the necessary modifications to the protocol to ensure its adequacy and effectiveness.
- Ensuring that open investigation procedures are adequately dealt with.
- Resolving technical queries related to the various procedures.
- Preparing an annual report containing a compilation of open cases and proceedings, with the necessary information to account for the effectiveness of the protocol before the institutions responsible for such matters, such as the Ministry of Equality and Feminism and the Ministry of Research and Universities of the Government of Catalonia, or the Spanish Ministry of Labour and Social Economy.

The Equality Unit, with the support of the Technical Committee, must prepare a monitoring and evaluation report of the protocol with a gender perspective on an annual basis. The objectives of this report are:

- To develop proposals to improve the university's interventions and regulations.
- To identify the needs of victims.
- To identify the needs of the professionals involved in the process.
- To assess the effectiveness of the application of the protocol: identify weaknesses, such as mistakes, omissions or insufficient resources, as well as strengths, including good practices or the effectiveness of the prevention and reparation measures adopted.

This report must contain quantitative and qualitative indicators that must collect, anonymously and strictly complying with the personal data protection regulations, all requests for information, complaints, actions and resolutions made and carried out.

In addition, the groups to which the affected person and the alleged perpetrator belong must be identified, as well as the type of conduct that gave rise to the intervention. The indicators used must be those commonly used at all universities in Catalonia.

Intervention process

The reports prepared must be submitted to the university's governing bodies and be published and made available on the Equality Unit's website.

Finally, the affected people must be involved in the monitoring and evaluation procedure. In order to avoid revictimizing, this involvement must be tailored to the specific case. Therefore, in some cases it will have to be carried out by means of a verbal interview by the member of the Equality Unit who collects the information, and in other cases the affected people may answer a survey on the quality of the service received.

Còmput de terminis

When periods and deadlines are expressed in days, these are business days. This calculation does not include Saturdays, Sundays, public holidays or the month of August.

Periods and deadlines expressed in days must be calculated from the day following the date of the notification or publication concerned.

If the final day is not a business day, the deadline will be deemed to be the next business day.

Appendices

Appendix I. Definitions



Appendix II. Complaint form



Appendix III. Confidentiality agreement



Article 3. Definitions

1. Under Organic Law 3/2007 of 22 March for the effective equality of men and women:
 - a) Sexual harassment is any form of verbal or physical conduct of a sexual nature with the purpose or effect of undermining the dignity of a person, in particular when creating an intimidating, humiliating or offensive environment.
 - b) Harassment on the grounds of sex is any conduct committed in connection with a person's sex that is aimed at, or has the effect of, undermining that person's dignity and creating an intimidating, humiliating or offensive environment.
2. As established in Catalan Law 11/2014, of 10 October, guaranteeing the rights of lesbian, gay, bisexual, transgender and intersex people and eradicating homophobia, biphobia and transphobia:
 - a) *Harassment based on a person's gender identity and/or expression* is any unwanted verbal or physical conduct that undermines that person's dignity and creates an intimidating, hostile, humiliating, offensive or unpleasant environment for that person, if such conduct is motivated by, or based on, the victim's gender identity and/or expression.
 - b) *Harassment on the grounds of sexual orientation* is any unwanted verbal or physical conduct that undermines a person's dignity and creates an intimidating, hostile, humiliating, offensive or unpleasant environment for that person, if such conduct is motivated by, or based on, the actual or imagined sexual orientation of the victim.
3. All the harassment conducts envisaged in these regulations are deemed to be included within the sexual harassment conduct envisaged as very serious misconduct in Article 40.h) of the UOC Collective Agreement.

¹UOC Regulation against sexual harassment and discrimination based on sex, sexual orientation and gender identity and/or expression, chapter II, pages 6-9.

Article 4. Sexual harassment

The following conducts, among others, are considered sexual harassment as provided in Article 3.1.a) of these regulations:

1. Making obscene sexual comments.
2. Making offensive jokes of a sexual nature.
3. Making crude comments about a person's body or appearance.
4. Constantly inviting someone to take part in social leisure activities in spite of the invitee having made it clear that they are not interested and that they are inappropriate.
5. Looking at a person's body in a lewd manner.
6. Addressing someone in a way that is degrading or obscene.
7. Spreading rumours about a person's sex life.
8. Offering awkward dates or sexual encounters, or pressuring the other person to agree to them.
9. Making obscene gestures.
10. Using graphics, cartoons, drawings, photographs or images taken from the internet with sexually explicit content.
11. Sending letters, notes or emails with an offensive sexual content.
12. Invading someone's personal space.
13. Sextortion.
14. Threatening to upload photographs or videos of the person having sex.
15. Asking for sexual favours.
16. Cornering a person or deliberately and unnecessarily seeking to be left alone with them.
17. Imposing deliberate and unsolicited physical contact on a person.
18. Intentionally touching the sexual parts of a person's body.
19. Committing sexual assault and sexual abuse as defined in the Spanish Criminal Code.

Article 5. Harassment based on sex

The following conducts, among others, are considered harassment based on sex, as provided in Article 3.1.b) of these regulations:

1. Laughing at someone by reason of their biological sex.
2. Having a condescending or paternalistic attitude towards someone because of their sex.
3. Using sexist humour.
4. Assigning meaningless or impossible tasks (unreasonable deadlines) to a person based on their sex.
5. Assigning a person to a position of responsibility that is below their ability or professional category solely because of their sex.
6. Ridiculing people who take on tasks traditionally taken on by people of the opposite sex.
7. Addressing a person in an offensive manner.
8. Ignoring a person's contributions, comments or actions based on their sex.
9. Underestimating work done on the grounds of the person's sex.
10. Ridiculing and belittling a person's abilities, capabilities and intellectual potential because of their sex.
11. Denying leave to which a person is entitled arbitrarily and because of their sex.
12. Discriminating against a person based on their sex.
13. Discriminating against a woman on the grounds of pregnancy or maternity.
14. Addressing people of a particular sex in degrading ways.
15. Sabotaging a person's work or deliberately stopping them from accessing suitable means to do it (such as information, documents or equipment) based on their sex.
16. Using physical strength to show the superiority of one sex over the other.

Article 6. Harassment based on gender identity and/or expression

The following conducts, among others, are considered harassment based on gender identity and/or expression, as provided in Article 3.2.a) of these regulations:

1. Carrying out acts that involve clear and explicit isolation, rejection or public contempt of people because of their gender identity or gender expression.
2. Making fun of a worker because of their gender because they do not perform the role culturally attributed to their sex.
3. Insulting a worker by reason of their sex and/or sexual orientation.
4. Intentionally using degrading language, by any means, that incites violence against individuals or their families on the grounds of gender identity or gender expression.
5. Intentionally using degrading language with transphobic connotations that incites violence.
6. Damaging or destroying objects or property of individuals or their families because of their gender identity or expression.
7. Intentionally preventing a person from carrying out a procedure or accessing a public service or establishment open to the public because of their gender identity or gender expression.
8. Intentionally and repeatedly using degrading language with transphobic connotations that incites violence in communication channels, speeches or public interventions.
9. Harassing or displaying aggressive behaviour towards individuals or their families because of their gender identity or expression.
10. Organizing public events or leisure activities whose purpose is to incite hate, violence or discrimination towards members of the LGBTI community.

Article 7. Harassment based on sexual orientation

The following conducts, among others, are considered harassment based on sexual orientation, as provided in Article 3.2.b) of these regulations:

1. Carrying out acts that involve clear and explicit isolation, rejection or public contempt of people because of their sexual orientation.
2. Insulting a worker by reason of their sex and/or sexual orientation.
3. Intentionally using degrading language, by any means, that incites violence against individuals or their families because of their sexual orientation.
4. Intentionally using degrading language with homophobic, lesbophobic or biphobic connotations that incites violence.
5. Damaging or destroying objects or property of individuals or their families because of their sexual orientation, provided that such actions do not constitute a crime or misdemeanour.
6. Intentionally preventing a person from carrying out a procedure or accessing a public service or establishment open to the public because of their sexual orientation.
7. Intentionally and repeatedly using degrading language with homophobic, lesbophobic or biphobic connotations that incites violence in communication channels, speeches or public interventions.
8. Harassing or displaying aggressive behaviour towards individuals or their families because of their sexual orientation.
9. Organizing public events or leisure activities whose purpose is to incite hate, violence or discrimination towards members of the LGBTI community.

(* *Mandatory fields*)

A. Details of the alleged perpetrator

First name and surname(s) (*):

ID card (DNI) No.:

Contact telephone:

Email address:

Group to which they belong¹(*):

B. Details of the reporting person

First name and surname(s) (*):

ID card (DNI) No.:

Contact telephone:

Email address:

Group to which they belong²(*):

C. Description of the facts

(description of the incident or incidents that have motivated the complaint)

¹ Students, administrative staff, teaching and research staff, alumni, affiliated teaching staff, provider or partner organization.

² Students, administrative staff, teaching and research staff, alumni, affiliated teaching staff, provider or partner organization.

D. Supporting documents *(if there are any documents to substantiate the facts, these must be listed and attached to this complaint form).*

1. Document 1:

2. Document 2:

3. Document 3:

E. Witnesses *(if there are any witnesses to the facts, their name, surname(s) and email address must be given)*

1. First name and surname(s): _____ Email address: _____

2. First name and surname(s): _____ Email address: _____

3. First name and surname(s): _____ Email address: _____

4. First name and surname(s): _____ Email address: _____

I REQUEST the initiation of the investigation process established in the UOC Protocol for the prevention, detection, handling and resolution of cases of sexual harassment and harassment on the grounds of sex, sexual orientation, and gender identity and/or expression.

Signed,

First name and surname: _____ Place and date: _____

If the complaint is not submitted directly by the affected person, it must include their express informed consent to initiate the measures described in this protocol.

I authorize,

First name and surname: _____ Place and date: _____

File no.: _____

Mr/Ms _____, of legal age, with National ID Document No. _____, acting herein as _____, in the above-referenced investigation procedure, in accordance with the provisions of the UOC Protocol for the prevention, detection, handling and resolution of cases of sexual harassment and harassment on the grounds of sex, sexual orientation, and gender identity and/or expression, knows and accepts that:

- His/her participation in the process shall confer the right to know the phase of the investigation and, in virtue of his/her participation, the result of each phase.
- His/her participation in the process must be based on good faith and the will to establish the truth and clarify the reported facts.
- As a participant in the process, he/she is obliged to cooperate with the Investigation Board.
- If he/she is a member of the Investigation Board, he/she must inform said Board of the existence of any of conflicts of interest envisaged in section 4.2.3 of the Protocol.
- His/her personal data shall be processed under the responsibility of the UOC for the purpose of managing the UOC Protocol for the prevention, detection, handling and resolution of cases of sexual harassment and harassment on the grounds of sex, sexual orientation, and gender identity and/or expression process in which he/she is participating.
- The grounds for this processing are the legal obligation established in Law 31/1995 of 8 November on occupational risk prevention, and the implementation of a process conducted in the public interest as envisaged in Organic Law 3/2007 of 22 March on the effective equality of women and men.
- The personal data processed during the process may be notified to the Office of the Attorney General, to the courts, and to State law enforcement bodies.

The data shall be stored for the time needed to fulfil the indicated purpose and to determine any possible liability arising from said purpose and from the data processing.

- Any individual may exercise their right to access, rectification, erasure and portability of their data, to limit or object to the processing, and to not be subject to decisions based solely on automated processing of their data, when necessary, by notifying the UOC via the email address fuoc_pd@uoc.edu, under the subject "Data Protection"

Furthermore, the undersigned undertakes:

1. To maintain the strictest confidentiality, privacy and impartiality towards the parties during the entire investigation process.
2. Not to convey or disseminate information on the content of the complaints, whether submitted, resolved or under investigation, of which he/she has knowledge, or any other information, regardless of the format in which it is contained, to which he/she may have access as a result of his/her involvement in the process.

Therefore, more specifically, he/she undertakes to fulfil the following obligations:

1. To guarantee personal dignity and the right to privacy throughout the process, as well as equal treatment for women and men.
2. To guarantee the confidential processing of and the most absolute discretion in relation to information regarding situations that may constitute sexual harassment or harassment on the grounds of sex, sexual orientation, and/or gender identity, and also in relation to any other relevant aspect that may be dealt with during the process.
3. To guarantee the strictest secrecy and confidentiality in relation to the content of the complaints submitted, resolved or under investigation of which he/she has knowledge, as well as ensuring compliance with the duty on the part of the other people taking part in the investigation not to convey or disseminate any type of information.

The UOC reserves the right to take legal and, if appropriate, any disciplinary measures it deems appropriate in the event of breach of the commitments and obligations established in this document.

Signed,



First name and surname(s): _____ Date: _____

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