



# University of Granada PROTOCOL for the Prevention of and Response to Harassment

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## INTRODUCTION:

### Justification and reference legislation

The Spanish constitution recognises its citizens' fundamental right to equality and non-discrimination by reason of birthplace, race, gender, religion, opinion or any other personal or social condition or circumstance (Article 14), in addition to their right to life and physical and moral integrity, their right not to be subjected to degrading treatment (Article 15), while guaranteeing their right to personal freedom (Article 17), honour, personal and family privacy and their own image. Sexual harassment, harassment by reason of gender, discriminatory harassment, harassment in general and violence are all multiple-offence crimes that violate all or the majority of these fundamental rights.

In addition, sexual harassment, harassment by reason of gender, discriminatory harassment, harassment in general, and violence, when they occur within the ambit of a working relationship, violates the right to work, which is also upheld by the constitution (Article 35).

Discriminatory harassment is likewise defined and regulated in similar terms of prohibition and prevention in Directive 2006/54/EC of the European Parliament and the Council of the 5<sup>th</sup> of July, 2006, relating to the application of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation.

For its part, the Spanish Penal Code has classified sexual harassment as an offence since 1995 (Article 184) and workplace harassment as an offence since 2010 (Article 173).

The transcendence of the constitutional rights affected by sexual harassment, harassment by reason of gender, discriminatory harassment and harassment in general makes it possible to classify these acts, depending on the severity of each case, as disciplinary offences and without prejudice to any further criminal responsibility that may be incurred. Faced with this type of harassment a merely disciplinary action may not be sufficient, as it is imposed after the damage has already been done. Harassment and violence must be prevented at origin, and to this effect, as specifically recommended by the European Union regulations referred to above, both a formal Disciplinary Protocol and an (informal) Extra-Disciplinary Protocol must be established in order to arrive at a solution in the event that incipient behaviour or circumstances conducive to the development of acts of harassment are detected.



All of the above, when combined with the specific nature of the university, would suggest the approval of a Harassment Prevention and Response Protocol for the university; one that both adapts the existent instruments to the specific peculiarities of the university and establishes as a core objective the prevention and eradication of this type of conduct.

## Reference Legislation

In compliance with the commitments included in its Equality Plan, the University of Granada aims to facilitate effective instruction regarding fundamental and health and safety rights for all those who form part of the university community. In order to achieve this aim any approach to regulation of this protocol must take into account existent reference legislation relating to this subject matter.

In relation to universities the general normative framework is established in Organic Law 6/2001 of the 21st of December on universities, and modified by Organic Law 4/2007 of the 12<sup>th</sup> of April, which, in its preamble, establishes a commitment to gender equality and introduces the possibility of creating specific gender equality programmes. The various norms that constitute the reference legal and political framework relating to sexual harassment and harassment by reason of gender are presented below, beginning with the international sphere and finalising with legislation pertaining to Spain's autonomous regions.

This legislation serves as a point of reference for addressing the remaining types of harassment.

***On an international level.*** United Nations General Assembly Resolution 48/104 relating to the Declaration on the Elimination of Violence Against Women identifies harassment as a form of violence against women and as such prohibits it in the workplace, educational institutions and other environments (Art. 2b), and recommends establishment of the corresponding penal, civil and administrative sanctions (Art. 4 d-f). The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) demands the adoption of suitable measures designed for the elimination of discrimination against women in all walks of life and specifically focusses on the workplace (Art. 7-16). The Beijing Platform for Action recognises sexual harassment as a form of discrimination and violence against women and calls on the various actors to ensure that governments enact and enforce laws regarding sexual harassment and employers implement prevention policies and strategies designed to combat harassment (par. 178). The



International Labour Organisation (ILO) establishes that sexual harassment constitutes a form of sexual discrimination in accordance with the 1958 Convention concerning Discrimination in Respect of Employment and Occupation.

**On a European level.** The Charter of Fundamental Rights of the European Union enshrines the right to non-discrimination by reason of gender and numerous European directives prescribe the prevention and sanctioning of sexual harassment, such as Directive 2004/113/EC relating to the principle of equal treatment for men and women in the access to and supply of goods and services. These directives require member states to incorporate the following principles into their national legislation: to make it clear that sexual harassment constitutes discrimination by reason of gender, to prohibit, at the very least, behaviour that coincides with the definition established by the directives relating to sexual harassment in the workplace and in the access to and supply of goods and services, and to encourage employers to take measures to combat all forms of sexual discrimination and prevent harassment in the workplace.

**On a state level.** Spanish Organic Law 3/2007 of the 22nd of March relating to effective equality between men and women establishes the obligation of employers to negotiate a protocol of action for sexual harassment and harassment by reason of gender with workers' legal representatives (Art. 62). Law 31/1995 of the 8<sup>th</sup> of November relating to Occupational Risk Prevention recognises the influence of psycho-social risks on occupational safety. As a psycho-social factor, harassment has an influence on the risks that a person may experience (Art. 4.7<sup>o</sup>.d). Royal Legislative Decree 5/2015 of the 20<sup>th</sup> of October, which ratifies the revised text of the Civil Service Basic Statute (EBEP), recognises as an individual right the right to protection against sexual harassment or harassment by reason of gender (Art. 14. h). Royal Decree 5/2010 of the 4<sup>th</sup> of August, which ratifies the revised text of the Law on Offences and Sanctions in Social Matters, identifies sexual harassment as a very serious offence when it occurs within the scope of management authority, whoever the offender may be (Art. 8.13). Likewise it considers as very serious offences harassment by reason of race, ethnic origin, religion or convictions, disability, age or sexual orientation, and harassment by reason of gender when it takes place within the scope of management authority, whoever the offender may be (Art. 13 appendix.)

**On an autonomous region level.** Law 12/2007 of the 26<sup>th</sup> of November relating to the promotion of gender equality in Andalusia obliges employers to adopt the measures required to create work environments that are free of sexual harassment and harassment by reason of



gender and to establish protocols that contain the corresponding prevention and protection measures (Art. 30). It also establishes the obligation to provide protection against sexual harassment and harassment by reason of gender in both public service environments and the private sector (Art. 33). Law 13/2007 of the 26<sup>th</sup> of November relating to comprehensive prevention and protection measures against gender violence in Andalusia establishes a framework for action for universities to prevent violence and promote relations of equality for men and women. Likewise the Agreement of the 27<sup>th</sup> of October, 2014, of the General Committee of the Common Staff of civil servants, statutory personnel and employees of the Regional Government of Andalusia ratifies the prevention and action protocol of the Regional Government of Andalusia relating to cases of workplace or sexual harassment, harassment by reason of gender or other forms of discrimination.

And finally, the University of Granada Equal Opportunities Plan includes a commitment on behalf of the university to establish an action protocol for cases of sexual harassment, harassment by reason of gender, discrimination, sexist attitudes and gender violence (Action 7.2).

## **1. UNIVERSITY OF GRANADA POLICY ON CASES OF HARASSMENT**

### **1.1. Harassment response protocol**

The lack of equality existent in society generates circumstances, spaces and references that have a direct influence in the configuration of personal and professional relationships. Some of these elements are used by people who carry out acts of harassment. While the university forms part of this same social context and, as such, is not free of this type of behaviour, it does incorporate a series of in-house dynamics that may influence the formation of specific types of relationship that may, in turn, be used to display behaviour that amounts to harassment.

The university constitutes an extensive, diverse environment with a complex functional organisation that distinguishes between both the various groups of people that constitute the university community and the sub-groups that constitute each particular group (teaching and research personnel, administrative and service personnel, the student body...). The various



functions that these carry out (teaching, research, administrative, academic...) take place in different work areas (faculties, administrative services, research centres, study centres...) in which there exist hierarchical structures that are frequently understood to be dependent in terms of professional development; a situation that is particularly evident in the relationships of students with their professors, where academic development is closely linked to personnel under the references and tutoring of professors.

Any of these circumstances may be used to carry out acts of harassment, a fact that has been demonstrated by numerous studies on the matter, which reveal a high level of prevalence that increases as the relationships become more hierarchical and dependent.

The responsibility of the university with regard to acts of harassment is three-fold. First of all, in light of the university's commitment to those people who constitute the university community, secondly for the use of the university's grounds to carry out the acts, and thirdly, in light of the university's responsibility towards society in terms of training and creating a space in which values are an integral part of personal and professional training.

The seriousness of the situation coupled with the importance of the consequences has led the University of Granada to improve its existent response by developing this harassment action protocol, the aim of which is to develop an integrated response that incorporates measures ranging from prevention, detection and the care and protection of victims to, where applicable, punishment of those responsible for harassment by means of the corresponding disciplinary proceedings.

The overall objective is for the university to possess a global harassment action protocol and for the response to be coordinated and focussed at all times on the care and protection of the victim without undermining the procedural and substantive guarantees of the persons accused.

The comprehensive nature of the response, therefore, is based on prevention, detection, care, protection and sanction. From the point of view of the structuring of this protocol we have two basic core concepts (Diagram 1), on the one hand, general prevention, and on the other, the response to known cases. At all times the principal objective is to prevent the occurrence of new cases, hence the protocol has been established around three main actions, namely primary, secondary and tertiary prevention, which together address the specific circumstances of each of the objectives, that is to avoid the appearance of new cases, to address the risk factors that facilitate the existence of harassment, and to avoid the repetition of new assaults.



To this end the protocol details the actions to be carried out by each of the structures involved in the university in terms of the two core concepts: general prevention, by the Equality and Conciliation Unit, and the response to known cases by the Equality and Conciliation Unit, the University Ombudsman, the Services Inspectorate and Management. This response is articulated through two protocols, an "informal" protocol and a "disciplinary" protocol, the latter being based on existing legislation.

Regardless of the specific actions established in each of the protocols and response actions, the other principal objective of this anti-harassment protocol is the coordination of the disciplinary and extra-disciplinary response and the monitoring of the situation of the person who has suffered harassment in each case with a view to ensuring that they are cared for and protected from the possible negative consequences they may experience in their personal, professional and academic lives and their relationships.

## 1.2. Action policy

The University of Granada is committed to providing an environment for learning, working and living in which the rights and dignity of all members of the university community are respected and in which progress and professional advancement are based on work and academic performance in an environment that is free of all forms of harassment, intimidation, victimisation and discrimination.

The University of Granada believes that any form of harassment creates a negative environment that undermines the mission of the university and offends the dignity of the university community, and, as such, will not be tolerated.

This policy will be applied equally to all members of the university community, including teaching and research personnel, personnel from university research institutes, administrative and services personnel and the student body as well as personnel from external companies or entities who carry out their tasks on the grounds of the University of Granada. The objective of the policy is to prevent, identify and provide a response to acts of harassment by means of commitment to and promotion of greater awareness and the establishment of principles for the resolution of problems by means of early intervention. For this reason the present action





framework is designed to be adopted in the event a situation of harassment should arise.

Within the scope of its authority the University of Granada promises to safeguard the rights of the members of its community against harassment, be it by external or internal parties.

Through the Vice-rectorate for Social Responsibility, Equality and Inclusion, all centres, departments, units and services of the University of Granada undertake to both prevent and manifest absolute intolerance for all acts of harassment in any of its manifestations.

### 1.3. Obligations of the University of Granada

- To promote a culture of harassment prevention by means of training and the dissemination of awareness campaigns throughout the university. University employee training plans should include training relating to harassment.
- To encourage the rejection of all types and forms of harassment or differential treatment based on professional or academic category or administrative hierarchy, thereby guaranteeing the right to respectful, dignified treatment of all members of the university community.
- To take action regarding complaints of harassment by following the established procedures and with a view towards both preventing this type of behaviour and exacting guarantees that it will not be repeated.
- To notify the proper authorities without delay, as established in this protocol, of any behaviour that may be construed as harassment, applying the established specific protocol according to the principles of professionalism, objectivity, impartiality, promptitude, respect and the discreet handling of complaints with the corresponding commitment to confidentiality.
- Notwithstanding the foregoing, and regardless of the formal presumptions, once the facts are known the necessary cautionary measures should be taken to protect the victim and avoid possible damages that may arise as a consequence of either the events themselves or of the filing of the complaint.
- To care for and offer consultation for the victims of harassment, providing them with



access to the corresponding services in order that they may receive treatment for the possible consequences that may arise from the situation of harassment.

- To monitor both the case in question and the situation of the victim.

## 1. PROTOCOL OBJECTIVES

### 2.1. General objective

To prevent and avoid any possible form of harassment situation in the University of Granada and its dependant organisations, and effectively tackle them if they should arise by means of primary, secondary and tertiary prevention.

In line with the stated general objective, the university outlines the following specific objectives:

### 2.2. Specific objectives

- a) To provide information and training and raise awareness within the university community on matters pertaining to all forms of harassment in an effort to identify these behaviours.
- b) To prevent and avoid harassment situations.
- c) To have available the organisation and measures required to attend to and resolve cases that do arise.
- d) To detect possible cases of harassment through actions that focus on the identification of circumstances that may favour harassment, in other words preventative actions.
- e) To guarantee the safety, integrity and dignity of the affected persons. To apply the appropriate measures for protecting the victims in each case and at all times. To implement the appropriate legal cautionary measures, putting an end to the situation of harassment and, where necessary, implement the pertinent punitive measures.



- f) To guarantee the confidentiality of affected persons.
- g) To adopt the necessary means to channel the victims towards resources where they can receive help and attention for the consequences of harassment.
- h) To administer the knowledge obtained from the experience and analyse the information with a view to improving response and prevention.

### 3. SCOPE OF APPLICATION

This protocol will be applied to:

1. All persons who constitute the university community:
  - a) Teaching and research personnel
  - b) Administrative and service personnel
  - c) The student body of the University of Granada
2. Incoming students on mobility programmes.
3. Persons linked to the University of Granada through professional services carried out in the university or for the purposes of carrying out the same.
4. Any person included in the above paragraphs whose relationship with the University of Granada may have concluded (by any legal means) due to a situation of harassment, this person being free to take legal action against this protocol within a period of one year from the date of termination of the aforementioned relationship, and all without prejudice to the limitation periods for the offence, or crime, that are established when a disciplinary or criminal process, respectively, is initiated.

This protocol will be applicable to all inter-personal relationships that occur within the ambit of the University of Granada, be these horizontal or vertical, ascendant or descendant.



## 4. CONCEPT, TYPES AND FORMS OF HARASSMENT

### 4.1. General concept

In general terms harassment, in any of its forms, is understood to mean any behaviour, by act or omission, whether verbal or physical, that has the purpose or effect of infringing on the dignity of a person, in particular when an environment of defencelessness, intimidation, degradation or offence is created.

### 4.2. Types of Harassment

While the most common form of harassment stems from a hierarchical position of power, other types also exist:

- **Downward harassment:** Refers to harassment that is initiated by a person who occupies a position superior to that of the victim.
- **Horizontal harassment:** Refers to harassment that occurs between colleagues who occupy positions of the same category or hierarchical level.
- **Upward harassment:** Is initiated by a person who occupies a position inferior to that of the victim.
- **Intersectionality:** The origin of the harassment may occur for multiple, simultaneous reasons. For that reason it will be understood that the harassment can arise for one or several reasons.

### 4.3. Principal forms of harassment

Below is a list of some forms of harassment that, as a result of their regularity, are defined in the corresponding legislation (target scope of application). Under no circumstances should this be considered a complete list. On the contrary, harassment takes very diverse forms and new strategies continue to come to light, both non-complex strategies and strategies that combine a series of behaviours, meaning that the full list of behaviours that constitute harassment should always remain incomplete.



- a) **Workplace harassment:** Psychological or hostile harassment that takes place within the framework of any work-related activity and that causes humiliation for the victim by creating situations that represent grave offences to the dignity of their person (Organic Law 5/2010 of the 22<sup>nd</sup> of June). In accordance with the European framework agreement on harassment and violence at work, harassment is considered to take place when one or more persons are repeatedly and deliberately abused, threatened, and/or humiliated in circumstances relating to work. And violence is considered to occur when one or more persons are assaulted in circumstances relating to work. Harassment and violence may be carried out with the purpose or effect of infringing upon the victim's dignity, affecting his or her health, or creating a hostile work environment.
- b) **Sexual harassment:** Any verbal or physical behaviour of a sexual nature carried out with the purpose or effect of infringing on the dignity of a person, in particular when an intimidating, degrading or offensive environment is created. (Organic Law 3/2007 of the 22<sup>nd</sup> of March).
- c) **Harassment by reason of gender:** Any behaviour relating to the gender of a person that is carried out with the purpose or effect of infringing on their dignity, in particular when an intimidating, degrading or offensive environment is created. (Organic Law 3/2007 of the 22<sup>nd</sup> of March).
- d) **Psychological or moral harassment:** In accordance with the protocol for action against harassment established by the General Council of the Judiciary, **psychological or moral harassment** is understood to mean the exposure to behaviours that constitute intense psychological violence and that are directed repeatedly and in a prolonged manner over time towards one or more persons by other persons who are acting from a position of authority – not necessarily hierarchical but rather in psychological terms – with the purpose or effect of creating a hostile or humiliating environment that perturbs the professional life of the victim. This behaviour is both an offence to the dignity of that person and a risk to their health.
- e) **Cyberbullying:** This refers to bullying and attacks that constitute any kind of harassment and take place via communications technologies. Cyberbullying refers to the form in which the harassment takes place rather than the type and constitutes a means of harassment rather than a particular type of behaviour.



- f) **Other types of harassment:** Discriminatory harassment encompasses all undesirable conduct relating to the **racial or ethnic origin, religion or convictions, functional diversity (disability) or sexual diversity** of a person and with the purpose or effect of infringing on their dignity and creating an intimidatory, humiliating or offensive environment (Organic Law 62/2003 of the 30<sup>th</sup> of December).

#### 4.4. Non-exhaustive list of behaviours relating to the various types of harassment

Below, for the purposes of guidance only and in no way exhaustive, is a list of examples of harassing behaviours that are referenced in existent legislation. While the list features examples of types of harassment that occur most frequently, they are not unique to these types and some of them may appear associated with different types.

##### a) Workplace harassment

1. Continually and without justification failing to provide the professional with duties to perform or obliging them to carry out useless tasks of no value.
2. Expecting disproportionate results that are impossible to comply with in the light of the assigned material and personnel resources.
3. Retaliatory actions carried out against persons who have filed complaints or legal action or those who have collaborated with the claimant.
4. Repeated insults or demeaning comments directed at a person, repeated reprimands made in the presence of others, the spreading of rumours regarding their profession or private life.

##### b) Sexual harassment

1. Unnecessary contact, including touching, patting, hugging, kissing...
2. Suggestive and disagreeable observations, jokes or comments regarding the appearance, looks or sexual nature of a person and deliberate verbal abuse.



3. Lewd, compromising or persistent invitations to participate in social activities, despite the person in question having clearly demonstrated their unwillingness to participate.
4. The use of pornographic images in the workplace.
5. Obscene gestures.
6. The clandestine observation of persons in private spaces such as bathrooms, toilets...
7. Requests for sexual favours.
8. Physical aggression.
9. Any offensive verbal, written or electronic message of a sexual nature.

Within the definition of sexual harassment two contexts with specific circumstances may arise: quid pro quo harassment and environmental sexual harassment.

**Quid pro quo harassment.** Quid pro quo harassment refers to any situation in which the refusal of a person or their submission to a certain type of behaviour is used, either implicitly or explicitly, as the basis for making a decision that affects that person's access to professional training, job offers, continued employment, professional advancement and salary, among other aspects. The only perpetrators of this type of harassment are those who have the power to decide over the working relationship, in other words, persons who hold a position of authority with respect to the victim.

**Environmental sexual harassment.** The principal characteristic of this type of harassment is that the perpetrator displays conduct of a sexual nature of any type that results in the creation of an intimidatory, hostile, offensive or humiliating context, whether or not this was the purpose of the behaviour. The condition affected is the environment, the workplace.

In this event the offenders may be workplace colleagues or third parties in any way related to the institution.

### **c) Harassment by reason of gender**

1. Derogatory comments regarding women or what may be considered feminine values and, in general, sexist comments based on gender prejudice. This may also take place against



men.

2. Discrediting of professional stature for reasons of maternity or paternity.
3. Hostile behaviour directed against those who choose to exercise their right to conciliation of their personal, family and professional life.
4. Denigration, ostracising or isolation of those who do not behave in accordance with the roles supposedly assigned to their sex.

#### **d) Psychological or moral harassment**

1. Continually leaving a particular person in their working environment (labour, teaching, research or studies) without assigning them any duties to perform, or incommunicado, without any justifiable cause.
2. Expecting disproportionate results that are impossible to comply with given the assigned material and personnel resources or occupying persons with useless tasks of no value.
3. Retaliatory actions carried out against persons who have filed complaints or legal action or those who have collaborated with the claimant.
- 4 Repeated insults or demeaning comments directed towards any person, repeated reprimands made in the presence of others, the spreading of rumours regarding their profession or private life.

#### **e) Cyberbullying**

1. Harassment: The sending of degrading images or videos, monitoring using spyware, forwarding of computer viruses and humiliation by means of video games.
2. Denigration: The distribution of false information relating to another person in a derogatory tone by means of web advertisements, remittance of emails, instant messaging or digitally altered photographs. Remarks left in online comments sections may also be included.
3. Identity theft: Entering the electronic mail or social network account of another person in order to publish compromising material relating to that person or manipulate or usurp their





identity.

4. Defamation or foul play (outing and trickery): Infringement of privacy, tricking a person in order that they share and/or publish confidential information relating to another person in an attempt to spread defamatory rumours.

5. Cyberstalking: Continued bullying or harassment via the sending of offensive, vulgar or insulting messages, including threats of harm or intimidation that cause the victim to fear for their safety

**f) Other types of harassment (discriminatory harassment):**

This includes racist comments or behaviour that are contrary to religious freedom or non-profession of religion or belief, degrading to the personal or professional self-worth of disabled persons, pejorative to the old or young, or homo- or lesbo-phobic, and including, in particular, behaviours that lead to the segregation or isolation of the persons discriminated against.

## 4.5. Circumstances relating to cases of harassment

The diversity of behaviours, scenarios, circumstances and types of harassment require the consideration of a series of references regarding related elements.

**a) Elements that signify greater severity of the incidents.** In an effort to establish a series of references relating to the severity of a particular case of harassment and its possible impact on the victim, and without prejudice to what may be considered disciplinary in terms of any sanctions that may be imposed, greater severity will be considered in those situations in which:

1. The person against whom the claim is filed is a repeat offender in the commission of acts of harassment.
2. The offence is directed against more than one victim.
3. Intimidating or retaliatory behaviour is displayed by the aggressor.



4. The aggressor possesses decision-making power over the employment relationship of the victim.
5. The victim suffers from any type of physical or mental disability.
6. The psychological or physical state of the victim has suffered serious, medically accredited alteration.
7. The victim's contract is not indefinite, or their relationship with the organisation is not work-related.
8. Harassment occurs during a process of selection or promotion of personnel.
9. Pressure or coercion is exerted on the victim, witnesses or other persons from the victim's work or family environment in an effort to obstruct the successful completion of the investigation.
10. The fact that the victim is working under a temporary contract, for a probationary period or as a practicing trainee will always be an aggravating circumstance.

**b) The place of harassment:** The prohibition of inappropriate behaviour or harassment in the workplace, be it sexual or by reason of gender or any other type of harassment described in this protocol, extends to all behaviour that takes place in the University of Granada, during social functions linked to the academic sphere of the university and during trips and any other university-related activities that take place outside the university campus.

The place of harassment shall be extended to include the circumstances and contexts derived from the use of the new technologies and their use for the purposes of cyberbullying.

**c) Compensation for retaliation:** Discrimination shall also be deemed to mean any adverse treatment or negative effect that occurs in a person as a result of the filing of any type of complaint or appeal designed to prevent their being discriminated against or in an effort to seek compliance with the principles of equal treatment.



## 5. PRIMARY PREVENTION OF HARASSMENT

Providing a response to harassment requires a comprehensive series of actions that ranges from prevention to the sanctioning of cases that arise. In addition, these actions must be coordinated and comprehensive to the effect that each action serves as a reference for the remaining actions.

This University of Granada protocol seeks to fulfil this goal by means of three principal spheres of action. First of all, through **Primary Prevention**, which consists of raising awareness among the university community so that this type of action does not occur and so that it may be identified and detected if it does occur. Secondly, through **Secondary Prevention**, in other words by taking action with regard to the contexts, circumstances and risk factors that facilitate the appearance of harassment in its various types and forms and on the persons affected by this type of behaviour. And finally, **Tertiary Prevention**, which consists of implementing existing legislation in order to investigate and provide a response to cases of harassment.

### 5.1. Objective

The aim of primary prevention in the University of Granada is to create a culture of equality, coexistence and respect in which harassment has no place. (Diagram 2)

### 5.2. Responsible authorities

The principal body responsible for coordinating actions is the OFFICE OF HARASSMENT PREVENTION AND RESPONSE (OPRA in Spanish). As part of the Equality and Conciliation Unit the OPRA has been created in an effort to develop and coordinate all actions relating to harassment within the University of Granada. The OPRA organises its activities around two fundamental lines, one of which focusses on prevention, the other on the development of a response to cases of harassment.

The OPRA implements actions designed to raise critical awareness regarding the myths, stereotypes, ideas, prejudices, justifications, etc., that have traditionally favoured harassing behaviour. Likewise it focusses its efforts on the creation of knowledge relating to equality and conciliation that will allow us to better understand these concepts and establish relationships based on respect and dignity.



Initiatives aimed at critical awareness and the creation of knowledge regarding equality will be promoted and implemented by the Equality and Conciliation Unit in collaboration with other university bodies and community groups in general and bearing in mind specific actions that are carried out at any given moment.

### 5.3. Primary Prevention Actions

Primary Prevention will primarily consist of sensitization, awareness-raising, information, training and scientific research.

- a) **Sensitization:** The Equality and Conciliation Unit will promote and implement both general and specific campaigns (the latter via social networks) regarding harassment and its causes, circumstances and consequences, etc., in order that the university community may have at its disposal a new series of references relating to harassing behaviour and all this encompasses and be in a better position to provide a response to said behaviour.
- b) **Awareness-raising:** The Equality and Conciliation Unit will promote and implement specific campaigns relating to specific aspects of harassment. These campaigns, without prejudice to the overall benefit they may produce, will target specific university community groups in an effort to encourage reflective thinking and improve critical awareness regarding harassment and the circumstances in which it occurs.
- c) **Information:** The Equality and Conciliation Unit will provide information on all elements relating to harassment, both on a general level and regarding the various actions, resources, protocols and measures that exist in the university in an effort to offer a response to cases of harassment.
- d) **Training:** Training actions will be developed for the dissemination of specific knowledge and skills on harassment-related issues and will target specific university community groups. These actions will form part of general training activities relating to equality as well as actions focussing on harassment.
- e) **Scientific research:** The Equality and Conciliation Unit will carry out, participate in and promote scientific research projects relating to harassment in the university and in society in general.



Whether it is via the Equality and Conciliation Unit or via the OPRA, the promoter and driving force behind Primary Prevention initiatives, prevention will at all times be implemented in a coordinated manner by the heads of the various centres, services and bodies that constitute the university or, where appropriate, their substitutes.

## 6. SECONDARY PREVENTION

### 6.1. Objective

The objective of Secondary Prevention is to detect cases of harassment, either through specific actions or as a consequence of Primary Prevention, to attend to persons who are suffering from harassment and to implement the procedures established to resolve the situation bearing in mind the particular circumstances. Likewise, Secondary Prevention will take action regarding the removal of elements that allow harassment to occur unseen and unpunished (Diagram 2).

### 6.2. Secondary Prevention Actions

Through the OPRA, the Equality and Conciliation Unit will adopt a proactive stance with regard to developing and implementing specific actions designed to identify harassment cases that may occur in the various centres and services pertaining to the university. Following detection the victims will be provided with the information and assistance required to continue the process either via an informal procedure or via a formal disciplinary procedure, depending on the characteristics of each case.

Secondary Prevention actions carried out by the OPRA must be based on:

- a) The design and implementation of a suitable policy for assessing and controlling psychosocial risks.
- b) The inclusion of specific complementary health-screening tests and questionnaires.
- c) The establishment of systems the likes of "bully boxes" (letterboxes), email addresses or telephones designed to offer anonymous consultation and counselling regarding harassment.



- d) The enabling of diverse resources for the expeditious resolution of harassment cases and tools for the early identification of conflicts via studies of the work environment.
- e) The implementation of conflict settlement policies, including the informal procedure discussed in this protocol.
- f) The carrying out of studies designed to reveal the incidence of this type of behaviour in the university and the characteristics this it presents, and to look for identifiers of the problem and investigate its effect on the health of the victims and the effectiveness of the organisation
- g) In general, all those actions aimed at attaining the objectives of Secondary Prevention in accordance with the principles, action criteria and guarantees described in this protocol.

## **7. TERTIARY PREVENTION: ACTION AND RESPONSE PROCEDURE FOR CASES OF HARASSMENT**

Tertiary prevention, through the filling of a complaint, is designed to act on known cases of harassment and the behaviours linked to this type of event before they result in a situation of harassment.

### **7.1. General objective**

The aim of tertiary prevention is two-fold, on the one hand to assist the victim with the possible consequences of harassment and offer them information and consultation regarding their situation and, on the other, to take action regarding the person presumed to be responsible for the harassment in an effort to avoid repetition, prevent the negative consequences that the filing of a complaint may have for the victim and adopt the disciplinary measures that may correspond to the events if these proved to be indicative of harassment.

The procedure to be followed will depend on the characteristics of the events brought to the



attention of the OPRA. This may consist of an "informal" procedure following a complaint made directly by the victim or other persons who are aware of the case, or a "disciplinary" proceeding, when an explicit complaint is filed in relation to harassing behaviour or when, following initiation of an informal procedure, it is established that the case in question may, in effect, be a situation of harassment.

## 7.2. General action criteria

In the context of the response procedure initiated in response to cases of harassment, both informal and formal disciplinary procedures should bear in mind the following criteria:

- a) All members of the university community are obliged to notify the corresponding authority of cases of possible harassment.
- b) The person affected by behaviour that may be construed as harassment has the right to both file a complaint with the corresponding university authorities and to expect a response.
- c) All persons implicated in the procedure must seek, in good faith, clarification of the events that have led to the complaint.
- d) The dignity of the individual, their right to privacy and equal treatment of all persons must be guaranteed throughout the procedure.
- e) Without prejudice to that established in the rules of the disciplinary code, all information relating to cases that may constitute harassment will be handled with the utmost discretion.
- f) The investigation and resolution of the procedure, including the imposition of cautionary measures or sanctions, where appropriate, will be carried out as expeditiously as possible.
- g) La Implementation of this protocol shall not in any case prevent the use, parallel or posterior, by the persons involved, of other administrative or legal actions provided for in the current legislation. However, the initiation of criminal legal proceedings based on the same events or grounds will imply the suspension of the procedure provided for in this protocol.



### 7.3. Procedural guarantees

The following guarantees will be respected throughout the procedure:

**a) Objectivity:** All persons who intervene shall act in good faith seeking, in the case of an informal settlement procedure, the reality of a study and work environment that is free from harassment and, in the case of a formal disciplinary procedure, clarification and disciplinary sanction of the events. The procedure will be carried out in a spirit of equitable treatment for all concerned.

**b) Respect for and protection of those involved:** The necessary discretionary steps will be taken to protect the privacy and dignity of the persons involved. The proceedings must be carried out with the utmost prudence and due respect for the dignity and rights of all concerned, who, in no case should receive unfavourable treatment for this reason. The persons involved may be assisted by a representative or accompanying person of their choice at any time during the procedure.

**c) Confidentiality:** Persons involved in informal settlement procedures or formal disciplinary procedures will observe strict confidentiality and never disseminate or disclose information relating to the contents of the complaints filed to which they are privileged, either during the course of the investigation or once a resolution has been reached.

**d) Promptness:** The procedures will be carried out with due professionalism, diligence and without undue delay, in order that they may be concluded with all the corresponding safeguards in the shortest possible time

**e) Impartiality and contradiction:** The procedure must guarantee a fair hearing and fair treatment for all concerned. All persons who intervene in the proceedings will act in good faith in the search for truth and clarification of the events resulting in the filing of the complaint.

**f) Protection of the dignity of persons affected:** The organisation shall take appropriate measures to guarantee the right to protection of the dignity of the persons affected, including the alleged victims and perpetrators.

**g) Indemnity:** Retaliation against persons who file complaints, appear as witnesses or in





any other manner participate in a formal or informal harassment proceedings under the terms established in the applicable legislation is strictly prohibited.

#### 7.4. Informal settlement procedure

**Objective:** To take action on situations and circumstances linked to possible harassment with the aim of caring for and protecting the person who files the complaint or is the victim of harassment, and to act on the circumstances at origin in an effort to avoid their repetition.

The informal settlement procedure is an instrument that is available to all persons who believe they may be a victim of harassment and to take action against specific indications or circumstances that may lead to harassing behaviour. In both situations the informal settlement procedure is used when the events do not reveal the existence of manifestly harassing behaviour. If this existence were to be proven formal disciplinary proceedings should be initiated directly.

The aim of the informal settlement procedure is to provide guidelines and proposals designed to put an end to the situation and prevent it from happening again in the future. Its purpose is to guarantee the right to a work and study environment that is free from harassment in an informal, expeditious and confidential manner via actions initiated from the outset and when the circumstances do not objectively evidence the existence of harassment and without the need to initiate formal disciplinary proceedings against the consequences of secondary victimisation.

The actions will be carried out with maximum respect for the rights and guarantees of all concerned. In no case shall the initiation of an informal procedure modify or affect the established legal presumptions or limit the actions that the parties may implement in accordance with existent legislation.

An informal procedure will begin with the presentation of a complaint to the OPRA, in any format and by any means, by the alleged victim, by third parties or ex officio by the Equality and Conciliation Unit in the event it has knowledge of the events. In the latter two cases the facts and events will immediately be brought to the attention of the victim and, should they be confirmed, the proceedings will continue.

The complaint shall be formulated with reference to the facts and persons allegedly responsible and may identify either an individual victim or a group of victims.



The information will remain confidential at all times and it will not be necessary for the victim to be identified before the alleged aggressor unless particular circumstances should demand it, in which case this possibility will be communicated to the victim in order that they may decide how to proceed. Depending on the constituent elements of the complaint a secondary or tertiary prevention action will be implemented via the informal settlement procedure.

When the complaint in question concerns a possible case of workplace harassment, the OPRA, even in the case of an informal procedure, may coordinate with the Health and Safety Subcommittee created for this purpose.

In no case will the persons filing the complaint be required to present demonstrative proof of the events or will investigative actions designed to corroborate the facts be carried out.

Regarding the processing of the complaint, the persons in charge of the OPRA will personally address the person against whom the complaint has been filed in order to confirm the existence of the complaint and inform them of the consequences in terms of liability of the behaviour reflected in the complaint and the consequences of continuation or repetition of the same.

The alleged perpetrator will also be informed that the resolution is not a disciplinary sanction, nor is any formal record of the proceedings kept on file, nor does it constitute a finding of the facts contained in the complaint.

Likewise they will be informed that they may observe silence with regard to the complaint, offer the explanation they deem opportune or manifest their opposition to the complaint, without anything they say being used against them.

Once action has been taken the OPRA will notify the result to the person who filed the complaint and all those involved to this action, thereby concluding the informal settlement procedure. While the informal procedure may have concluded, care will continue to be offered to the persons affected by the behaviours until such time as they are deemed to have fully recovered.

On termination of the informal procedure an "informal conclusions report" will be sent to the rector of the university, summarising the actions carried out relating to all persons concerned, the more relevant facts and circumstances surrounding the event and the proposals and recommendations for the case in question.

Whatever the circumstances, both the Equality and Conciliation Unit and the OPRA will continue



to provide care for the victim in order that they may recover from the possible consequences of the conduct they may have been subjected to and offer advice on questions relating to the alternatives open to them.

The entire procedure will be subjected to monitoring by the OPRA.

## 7.5. Formal Disciplinary Proceedings

- a) In the event it was not possible to channel the events through an informal settlement procedure or, even if it had been possible and the alleged victim chose not to avail of this procedure or, having used this procedure the conduct had been repeated, the alleged victims may present the corresponding complaint to the University Services Inspectorate in order that formal disciplinary proceedings may be initiated for the purposes of exacting any disciplinary responsibility the alleged aggressor may have incurred.
- b) When the complaint is filed by third parties it will require the express consent of the alleged victim and may be revoked at any time during the proceedings.
- c) The initiation of disciplinary proceedings must be substantiated in accordance with the applicable disciplinary regulations and depending on the status of the alleged aggressor as a student, as teaching and research personnel (PAS) or as administrative and services personnel (PDI), and as established in the University of Granada Services Inspectorate Regulations.
- d) During the procedure both the criteria of action and the specific guarantees included in this protocol for cases of harassment will be respected.
- e) During the procedure the Services Inspectorate, the University Ombudsman and the OPRA will coordinate their respective actions. More specifically, the OPRA will be notified of the existence of the cases in order that it may initiate measures of care and protection for the victim, thereby avoiding both multiplicity of actions designed for the same purpose and secondary victimisation.

## 8. TERTIARY PREVENTION: CARE FOR THE VICTIM



## AND MONITORING CASES OF HARASSMENT

### 8.1. Objective

The objective of tertiary prevention is to provide a comprehensive response to cases of harassment and ensure both the care for and protection of the victim and effective follow-up of cases of harassment in an effort to prevent and respond to problems that may arise after the event occurs.

### 8.2. Responsible authorities

The OPRA, notwithstanding actions coordinated in conjunction with the University Ombudsman and/or Services Inspectorate, is the body responsible for providing and coordinating comprehensive support for the victim and for monitoring cases of harassment.

### 8.3. Protection and support for the victim

- a) Without prejudice to the right of presumption of innocence and other guarantees relating to the person under investigation, protection measures will be taken, depending on the particular circumstances of each case, so that the victim does not suffer negative consequences following the reporting of a situation of harassment. The vulnerability of the victim in the context of the hierarchical relationships that occur within the organisation, which is a common circumstance in cases of harassment, is aggravated by the filing of the complaint, a circumstance that should never lead to negative consequences for the victim. The presumption of innocence of the person who may have carried out the harassment should not be considered as inaction towards the victim, and neither should the protection measures adopted be considered as presumption of guilt. What is important is to provide a coherent response to the situation to which the filing of the complaint has given rise, bearing in mind the context in which the harassment occurs; a context that, in fact, plays an important role in harassment cases attaining a high level or prevalence despite the fact that very few cases are actually reported.
- b) The person who files the complaint will be informed at all times regarding the evolution of the protocol and offered care and protection from any negative consequences that may arise from the filing of the complaint.



- c) In addition to what is considered necessary through the initiation and instruction of the formal disciplinary proceedings, the OPRA may propose to the competent bodies the adoption of protection measures, bearing in mind the situation of the victims and the presence of risk factors.
- d) Once harassment has been established by means of a criminal judgement by the competent body or via an administrative sanction as a result of the corresponding disciplinary file, the university, through the coordinated action of the OPRA and the competent centres and services in each case, shall oversee the recovery and compensation of the victim, adopting, among others, the following support measures:
1. Examination of all requests relating to the victim's personal and professional situation as quickly as possible.
  2. The proposal of as many measures as are deemed necessary to ensure the right to comprehensive health protection of the affected person until such time as they are fully recovered, paying special attention to psychological aspects.
  3. Advise the victim in terms of the provision of healthcare, in particular with regard to psychological and social aspects.

#### 8.4. Monitoring cases of harassment

The OPRA will continue monitoring the victim until they have fully recovered from the consequences of the harassment. This monitoring will be based on comprehensive care designed to prevent and take action with regard to problems that may arise subsequent to the events, a situation that is common in cases of this type of violence. With the agreement of the victim, monitoring will be carried out independently of the formal situation of the proceedings.

## 9. KNOWLEDGE MANAGEMENT IN CASES OF HARASSMENT



1. The prevention of cases of harassment requires the expansion of the knowledge obtained through the various actions implemented by the UGR, including those aimed at Primary Prevention and those that constitute Secondary and Tertiary Prevention. This situation requires the establishment of the protocol required to obtain this knowledge and apply it for the purposes of improving prevention and response
2. **Technical Commission for the Monitoring of the Harassment Protocol:** As part of the UGR Equality Observatory, the Technical Commission for the Monitoring of the Harassment Protocol has been created for the purposes of compiling the statistics and reports corresponding to all the actions implemented by the various university organisations, in particular those directly involved with the prevention of and response to harassment.
3. The statistics and reports relating to the various actions and cases will remain anonymous at all times, the information obtained being used solely for the purposes of improving the prevention of and response to harassment.
4. The statistics compiled will be annual and refer to each academic year, without prejudice to the carrying out of partial studies relating to questions or situations that may be of interest regarding the prevention of and response to harassment.
5. The reports corresponding to each academic year will be presented to the Equality Observatory and the Board of Governors.
6. Management of the knowledge obtained through the actions of the Technical Commission for the Monitoring of the Harassment Protocol should translate into proposals for improving and modifying the established prevention and response procedures.

## 10. TECHNICAL PROVISIONS

1. All actions implemented as part of the procedure for dealing with acts of harassment regulated in this protocol shall be documented with all guarantees of



confidentiality and data protection, as established in Spanish Organic Law 15/1999 of the 13<sup>th</sup> of December on the Protection of Personal Data and its implementing regulations.

2. During the period of time that transpires between the approval of this protocol and the creation of the OPRA and the Equality Observatory, its functions will be carried out and coordinated by the Equality and Conciliation Unit.
3. This protocol shall enter into force on the day following its publication in the University of Granada Official Gazette (Boletín Oficial).
4. This protocol will be revised in the light of further reports and with the idea that it constitutes a document that is open to auto-correction.

Approved by the Board of Governors during their session on the 26<sup>th</sup> of October, 2016.

## APPENDICES

### Diagram 1: General diagram for action in response to harassment

Two core concepts: Prevention and Response

Three principal lines of action: Primary, Secondary and Tertiary Prevention

Two protocols: Extra-disciplinary and Disciplinary

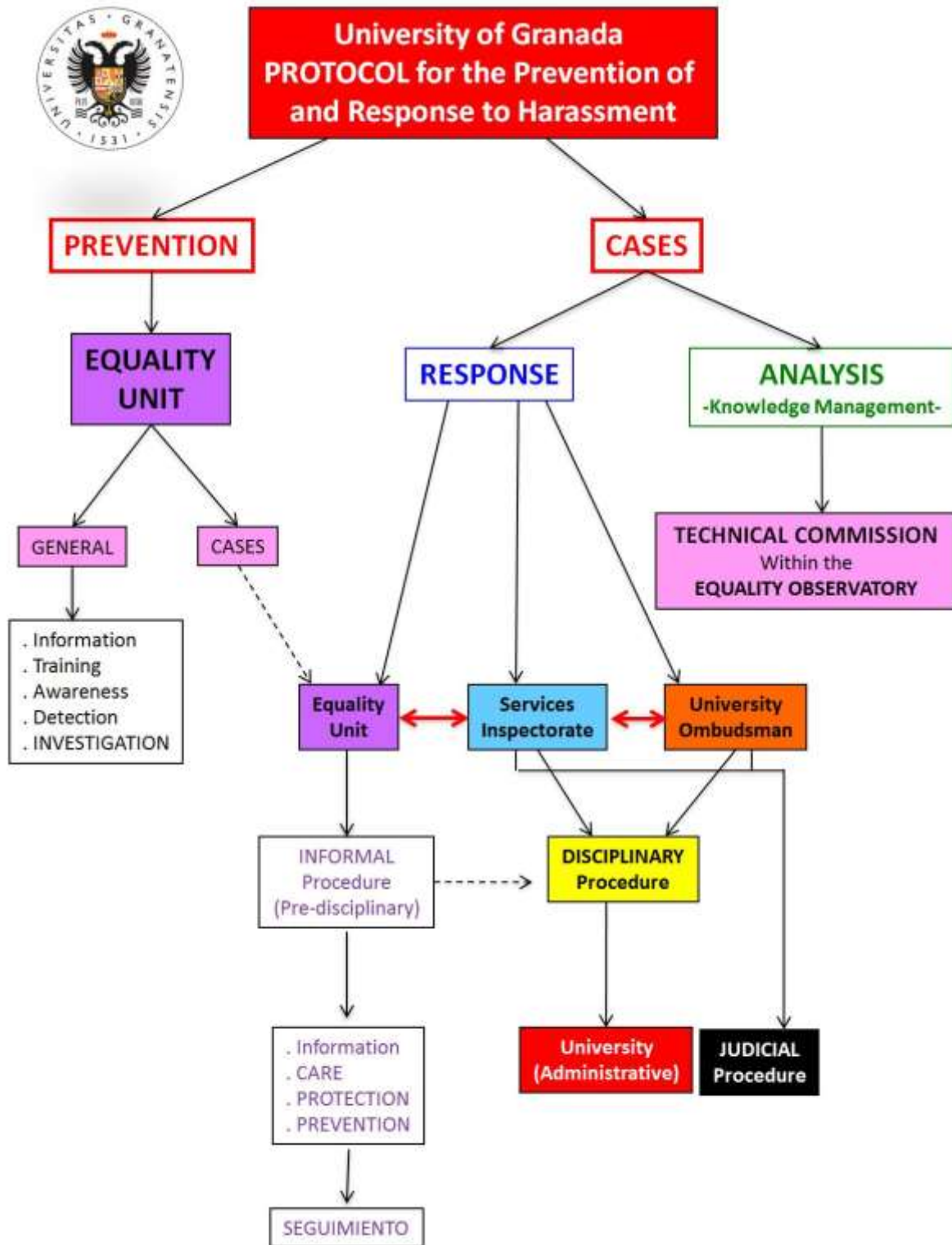




Diagram 2. Areas of action corresponding to Primary, Secondary and Tertiary Prevention

