

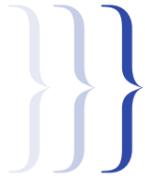
PROTOCOL OF THE UNIVERSITY OF
GIRONA FOR THE PREVENTION,
PROTECTION, ATTENTION AND
REDRESS OF SITUATIONS OF SEXIST
VIOLENCE, SEXUAL HARASSMENT
AND ANY OTHER FORM OF
VIOLENCE OR HARASSMENT BASED
ON SEX, SEXUAL ORIENTATION,
GENDER IDENTITY OR GENDER
EXPRESSION.

Approved by the Governing Council
on December 16, 2024



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Preamble

This protocol establishes the procedure for action within the scope of the University of Girona for the prevention, protection, attention and redress of sexist violence, sexual harassment and any other form of violence or harassment on the grounds of sex, sexual orientation, gender identity or gender expression, which constitute an attack on the dignity and integrity of a person and are flagrant violations of human rights.

The violence and harassment that are the subject of this protocol are directed at people who have suffered them in personal, collective or systemic experiences.

It includes the legacy of the previous *Protocol for prevention and action in situations of violence or harassment based on sex, gender or sexuality of the University of Girona*, approved by agreement of the Governing Council in session 5/2017, of 29 June, which defined the backbone of the institutional action framework, with a double objective: first, to prevent violence and harassment based on sex, gender and sexuality among members of the university community, and second, to establish a procedure to detect and investigate situations of violence and harassment, and propose actions. That protocol already provided for evaluation and monitoring mechanisms, and proposed, if necessary, modifications to improve the institutional response. Since the approval of the protocol in 2017, there have been different changes that recommend its review and updating.

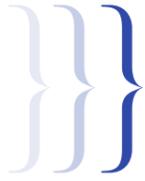
Firstly, important modifications have been promoted in the Spanish and Catalan legislation on this matter, which expand the responsibility of public administrations and, in particular, universities in addressing violence and harassment. Specifically, they urge them to improve prevention and reparation policies, to ensure the design of structural interventions that address the causes of violence and risk factors, the implementation of agile, effective and non-revictimized institutional responses, derived from the instruction of informative or disciplinary procedures, under the principle of due diligence, and the reinforcement of support for victims to place their needs and rights at the centre of all actions.

Secondly, different strategic planning instruments, new guides and action protocols have also been approved that have allowed the establishment of a new framework for joint action by Catalan administrations and universities. A good example is the Framework Protocol for intervention with due

diligence in situations of gender violence, approved by the Government of the Generalitat on 22 November 2022 (Agreement GOV/248/2022) and, very especially, the University-wide Guide Protocol to prevent and repair with due diligence situations of gender violence, sexual harassment and harassment on grounds of sex, sexual orientation, gender identity or gender expression, approved by the Interuniversity Council of Catalonia in 2023.

Thirdly, the entry into force of the Protocol for prevention and action in situations of violence or harassment based on sex, gender or sexuality of the University of Girona in 2017 and the detailed monitoring of all the cases that have been dealt with has allowed a series of improvement proposals to be collected that now form part of the new protocol.

Considering all these elements, this new protocol of the University of Girona aims to reinforce the commitment of the institution and the university community to raising awareness, prevention, detection, care, assistance, advice, support, protection, action and sanctioning –through its procedures and powers– to protect the affected people and advance in the eradication of such violence. It also aims to ensure a framework for action that guarantees comprehensive and confidential care, as well as to make agile and quality resolution and assistance channels available to the affected people. **It is a protocol to reinforce a zero-tolerance policy to any form and expression of sexist violence, sexual harassment and any other form of violence or harassment based on sex, sexual orientation, gender identity or gender expression.**



1. Objectives of the protocol

This protocol has the following objectives:



1. To act for the prevention, detection, protection, attention and redress of sexist violence, sexual harassment and any other form of violence or harassment on the grounds of sex, sexual orientation, gender identity or gender expression, and to achieve the highest levels of effective equality, respect and dignity for people.



2. Inform, raise awareness and train the university community, as well as the people and entities that provide their services or collaborate with the University of Girona, within the scope of this protocol.



3. Establish guidelines for action in the event of information, complaint or report related to the aforementioned conduct and, where appropriate, **adopt appropriate preventive or corrective measures**, without prejudice to the affected person opting for other administrative or judicial channels other than this protocol, and especially, **establish support and accompaniment measures for victims**.



2. Principles of action of the protocol

The guiding principles of this protocol are:

a) Principle of protecting the privacy and dignity of the affected people, who may be accompanied, during the process, by the person they deem appropriate, including social agents and legal advisors.



b) Principle of non-revictimization. Efforts will be made to ensure that victims receive empathetic treatment and have the same person as a reference throughout the process to avoid unnecessary repetitions in the description of the facts and to establish a bond of trust. Information and support will be guaranteed throughout the procedure provided for in this protocol.



c) Principle of non-discrimination on grounds of sex, sexual orientation, gender identity or expression or any other personal condition or circumstance



d) Principle of respect for the victim's will in their decision-making, including the decision not to report and not to use the services offered by the university



e) Principle of gender perspective and intersectionality.



f) Principle of confidentiality in all phases of the procedure and by all persons involved. The information generated and provided in the actions in the application of this protocol will be confidential and will only be accessible to persons directly involved in the processing. The processing of personal data will be governed by current legislation on data protection. Data relating to the monitoring of workers' health and personal medical information are subject to current legislation on occupational risk prevention and data protection.



g) Principle of presumption of innocence, without prejudice to the guarantee of the **principle of reversal of the burden of proof**, in the terms guaranteed in current regulations, when the person alleging harassment provides substantiated evidence.





h) Principle of specialization of the people and bodies involved in the procedures provided for in this protocol.



i) Principle of agility and due diligence of the people, bodies and services involved in the application of this protocol.



j) Principle of efficiency, coordination and collaboration of the university community, and its bodies and services.



k) Principle of good faith and independence of the persons involved in the procedure.

3. Scope of application of the protocol

3.1. Subjective scope of application

The people to whom this protocol applies are:

- a) Students enrolled** in any of the official studies taught by the University of Girona.
- b) Teaching and research staff** of the University of Girona.
- c) Technical, management and administration and services staff** (PTGAS) of the University of Girona.
- d) Researchers in training and staff** hired in research projects linked to the University of Girona.
- e) Personnel from external companies** that are suppliers, collaborators or contractors of the UdG.
- f) Any person who provides their services to the University of Girona**, regardless of the legal nature of the relationship, including those who are under the employment of a third party, such as personnel assigned to contracts or subcontracts or positions contracted through temporary employment agencies.
- g) People not contractually related but who are invited to participate in an event of the University of Girona.**



3.2. Target scope of application

This protocol is applicable to any conduct related to gender-based violence, sexual harassment and any other form of violence or harassment based on sex, sexual orientation, gender identity or gender expression.

Gender-based violence is the violation of human rights through violence that is exercised against women as a manifestation of discrimination and a situation of inequality within the framework of a system of power relations between men and women and that, produced by physical, economic or psychological means, including threats, intimidation and coercion,



results in physical, sexual or psychological harm or suffering, whether it occurs in the public or private sphere.

Violence against LGBTIQ+ people involves any behaviour based on sex, gender, sexual orientation, gender identity or gender expression that has the purpose or effect of violating the dignity or physical or psychological integrity of these people or of creating an intimidating, hostile, degrading, humiliating, offensive or annoying environment for them.

This protocol will be activated in the event of any of the following forms of violence, whether it is exercised on an occasional or repeated basis:

Physical violence

Includes any act of force against a person's body, with the result or risk of causing physical injury or harm.

Psychological violence

Includes any conduct or omission that causes a person to be devalued or suffer, through threats, humiliation, harassment, disdain, contempt, demands for obedience or submission, verbal coercion, insults, isolation or any other limitation of their freedom. Violence can also be carried out by threatening or causing physical or psychological violence against the person's emotional surroundings.

Sexual violence

It includes any act that violates sexual freedom and personal dignity by creating conditions or taking advantage of a context that, directly or indirectly, imposes a sexual practice without the consent or express will of the person.

Digital violence

Consists of acts of online violence committed, instigated, amplified or aggravated, in part or in full, with the use of information and communication technologies, social media platforms, websites or forums, email and instant messaging systems and other similar means that affect the dignity and rights of people.

Sexual harassment

Any unwanted verbal, non-verbal or physical conduct of a sexual nature that has the purpose or effect of violating the dignity of a person or creating an intimidating, hostile, degrading, humiliating, offensive or annoying environment. It is a form of violence that is exercised from a perception of power over the harassed person and can occur in any area of interpersonal relationships. There may or may not be hierarchical superiority (vertical and horizontal harassment, respectively).

Harassment based on sex or gender

Unwanted behaviour related to a person's sex or gender, with the purpose or effect of violating their dignity, compensation or working conditions, creating an intimidating, hostile, degrading, humiliating, offensive or annoying environment that makes it difficult for them to promote, occupy positions, access to management positions, receive remuneration and professional recognition, in equity with men.

Harassment based on sexual orientation, gender identity or gender expression

Any behaviour based on a person's sexual orientation, gender identity or gender expression that has the purpose or effect of violating their dignity or physical or psychological integrity or of creating an intimidating, hostile, degrading, humiliating, offensive or annoying environment.

Institutional violence based on the mandatory nature of the principle of due diligence

Actions and omissions of authorities, public personnel and agents of any public body or institution that aim to delay, hinder or prevent access to public policies and the exercise of rights guaranteed in the legal system.

Revictimization or secondary victimization

Additional mistreatment inflicted on victims, as a direct or indirect consequence of the quantitative and qualitative deficits of the interventions carried out by the responsible bodies, and also of the misguided or negligent actions of other agents involved.





Second-order violence

Physical violence, psychological violence, retaliation, humiliation or any other type of persecution against people who accompany the victims or support them.

It will also apply to any other form of violence, harassment or abuse of power that involves discrimination and inequality, that is exercised by physical, economic or psychological means - including threats, degrading, offensive or annoying treatment, intimidation and coercion - and that results in physical or psychological harm or suffering.

3.3. Territorial scope of application



The protocol will apply when any conduct included in this protocol has been committed within the organizational or service provision scope of the University of Girona, either within any space on campus or in university facilities, or outside university facilities, provided that the events take place within the framework of an activity or service organized by the UdG, or on social networks, when the profiles, emails and virtual environments of the University of Girona are used.

Exceptionally, in the case of using private profiles to perpetrate violence or harassment, consideration will be given when this occurs within the framework of harassment and/or violence initiated based on a relationship linked to the academic or work environment of the university.

3.4. Temporal scope of application



The protocol will apply whenever the conduct has been committed while at least one of the parties is, at the time of the presentation of the information, complaint or report, linked to the University of Girona due to one of the subjective situations detailed in section 3.1 and when no more than three years have elapsed between the time the information, complaint or report is communicated and the commission of the act. In the case of continuous acts, the last moment in which the infringing conduct occurs will be taken into account. In all cases, the expiration and prescription periods of the actions provided for in the applicable legislation will always be respected.

In the event that the offence has prescribed or the suspension of the procedure is agreed because the facts that are the subject of the information, complaint or report may constitute a crime, the necessary support and reparation measures may be adopted.



4. Prevention and protection measures



4.1. Information and awareness-raising measures

- a) Preparation of informative materials.
- b) Permanently available information and dissemination of this protocol and the available resources for support and accompaniment.
- c) Information on university and public services and other resources dependent on administrations.
- d) Incorporation of the commitment to comply with this protocol into the clauses of agreements and contracts with the University of Girona.
- e) Preparation of campaigns, conferences, seminars, workshops and commemorative events for information and awareness against stereotypes and prejudices that favour sexist violence or any other form of violence on grounds of sex, sexual orientation, gender identity or gender expression and the promotion of rights.
- f) Design of a communication plan for awareness against violence and harassment.
- g) Preparation and dissemination of recommendations and good practices related to documents, resources and regulations of the UdG that affect the scope of action of the protocol.



4.2. Training measures

Training measures are planned on the protocol, on the gender perspective, equality, sexual and gender diversity and non-discrimination, on training for the prevention, awareness and detection of the behaviours included in this protocol, and any other matter that may be necessary. The following are highlighted:

- a) Mandatory induction training aimed at new teaching staff and new technical, management and administration and services staff.
- b) Specific mandatory training within the training plans for technical, management and administration and services staff and teaching and research staff.

- c) Specific mandatory courses aimed at people who carry out management and team management tasks and all workers' representatives.
- d) Specific mandatory training aimed at students, especially in their welcome to the university.
- e) Mandatory specialized training for all people involved in the processing of the protocol.
- f) Mandatory specialized training aimed at campus security staff, on the existence of the protocol, on the gender perspective, equality, sexual and gender diversity and non-discrimination.

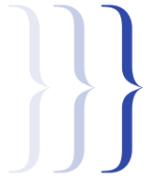
4.3. Support and accompaniment measures

Care will be taken to guarantee comprehensive support for victims or other affected people throughout the entire process through the following units, bodies and services:

- a) Gender Equality Unit.
- b) Inclusion and Diversity Unit.
- c) Social Commitment and Professional Guidance Unit.
- d) The purple points.
- e) The Gender and Diversity delegations of the educational centres.
- f) The psychological support service.
- g) The legal support service.
- h) Comprehensive LGTBI+ Care Service (SAI point).
- i) Occupational Health Office.
- j) The public services, resources and entities with which the UdG collaborates.

Any member of the university community has the right to receive advice, information and support. It is not necessary to file any complaint or report to be able to access advice and information or receive psychological support or accompaniment.





5. Procedure to follow in the event of information, complaint or report



5.1. Constitution of the Technical Committee

A Technical Committee will be established that will be responsible for managing the information received through the information, complaint or report channels, and will process this prior information phase. This Technical Committee will be made up of the Equality technician or, where applicable, the Diversity technician; a legal representative from the Legal Department and, where applicable, another external advisor designated by the Equality Unit. The University of Girona will guarantee that all people who form part of the Technical Committee have expertise in gender issues.

The Technical Commission will advise and provide timely information, adopt support, accompaniment and provisional measures, whether individual or group, in coordination with the other agents involved.

It will also assume the coordination between the services and units in order to facilitate a comprehensive approach to the case and will be responsible for activating preventive measures of protection and support in the formalization, reception and processing of the information, complaint or report. The victim will be previously informed of all the procedures necessary for their case.

In the event that the subject of information, complaint or report is not included within the scope of application of this protocol, the Technical Commission, if applicable, will refer it to the authority, entity, body, organ or service that is considered competent to process it.



5.2. Submission of information, complaint or report

When a person considers that they have been subjected to behaviour included in this protocol, they must submit the information, or file a complaint or report with the Gender Equality Unit of the University of Girona.

The Equality Unit may act ex officio if it is aware of any fact or indication that is susceptible to being dealt with in this protocol.

Easily accessible channels for information, complaints or reports will be enabled. The Gender Equality Unit's email or other information request tools will be available on the faculty websites, on the intranet and on the virtual campus, as well as in physical spaces on campus.

The information, complaint or report may be formalized in writing or verbally. An email address and a contact telephone number of the Gender Equality Unit will be made available. In the event of submitting in writing, a form will be provided. In the event of submitting verbally to the Gender Equality Unit, it must be recorded in writing and signed by the person who submitted the information, complaint or verbal report to the Gender Equality technician. In addition to the Equality Unit, the University must establish another centralized and confidential virtual channel to receive complaints or reports, which if appropriate will be referred to the Equality Unit.

If the complaint has been filed by a third party or if it is acted upon ex officio, the victim's authorization will be required to continue the procedure.

The victim's wishes will always be respected in their decision-making.

The advice and information provided must be complete and understandable and must be given in physical and virtual spaces that guarantee the necessary confidentiality and are perceived as safe spaces.

To avoid unnecessary repetitions and establish a bond of trust, the victim will always have the same person or people from the Gender Equality Unit or the Diversity Unit as a reference.

If the person requesting information or any other person who comes to the Gender Equality Unit does not understand Catalan or Spanish correctly, a translator will be appointed. The victim will be assisted throughout the entire process by the same translator, who must respect due confidentiality.

Anonymous reports or complaints may not be processed, although they may be taken into consideration in the field of prevention based on the principle of due diligence.

The Technical Commission will draw up a record of the statement of the victim, complainant, or person providing the information, which will be attached to the report.



5.3. Preliminary technical analysis and actions of the Technical Committee

Once the information has been received, **the Technical Commission will carry out a preliminary technical analysis consisting of verifying that the facts or conduct exposed are within the objective, subjective, territorial and temporal scope of application of this protocol, and will issue a technical report.**

In the event that the information, complaint or report has not been made in person, the Technical Commission will have **a period of 5 working days to convene an interview with the victim and/or the person reporting** in order to provide the necessary information and advice. The period of 5 working days to interview the victim will be calculated from the moment the contact details are known and it is possible to locate them.

Within a maximum period of 10 working days, the Technical Committee must decide whether:

- a) It is inadmissible for processing and archive the information, complaint or report because the reported facts do not fall within the scope of application of this protocol; and referral, if applicable, to the authority, entity, body, organ or service that is considered competent to process it.
- b) To admit the information, complaint or report for processing and transfer the actions to initiate, if applicable, a disciplinary procedure, in the event that it is found that the reported facts fall within the scope of application of this protocol and do not constitute a criminal offence, and monitor and support the measures that, if applicable, are adopted within the framework of the disciplinary procedure. In this case, the person against whom the information, complaint or report has been presented will have to be given a hearing procedure.
- c) To inform the competent authorities in the event of a criminal offence, when there is an imminent risk to the physical or psychological integrity of the victim or when the victim is a minor. If proceedings are initiated in the criminal jurisdiction, administrative proceedings will be suspended pending the resolution, under the terms provided for in current regulations.
- d) To adopt accompanying measures.

e) To adopt provisional protection measures in cases of urgency and that are necessary to guarantee the protection of the victim or other affected persons, and prevent the continuation of the events.

f) To request additional information, if necessary, in order to make any of the above decisions.

5.4. Provisional measures

In cases of urgency, the Technical Commission will adopt the measures deemed necessary to guarantee the protection of the victim, under the principle of respect for the will of the victim, as well as of the people who support them, and to prevent the continuation of the alleged situation of violence or harassment. Possible examples would be, among others, the change of group/class, the change of subject, the guarantee of a single assessment, the change of teaching staff, the change of the assessment panel, the change of tutor, the change of office or workplace or the change of work shift.

The adoption of these measures will require a reasoned agreement by the Technical Committee which must be notified to the affected persons.

In no case may provisional measures be adopted that may cause damage that is difficult or impossible to repair to the interested parties or that involve a violation of rights protected by law.

The provisional measures agreed may be lifted or modified, ex officio or at the request of a party, by virtue of circumstances that have arisen or that cannot be taken into account at the time of their adoption.

The agreement to initiate disciplinary proceedings must confirm, modify or lift the provisional measures agreed upon within 15 working days of their adoption. If the agreement to initiate does not contain an express statement on the provisional measures or if the disciplinary procedure is not initiated within 15 working days of their being agreed upon, the provisional measures will cease to have effect.

The provisional measures will cease to have effect when the disciplinary procedure has been resolved. In the investigation of disciplinary procedures linked to the protocol, the University of Girona will ensure at all times that they are processed by people with expertise in gender issues.





5.5. Rights of the people involved

5.5.1. Rights of the victim

- a) To be called and listened to, avoiding revictimization.
- b) To be accompanied by a person they trust.
- c) To receive legal advice from the University of Girona.
- d) To receive psychological care, if necessary.
- e) To be accompanied by an interpreter, if applicable.
- f) To receive a copy of the documentation of the file.
- g) To receive notification of the measures adopted
- h) To be informed, at all times, of the status of the processing of the file.
- i) To receive other support or protection measures.
- j) To present all evidence accepted in law that allows defending and proving their position.
- k) All other rights recognized in current legislation.

5.5.2. Rights of the person against whom the information, complaint or report is presented

- a) To be informed of the information, complaint or report.
- b) To be accompanied by a person of trust, legal assistance or social agents, and an interpreter, if necessary.
- c) To receive notification of the measures adopted.
- d) To have the right to be informed of the status of the file.
- e) To present all evidence accepted in law that allows defending and proving their position and the presumption of innocence.
- f) To receive information about the final resolution of the file.
- g) All other rights recognized in current legislation.

5.5.3. Rights of people who support or accompany the victim

- a) To receive psychological and other support and protection measures.
- b) To accompany the victim during the processing of the file throughout all phases of the procedure without suffering retaliation.
- c) All other rights recognized in current legislation.

5.6. Reception, custody and confidentiality

The information, complaint or report and all documentation related to the file will be sent to **the Gender Equality Unit**, which will safeguard and archive it, maintaining its confidentiality.



5.7. Abstention and recusal

Any person who must participate, by virtue of their position, job or appointment, in the procedure provided for in this protocol has the obligation to refrain from intervening in those cases in which there is a conflict of interest (personal, marital relationship or similar de facto situation, consanguinity up to the fourth degree or affinity up to the second degree, or close friendship or manifest enmity with any of the parties, among other similar circumstances).

In the same cases provided for in the previous section, **the parties may challenge the authorities and personnel involved in the procedure, by virtue of their position, job position or appointment.**

In these cases, the Technical Commission, after carrying out the checks it deems appropriate, will resolve whether or not it is appropriate to replace the challenged person and appoint another person.





5.8. Adoption of support and comprehensive reparation measures

The Gender Equality Unit must ensure that the victim, as well as the people who support them and other affected people, do not suffer retaliation or harm.

The University of Girona will ensure that the necessary support and comprehensive reparation measures are taken to ensure the right to non-revictimization and non-repetition. For this reason, although the University of Girona does not have the power to investigate and sanction violent, discriminatory or harassing conduct, if the person affected is part of the university community, the necessary support and comprehensive reparation measures must be adopted and, where appropriate, referral to the public care and reparation network.



5.9. Community measures

The University of Girona will ensure that, where appropriate, community remedial measures are taken to promote dialogue, reflection and coexistence in the environment affected by the situation of violence or harassment. These measures include the following:

- a) Facilitate communication and conflict resolution channels in the centres, units and services that have been affected.
- b) Promote critical reflection and debate in the university community, such as through conferences or training activities, among others.
- c) Promote symbolic reparation measures that take into account the impact caused by the events and, possibly, by subsequent procedures.
- d) Strengthen preventive and informative measures linked to the protocol.
- e) Identify risk factors that had not been previously identified, to correct them and promote good practices and safe environments.
- f) Propose possible restorative processes, if appropriate, and always in agreement with the affected person, under the terms established by current regulations.

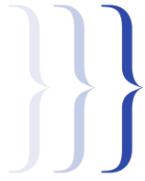
6. Deadlines

For the purposes of calculating deadlines, Saturdays and Sundays and holidays and closing days established by the University of Girona will be considered non-working days.

The deadlines set in this protocol, exceptionally, may be extended by the Technical Commission in cases where the complexity of the case or the concurrent circumstances so require, cases that must be duly justified. This extension of the deadlines will be notified to the parties.

In any case, action must be taken as quickly as possible, guaranteeing the rights of the people involved, in accordance with the principle of due diligence.





7. Case monitoring



Monitoring of all cases processed within the scope of this protocol will be guaranteed.

The measures adopted in a specific case must be included in a monitoring plan that will be recorded in the corresponding file. The body responsible for drawing up and monitoring the plan is the Technical Commission.

This monitoring plan will be specific and individualized for each of the victims. Experts, internal or external to the university, may be consulted to draw up the monitoring plan, if deemed necessary.

The monitoring plan must be communicated to all persons involved in its execution. They must be informed of the scope of the plan and its objectives and warned that all information received must be treated confidentially.

The support, comprehensive reparation and, where appropriate, community measures established in the monitoring plan must be adapted to the needs detected throughout the support process.

In the event that there are different bodies involved in its execution, they must guarantee a coordinated application of the plan through networking.



8. Protocol evaluation and monitoring

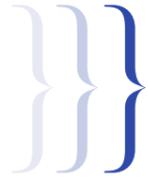


The Gender Equality Unit will report annually on the monitoring and evaluation of this protocol.

This report will contain information and quantitative and qualitative indicators that collect, anonymously and in strict compliance with personal data protection regulations, all requests and procedures for information, complaints, reports, actions and resolutions.

These reports must allow the effectiveness of the application of the protocol to be assessed and its weaknesses and strengths to be identified.

The reports produced will be made public and will be available on the Gender Equality Unit website.



9. Transitional regime. Adaptation of regulations and procedures of the University of Girona

The regulations and procedures of the University of Girona must be adapted to this protocol, especially with regard to the measures to be adopted, within a maximum period of one year from its approval.

Until the new regulations are approved or the procedures are adapted, the current ones will be applied in all that does not conflict with this protocol.

Universitat de Girona
Edition: January 2025

Approved by the Governing Council on 16/12/2024 and reviewed by the Servei de Llengües (Language Service of the University of Girona).



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