

# **University of Girona Child Protection Policy**

Index

University of Girona Child Protection Policy ..... 1

**INTRODUCTION** .....4

**University of Girona Child Protection Policy: definition of terms** .....5

**1. POLICIES** .....7

**1.1. Legislative framework for child protection** .....7

**1.2. Guiding principles behind the University of Girona's Child Protection policy** .....7

**1.3. The University of Girona's approach to child protection** .....8

**2. SCOPE**.....8

**2.1. Scope** .....8

        2.1.1. Conduct to which this policy will apply ..... 8

        2.1.2. Persons to whom this policy may apply ..... 8

        2.1.3. Temporal scope ..... 9

        2.1.4. Geographical scope ..... 9

**2.2. Personal commitment** .....9

**2.3. Conduct of persons to whom this policy may apply outside the organisational or service provision sphere of the University** ..... 10

**2.4. Recruitment and employment of staff** ..... 11

**3. PROCEDURES** ..... 11

**3.1. Certificate of Sexual Offences** ..... 11

**3.2. Authorisation from parent or legal guardian** ..... 11

**3.3. Initial response and action**..... 12

**3.4. Responding to a Suspicion or Allegation of Child Abuse** ..... 13

        3.4.1. Communication of possible instances of child abuse ..... 13

        3.4.2. Action to be taken in cases of suspected child abuse ..... 13

        3.4.4. Management of allegations, safeguarding and confidentiality ..... 14

**3.5. Measures included in the proposal-report**..... 15

**4. ASSURANCES, MONITORING AND REVIEW**..... 16

**4.1. Ensuring appropriate action is taken** ..... 16

**4.2. Annual reports on the Child Protection Policy** ..... 17

**4.3. Review of the Child Protection Policy** ..... 17

**FLOWCHART** ..... 18

**Appendix 1. Declaration of understanding and acceptance of the Child Protection Policy** .... 19

## ***Child Protection Policy***

*University of Girona*

<b>Appendix 2. Consent form (parents or legal guardians).....</b>	<b>20</b>
<b>Appendix 3. Application form .....</b>	<b>23</b>

## INTRODUCTION

The University of Girona, with the aim of protecting the rights and interests of all children and young adults, is committed to ensuring compliance with the rights of children and young adults in accordance with the United Nations Convention on the Rights of the Child (1989). The university assumes responsibility for safeguarding children and young adults in all its activities, including protection from any form of harm, abuse, neglect, or exploitation. Furthermore, it will take positive action to prevent those who have in any way abused minors from becoming involved with the University of Girona at any level. Strict measures will be taken against any member of staff or person collaborating with the university who abuses a child or young adult.

Additionally, staff and collaborators are required to be actively committed to safeguarding children and young adults. Decisions and actions in response to concerns about the welfare of a child or a young adult, and breaches of the Child Protection Policy will be guided by the principle "in the best interests of the child or young adult." The child has the right to an assessment of her/his best interests, which must be considered of primary importance in any action or decision that may concern him or her.

This policy is based on the principles set out in the Convention on the Rights of the Child (CRC), resolution S-27/2 A World Fit for Children (2002), and general comment No. 13 (2011) of the Commission on the Rights of the Child on the right of the child to freedom from all forms of violence, all of which consider child protection to be of the highest priority.

The policy will be implemented giving due consideration at all times to the wishes, feelings and opinions of the child or young adult, as well as their right to participate, in accordance with their age, maturity, development and personal evolution, in the process of determining their best interests.

In the drafting of this Child Protection Policy, the following documents have been consulted:

Keeping Children Safe, **Child Safeguarding Standards and how to implement them**, 2014

Educo, **Child safeguarding policy and code of conduct**, 2015

Children International, **Child protection policy**, 2019

University of Girona, **Protocol to prevent and act against violence or harassment based on sex, gender or sexuality at the University of Girona**, 2017

## University of Girona Child Protection Policy: definition of terms

In accordance with the UN Convention on the Rights of the Child, for the purposes of this policy, 'child' refers to a person under 18 years of age (article 1).

**Child abuse** is defined as all those forms of physical, sexual or emotional abuse, commercial exploitation or any other form of child exploitation and any act that may cause a child to suffer actual or potential harm. The abuse of persons under the age of 18 may be a deliberate act or may be the results of not having taken appropriate action to prevent harm (acts of commission or omission).

**Harm** is understood as:

- **Physical abuse:** physical harm, actual or potential, perpetrated by another person, adult or child. It may involve hitting, shaking, poisoning, drowning and burning. Physical harm may also occur when a parent or other caregiver deliberately causes symptoms of illness in a child.
- **Sexual abuse:** forcing or luring a child to participate in sexual activities that he or she does not fully understand and has little choice in consenting to. This may include, but is not limited to, rape, oral sex, penetration or non-penetrative acts such as masturbation, kissing, touching and fondling. It can also include involving children in looking at, or in the production of, sexual images, watching sexual activities, and encouraging children to behave in sexually inappropriate ways.
- **Child sexual exploitation:** a form of sexual abuse that involves children being given money, gifts, food, shelter, affection, status or any other good, material or immaterial needed by them or their family, in exchange for performing sexual activities. This generally involves the manipulation or coercion of a child; it may involve befriending the child, gaining their trust, or subjecting them to drugs and alcohol. The abusive relationship between victim and perpetrator leads to an imbalance of power when the victim's options are limited. It is a form of abuse that children and adults can misunderstand by consensus.
- **Abandonment and neglect:** the persistent failure to meet a child's basic physical, emotional and/or psychological needs, likely to result in the serious impairment of the child's health or development. It includes the failure to properly supervise and protect children from harm and provide nutrition, shelter, and safe living/working conditions. It may also involve maternal neglect during pregnancy as a result of drug or alcohol abuse, and the abandonment and abuse of a child who is disabled.
- **Emotional abuse:** persistent emotional mistreatment that impacts on the child's emotional development. Acts of emotional abuse include restriction of movement, degradation, humiliation, bullying (including cyber-bullying) and threat, fear, discrimination, ridicule or other non-physical forms of hostile treatment or rejection.

## ***Child Protection Policy***

***University of Girona***

Child abuse will also be understood as anything which individuals, institutions, or processes do or fail to do, intentionally or otherwise, which may directly or indirectly harm children or damage their prospects of safe and healthy development into adulthood.

Institutional abuse is caused by any legislation, procedure, act or omission originating from public authorities, or derived from individual action by a professional, which involves abuse, neglect, detriment to health, safety, emotional state, physical well-being or proper maturation, or which violates the basic rights of the child and/or children.

This policy defines child protection as the responsibilities, measures and preventive and response activities that the University of Girona will undertake to protect children, ensuring that no child is subjected to abuse because of the institution, or the actions of its staff or collaborators.

Moreover, it incorporates the responsibility to ensure that, where there are concerns about a child's welfare, or where a child has been abused, the necessary action is taken to address these concerns. Such situations must be reported, and appropriate action taken in accordance with relevant international and national procedures, and incidents must be analysed to ensure continued learning and growth over time.

**Direct contact with children:** this is defined as being in the physical presence of a child in the context of work, whether that contact is occasional or regular, short or long term. This could include while attending meetings, during practical classes, presentations and conferences where people under 18 are present, conducting interviews, testing, administering questionnaires, etc.

**Indirect contact with children:** this is considered to take place when accessing information about children in the context of work, such as personal data (names, addresses, etc.), photographs and personal histories.

## 1. POLICIES

### 1.1. Legislative framework for child protection

This University of Girona Child Protection Policy is in keeping with current national, state and international legislation on child protection.

At international level:

- General Assembly resolution 44/25 of 20 November 1989, Convention on the Rights of the Child (1989), United Nations<sup>1</sup>
- Recommendation CM/Rec (2009) 10, Council of Europe Policy guidelines on integrated national strategies for the protection of children from violence, Council of Europe<sup>2</sup>

At state level:

- Organic Law 1/1996, of 15 January, on the Legal Protection of Minors, partially amending the Civil Code and the Law on Civil Procedure<sup>3</sup>, amended by Law 26/2015, of 28 July, amending the system of protection for children and adolescents<sup>4</sup>
- Organic Law 3/2018, of 5 December, on the protection of personal data and the guarantee of digital rights<sup>5</sup>

At national level:

- Law 14/2010, of 27 May, on the rights and opportunities for children and adolescents, Parliament of Catalonia<sup>6</sup>

### 1.2. Guiding principles behind the University of Girona Child Protection Policy

This policy is based on a set of principles drawn from international treaties and includes the following:

1. All children have an **equal right** to protection from abuse and exploitation.
2. Every child has a **fundamental right to life**, survival, and development. The University of Girona provides a basis for ensuring the realisation of children's rights to protection from harmful influences, abuse, and exploitation.
3. All children have the **right to develop their potential**, to be treated equally as individuals and without being subject to any form of discrimination. This includes the right to define their gender identity and to express that identity in the ways that are most beneficial to their own personal development.

1 <https://www.ohchr.org/en/professionalinterest/pages/crc.aspx>

2 <https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=090000168046d3a0>

3 <https://www.boe.es/buscar/pdf/1996/BOE-A-1996-1069-consolidado.pdf>

4 <https://www.boe.es/buscar/pdf/2015/BOE-A-2015-8470-consolidado.pdf>

5 [https://www.boe.es/boe\\_catalan/dias/2018/12/06/pdfs/BOE-A-2018-16673-C.pdf](https://www.boe.es/boe_catalan/dias/2018/12/06/pdfs/BOE-A-2018-16673-C.pdf)

6 <https://www.parlament.cat/document/nom/TL115.pdf>

## **Child Protection Policy**

**University of Girona**

4. Children will have **the right to voice their opinion freely**, in accordance with their age and level of maturity. Children will be treated with respect regardless of their nationality or ethnic origin, religious or political beliefs, age, physical or mental health, physical, sensory, or cognitive impairment, sexual orientation, gender identity, gender expression, family and socio-economic circumstances, cultural background, or any history of conflict with the law.

5. Everyone has a responsibility to support children, to protect them and to keep them safe.

6. The University of Girona has a responsibility towards the children who come into contact with the institution. No child should suffer harm because of his or her involvement with the University of Girona.

7. All members of staff to whom this protocol may apply are required to understand and respect its stipulations.

### 1.3. The University of Girona's approach to child protection

The University of Girona is committed to creating safe environments for children in all its areas of activity. The institution believes that children should be respected, protected and empowered, as their capacities evolve. The Child Protection Policy will be a tool that actively contributes to the development of a safe environment for children within the University of Girona.

Everyone to whom this policy may apply must understand and accept it, and receive adequate support in the fulfilment of their responsibilities for safeguarding children.

## 2. SCOPE

### 2.1. Scope

#### **2.1.1. Behaviours falling within the scope of this policy**

Any behaviour that could cause any form of harm to any child as defined in the introduction, falls within the scope of this policy.

#### **2.1.2. Persons to whom this policy may apply**

The persons to whom this policy may apply are:

- a) Teaching and research staff.
- b) Administrative and service staff.
- c) Fellows, staff in training and staff contracted to work on research projects connected to the university.
- d) The student body.
- e) Any person who provides a service at the University, whatever the nature or legal status of the relationship. This means that anyone who is employed by a third party to provide services to the university, for example staff working for contractors or subcontractors, or those



employed through temporary employment companies.

In the case of people who have no contractual relationship with the university, or who have been invited to participate in a particular event, the policy will also be applicable in the interests of safeguarding.

### **2.1.3. Temporal scope**

The policy will be applied in all cases where the alleged victim(s) or aggressor(s) are members of the university community or fall into one of the categories of staff included in the previous section. This policy will also be applicable when the acts reported are said to have taken place at a time when the person concerned was connected with the University of Girona in any way, where the alleged aggressor continues to be a member of the university community, and where the offence reported is not subject to the statute of limitations under current legislation.

### **2.1.4. Geographical scope**

The behaviour in question must have taken place within the organisational or service delivery environment of the University, which means:

- In any space either on the campus, or within university facilities.
- Outside university facilities, if the events reported took place within the framework of an activity or service organised by the university, given the daily interaction that the people involved may have in connection with the academic activity.
- Outside university facilities, if the events reported are related to travel to or from the university, or to the university's academic or work activity.

The University of Girona will inform contractors and collaborators of the existence of this policy via designated contact persons within the organisations concerned, agreeing on how it is to be applied, and who will be responsible for its application in each case. If an event should arise where this not clear, the case will be passed on to the relevant committee, and the necessary measures will be taken in accordance with the policy and with current legislation. When a conflict arises outside the university facilities between members of the university community and staff employed by contractors providing works or services, the case will be clearly communicated to both parties, so that each may act in accordance with their organisation's procedures and take the corrective measures they consider to be appropriate.

## **2.2. Personal commitment**

The persons to whom this policy is applicable (section 2.1.2) sign to acknowledge that they have read and understood the contents of the policy, and agree to comply with its stipulations (appendix 1). By signing they commit:

1. Never to abuse or exploit a child, nor act in any way that may lead to the maltreatment or risk of harm to a child.
2. Report any suspected maltreatment of a child, following the procedures set out in this policy.

## **Child Protection Policy**

**University of Girona**

3. To support a child who may have been abused or exploited, following the procedures set out in this policy.
4. To cooperate fully and to maintain confidentiality in the investigation of any suspected or reported child abuse.
5. To contribute to the building of an environment where children are respected and encouraged to discuss their concerns and rights.
6. To always treat children with due respect for their rights, with integrity, privacy and dignity, keeping their best interests in mind at all times, and avoiding exposing them to any form of risk.
7. To request their express consent for the processing of their personal data. To obtain this consent from the holder of parental authority in the case of children under 14 years of age, or when required to do so by law (appendix 2).
8. Never to disclose information that could identify either families or children by any means, unless doing so in accordance with this protocol and/or having received the express consent of those concerned, their parents or legal guardians, and the University of Girona. 'By any means' includes on paper, through photographs, using technological or any other medium.
9. Never to contact a child or their family members outside the framework of activities supervised by the University of Girona or its collaborators. Such contact may include, but is not limited to, visits or any type of communication via social media, emails and letters.
10. To ensure that everybody to whom this policy may apply reads it and signs a **Declaration of Understanding and Acceptance of the Child Protection Policy** (appendix 1).
11. To ensure that the anonymity of those who have reported behaviour contrary to the principles and guidelines within this policy is guaranteed if requested, to support them and endeavour to protect them from problems that may arise from the report made, including security related concerns and possible reprisals.
12. To take this Child Protection Policy into account in all University of Girona activities.

### 2.3. Conduct of persons to whom this policy may apply outside the organisational or service provision sphere of the University

The University of Girona does not prescribe the belief systems or values that are part of the private lives of those to whom this policy may apply. However, actions performed outside the sphere of the university as an organisation or in terms of the services it provides that contravene this policy will be considered a breach of this policy. In this case, the University of Girona will implement the established procedures in accordance with state legislation.

Those to whom this policy is addressed must take into account the principles of the Child Protection Policy, and raise their level of awareness of how their behaviour may be perceived.

### 2.4. Recruitment and employment of staff

The recruitment and employment of new staff must reflect the University of Girona's commitment to this safeguarding policy by ensuring the incorporation of those who are best able to guarantee the safety of children.

Consequently, before being hired, all new staff are required to sign a declaration indicating their acceptance of this Child Protection Policy.

## 3. PROCEDURES

### 3.1. Certificate of Sexual Offences

This certificate provides proof of the absence (or existence) of sexual offences listed in the Central Registry of Sex Offenders on the date of issue. Organic Law 1/1996, on the Legal Protection of Children and Young People, amended by Law 26/2015, and Law 45/2015, on volunteering, establishes the obligation on the part of all those staff and volunteers who have regular contact with under 18s to provide such certification, proving the absence of any of the sexual offences listed in the Central Registry of Sex Offenders.

It should be borne in mind that the Spanish Data Protection Agency (report 0401/2015) understands "regular work with minors" to be work that is carried out in a workplace that by its very nature implies regular contact with children, where the children are the focus of the service provided. Therefore, staff whose work involves regular contact with the public (of all ages) but is not aimed exclusively at under 18s, are not required to present a certificate.

The Certificate of Sexual Offences is the only certificate issued to permit work with children on a regular basis, and it is mandatory. Those to whom this policy may apply can authorise the University of Girona to obtain the certificate on their behalf.

The University of Girona will ask for written authorisation to apply for the Absence of Sex Offences Certificate once a year, and the person concerned may revoke that permission when their relationship with the University of Girona comes to an end. Foreigners will need to obtain the necessary certification from their country of origin, and submit it to the University of Girona.

### 3.2. Authorisation from parent or legal guardian

The participation of children in research or other activities at the University of Girona will be agreed with the child her/himself and, in the case of those under the 14 years of age, with a parent or legal guardian. Written consent will be required, and full information about the activity in question will be given, together with details of the contact person. A template is provided in Appendix 2.

## **Child Protection Policy**

**University of Girona**

Additionally, before photographing, filming, or using images of children for purposes related to any University of Girona activity, it will be necessary to:

- Ensure that the photographs or videos present the children in a positive, dignified, and respectful manner.
- Value local culture and traditions regarding the reproduction of personal images making every effort to act accordingly.
- Ensure that the images are honest representations of the situations and facts.
- Represent children as active agents and not passive recipients of instructions.

### **3.3. Initial response and action**

In the case of all reported incidents of child abuse, the University of Girona requires the interest of the child to be the highest priority, in accordance with the provisions of Law 14/2010 and

Organic law 1/1996 of which article 13 states that:

*"1. Any person or entity, in particular those who, by virtue of their profession or function, should detect a situation of maltreatment, risk, or possible neglect of a child, shall inform the authority or its closest representatives, without prejudice to providing any immediate assistance that may be needed".*

And article 14 establishes that:

*"The authorities and public services shall have the obligation to provide such immediate assistance as may be required by any minor, to act if the action required falls within their area of competence, or to refer the matter to the competent body if it does not, and to make the minor's legal representatives, or, where necessary, the public authority and the public prosecutor's office, aware of the facts."*

Guidelines for responding to a suspicion or allegation of child abuse:

- Listen carefully, and accept what the child is saying
- Do not investigate the case, or interrogate or confront the child
- Do not pressure the child to provide more information
- Take the suspicion or allegation of abuse seriously
- Reassure the child by telling them that they have done the right thing
- Do not promise total confidentiality, explain that the information regarding the suspicion or allegation of abuse will need to be passed on to those who need to know
- Inform, where necessary, the child's mother, father, or legal guardian
- Explain to the child and his/her mother, father, or legal guardian what the next steps will be
- Take detailed notes of what is said

A distinction must be made between two types of situation that may give rise to suspicions of maltreatment, although both are considered equally serious, and in both cases the University of Girona will be required to take action:

- Cases where those involved are members of the university community.
- Cases where not all of those involved are members of the university community.

## **Child Protection Policy**

**University of Girona**

In both cases, members of the university community must inform the University of Girona of any situations of abuse or maltreatment of children of which they become aware. In all cases, it is necessary to bear in mind the sphere of action defined in section

2.1.4 of this policy. Thus:

- Anybody directly or indirectly involved (sons, daughters, mothers, fathers, legal guardians, persons to whom the policy may apply) must immediately report any suspicion, rumour or observation of violence or child abuse or of any actual or potential harm to a child, perpetrated by any individual to whom this policy may apply.
- Anybody to whom this policy may apply must immediately report any suspicion, rumour or observation of violence or child abuse or of any actual or potential harm to a child, perpetrated by persons connected with the University of Girona, or external to it.

### 3.4. Responding to a Suspicion or Allegation of Child Abuse

#### **3.4.1. Communication of possible instances of child abuse**

Procedures are initiated whenever the Social Commitment Unit (UCS) is made aware of a possible case of child abuse. The information may be communicated in several ways:

**a) The alleged victim (if necessary accompanied by a parent or legal guardian), can contact the UCS directly.**

By email to [protocolinfancia@udg.edu](mailto:protocolinfancia@udg.edu), with “confidential” in the subject line, or verbally to the head of the UCS (tel:+34 972418077, ext. 23 at the Montilivi Campus, 17003 Girona). In both cases a form will need to be completed (appendix 3). To guarantee confidentiality, information regarding the case to be reported must never be included in an email.

**b) Making a report/filing a complaint via the Registry.**

To make a report/file a complaint via the University Registry: The necessary form (appendix 3) enclosed in a sealed envelope addressed to the UCS will need to be handed in, including the nature of the report/complaint together with any relevant documentation, so that the assessment of the case may begin.

**c) Any entity or individual who has become aware of a possible situation of child abuse should contact the UCS directly using one of the channels noted in points a and b.**

#### **3.4.2. Action to be taken in cases of suspected child abuse**

Once the UCS receives the information through one of the channels detailed above, they will ask the Rector’s Office to initiate preliminary proceedings in order to ascertain the circumstances of the case in question, and to determine what the appropriate next steps will be. Prior to this, the express consent of the victim must be obtained in those cases where prosecution of the reported behaviour is deemed necessary.

Depending on the complexity of the case, the decision will be taken regarding whether preliminary proceedings should be dealt with by a single investigating officer, or an investigation committee. In the first case, a legal advisor will act as secretary for the proceedings.

The composition of the aforementioned committee will ensure that the UCS receives appropriate support from external and/or internal experts when implementing the course of action decided upon.

### **The composition of the investigation committee**

The investigation committee will be appointed by the Rector (or Vice-rector) based on suggestions made by the head of the UCS, and may include a minimum of three and a maximum of five members.

The head of the UCS will act as president of the committee, and the legal advisor will act as secretary. The latter will not be an active member of the committee, assuming only duties as committee secretary.

### **Steps to be followed**

**Interview with the alleged victim**, accompanied by their legal representatives, and if necessary by the person who provided the information on the case. At this meeting, the UCS representative must provide all available information on rights and existing resources, both within the University and external to it, which may be appropriate for addressing the case in question.

**Gathering of information.** The investigation committee may agree on the implementation of other appropriate actions aimed at gathering basic information about the case to support an initial assessment.

### **Completion of the preliminary proceedings**

The preliminary proceedings will conclude with a proposal-report that will be submitted to the rectorate, and as a minimum will cover the following points:

- A nominal list of the members of the committee issuing the report and identification of the parties involved.
- Background: complaint (if any) and concurrent circumstances.
- Investigation: witnesses, evidence, reports, etc.
- Conclusions and measures proposed in accordance with section 3.5 below
- Establishment of a short or medium term deadline for monitoring and then reviewing the implementation of the measures decided upon, and verifying that there has been no further instance of the behaviour that led to the opening of the investigation.

### **3.4.4. Management of allegations, safeguarding and confidentiality**

The complaint and all documentation generated during the investigation will be sent to the UCS and kept on file. Access to the file will only be available to the investigation committee

and the secretary. The obligation to maintain confidentiality will always be paramount.

### **Possible conflicts of interest or similar**

The authorities and staff who, by virtue of their position, place of work, or appointment are required to take part in the procedures for dealing with child abuse have an obligation to declare any conflict of interest and to abstain from intervention in the case that any of the grounds indicated in article

23.2 of law 40/2015, of 1 October of the legal framework governing the public sector should apply (personal interest, marital [or similar] relationship, kinship up to the fourth degree of consanguinity or up to the second degree of affinity, intimate friendship, or manifest enmity with the alleged aggressor or with the alleged victim).

In such cases the Rector or Vice-rector will resolve the matter, by replacing the person or people concerned, or by making new appointments. If the reason for abstention should affect the Rector, then her or his duties will be carried out by the competent Vice-rector or by the General Manager, depending on the department or group to which the alleged aggressor belongs.

Under the circumstances detailed in the previous section, the alleged victim and the alleged aggressor have the right to request the recusal of the authorities and staff who, by virtue of their position, place of work or appointment, are involved in the investigation of an allegation of child abuse. The rector, after interviewing the person whose recusal has been requested, and making any reports and checks s/he considers to be necessary, will decide whether or not it is appropriate to replace that person and to appoint somebody else. If the request for recusal made should be against the Rector him or herself, the decision will fall to the Vice-rector or the General Manager, depending on which the group the alleged aggressor belongs to, and in the event that the request for recusal is granted, s/he will assume the corresponding functions.

### **3.5. Measures included in the proposal-report**

Once the preliminary steps have been completed, in compliance with the procedures and guarantees specified in the preceding sections, the investigative body will recommend to the Rector the adoption of one of the following resolutions:

#### **If the person against which the report/complaint has been made is a member of the university community:**

- a) Where there is insufficient evidence to justify taking disciplinary action, the case will be archived.
- b) If it is considered that the behaviour in question does not constitute either a criminal or a disciplinary offence, but that it could potentially develop into such an offence in the future, the investigation committee may recommend dialogue, mediation, or an official warning with the aim of ensuring that this does not happen.
- c) Disciplinary proceedings will be recommended in cases where it is considered that although the behaviour reported does not constitute a criminal offence, it may be considered to constitute a disciplinary offence.
- d) In the event that the behaviour is considered to constitute a criminal offence, the recommendation will be that the University reports the case to the police. If the report

## **Child Protection Policy**

**University of Girona**

can only be made by the injured party, the recommendation will be to accompany that person when they go to make their report.

e) In the event that the report/complaint is manifestly false and was made in bad faith, it will be referred to the legal department who will inform the Rector as to whether or not there are grounds for initiating disciplinary proceedings against the complainant.

**If the person against which the report/complaint has been made is not a member of the university community (they are employed by an external company or contractor working with the University of Girona):**

a) Where there is insufficient evidence to justify taking disciplinary action, the case will be archived.

b) If it is considered that the behaviour reported is neither criminal nor involves a clear breach of the University's regulations, but that it could potentially develop into such an offence in the future, the investigation committee may recommend dialogue, mediation or an official warning with the aim of ensuring that this does not happen.

c) If it is considered that the behaviour reported is neither criminal nor involves a clear breach of the University's regulations, the external company will be informed and requested to adopt the measures indicated in its own policy, and above all that it takes action to remedy the situation.

The university will follow up to check that the situation is back on track, and that the company has fulfilled the promises made. The contracting department may propose measures that affect fulfilment or termination of the contract.

d) In the event that the investigative committee considers that the behaviour in question constitutes a crime, it will recommend that the University inform the external company so that it can implement the measures that have been established in its own policies, and it will also recommend that the University report the matter to the police. If the report can only be made by the injured party, the recommendation will be to accompany that person when they go to make their report.

e) In the event that the report/complaint is manifestly false and was made in bad faith, it will be referred to the legal department who will inform the Rector as to whether or not there are grounds for initiating disciplinary proceedings against the complainant.

Everyone should be aware that if a legitimate concern is raised about a suspicion of child abuse, which on investigation subsequently proves to be unfounded, no action will be taken against the complainant.

In all cases, the need for corrective, preventive, or protective measures with regard to the victim will be taken into account, even in cases where the statute of limitations has expired.

## **4. ASSURANCES, MONITORING AND REVIEW**

### **4.1. Ensuring appropriate action is taken**

a) Gather information quickly, sensitively and with respect for the people concerned.



## **Child Protection Policy**

**University of Girona**

- b) Guarantee fair treatment for all parties.
- c) Ensure that all those involved are listened to and defended, and that they have the right to be accompanied by a person of their choice. This includes trade union representatives or legal advisers, if requested.
- d) Inform those concerned of the progress of the case, as well as of any corrective measures taken.
- e) Ensure that there is no retaliation against individuals who make a complaint, those who appear as witnesses, or those who participate in an investigation into behaviour such as that described in this policy.
- f) Respect the right of the individual accused of child abuse to be informed of the complaint or report, and to receive a copy of that report and the documentation generated during the investigation, under the terms established in section 3.4.4.
- g) Guarantee that no record of the allegations will be placed in the file of those accused when those allegations have been found to be false.
- h) The investigation of a disciplinary case or the opening of an information file within the University of Girona is completely independent of any legal action that the victim may wish to take, or any collaboration that may be requested within the framework of a judicial investigation.

### **4.2. Annual reports on the Child Protection Policy**

All actions, complaints, reports, investigations and other events arising from this Child Protection Policy will be duly recorded and included in the University of Girona's Annual Report, always with the utmost respect for the need to maintain confidentiality.

The University of Girona will monitor all cases where informative or disciplinary files have been opened, to learn how these have evolved, and if necessary to propose the implementation of new measures.

### **4.3. Review of the Child Protection Policy**

This Child Protection Policy will be revised every 3 years, and will be modified if necessary.

In the case of legislative changes that affect this policy, the University of Girona is committed to making the relevant amendments within a time frame of no longer than one year from the entry into force of the new law.

The investigation committee working on each case will carry out an assessment of the policy, and may propose changes or modifications once their effectiveness has been verified.

The University of Girona will promote exchange sessions with other organisations with similar remits in order to carry out a benchmarking exercise on the functioning of Child Protection Policies, and to improve staff training in this area.

## FLOWCHART

### Appendix 1. Declaration of understanding and acceptance of the Child Protection Policy

I \_\_\_\_\_ confirm that I have read and understood the University of Girona Child Protection Policy, and that I am committed to upholding this policy.

I understand that any breach of this policy may lead to the opening of proceedings which may result in the application of sanctions depending on the seriousness of the breach, sanctions which may include the termination of my employment/contractual relationship with the University of Girona.

I also understand that a breach of this protocol may lead to criminal prosecution.

I understand that it is my responsibility, as an employee, collaborator, or supplier of services to the University of Girona, to use sound judgement to avoid any abusive or violent action against a child, or any action which could be interpreted as such.

Signature

Print name:

Date and place:

I confirm that I have received a copy of the Child Protection Policy.

Appendix 2. Consent form (parents or legal guardians)

In (city)....., dd/mm/yyyy

**PURPOSE OF THE ACADEMIC ACTIVITY**

We would like to invite your son or daughter to participate in the project entitled **TITLE**. The motivation behind the project and its objectives are as follows: **SUMMARY**.

This research is coordinated by **NAME OF RESEARCHER**, it is being carried out at **INSTITUTION** and is financed by **INSTITUTION (invitation)**.

**STUDY PROCEDURE**

We would like to provide you with the more detailed information that you should be aware of before giving your consent.

The research consists of: (**Description of the study, the phases involved, how the child will be involved, the information gathering procedure, etc.**)

**BENEFITS**

**Description of the expected benefits of the study: these may be direct benefits for the participants, or indirect benefits such as a contribution to a certain field of knowledge.**

**RISKS AND INCONVENIENCES**

**Description of the effects or consequences that may be experienced by the children participating in the study (if any).**

**DATA PROTECTION**

As father, mother or legal guardian of NAME OF CHILD, I hereby consent to the University of Girona storing and processing her/his personal data in accordance with Regulation (EU) 2016/679 of the European Parliament, and of the Council of 27 April 2016 on the protection of

## **Child Protection Policy**

**University of Girona**

individuals with regard to the processing of personal data and the free circulation of such data, and repealing Directive 95/46/EC (General Data Protection Regulation). This regulation guarantees that personal data will be stored and protected against alteration, loss, or unauthorised access.

The data collected will not be made public, and will be treated confidentially by University of Girona staff.

All parties have the guaranteed right to access, modify, delete, and limit their own data by notifying the University of Girona's data protection officer of their decision. Josep Matas Balaguer, [dpd@udg.edu](mailto:dpd@udg.edu).

### **DURATION OF PROJECT**

Your child will participate in the study from **day/month/year** to **day/month/year**. If it involves an interview, this will take place between **day/month/year** and **day/month/year** and will last for approximately **one hour**.

### **CONFIDENTIALITY**

The data collected will be treated as confidential at all times. The results of the research will be published in such a way that any information made public will NOT allow your son or daughter to be identified. Personal data will be securely held, and will be destroyed at the end of the study.

### **PARTICIPATION**

Your daughter or son's participation in this project is voluntary. S/he will decide whether or not to participate. Both you and your child can decide whether or not to participate in the study at any time, at your own discretion and without your decision having any negative impact.

### **RESULTS**

If your daughter or son agrees to participate in this project, the research will ultimately be

## ***Child Protection Policy***

***University of Girona***

published in academic journals, policy-oriented publications, and will feature in public presentations. Again, as mentioned above, all personal information held about your child will be treated as confidential.

### **QUERIES ABOUT THE PROJECT**

If you have any doubts or queries about this study, please do not hesitate to contact us:

University of Girona coordinator: **NAME, EMAIL ADDRESS AND TELEPHONE NUMBER.**

### **GIVE YOUR CONSENT**

Declaration of consent: I acknowledge that I have read and understood the information about the project, and have received a satisfactory reply to any questions I have asked. I understand that I am being requested to allow my son or daughter to participate in the activities involved in this University of Girona project. I freely give my consent.

The researcher has provided me with a copy of this document.

Name of daughter or son:

Name of parent or legal guardian:

Signature

Date:

Appendix 3. Application form

**PERSONAL DETAILS:**

NAME:	SURNAME(S):	
Tax ID [NIF]:	EMAIL ADDRESS:	
TELEPHONE NUMBER:		

**I DECLARE THAT**

I wish to inform the Social Commitment Unit (UCS) of a possible situation of abuse.

**I REQUEST:**

A meeting in order to be able to briefly explain the facts so that the initiation of an investigation in accordance with the provisions of the University of Girona's Child Protection Policy may be considered.

Signature

Girona, dd/mm/yyyy